

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION

**LEGISLATIVE DIGEST OF BILL
SUMMARIES AND ENACTED LAWS**

VOLUME 1



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally
Passed During the First Regular Session of the 129th Maine Legislature

First Regular Session convened Wednesday, December 5, 2018
First Regular Session adjourned sine die Thursday, June 20, 2019

Senate Legislative Days.....59
House Legislative Days.....58
Bills Considered.....1846

THE MAINE LEGISLATIVE COUNCIL

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AUGUST 2019

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

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

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

August 2019

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Joint Standing Committee on Agriculture, Conservation and Forestry

LD 24 Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

**RESOLVE 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-76

This resolve provides for legislative review of Chapter 26: Producer Margins, a major substantive rule of the Department of Agriculture, Conservation and Forestry, Maine Milk Commission.

Committee Amendment "A" (H-76)

This amendment provides that final adoption of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission, is not authorized.

Enacted Law Summary

Resolve 2019, chapter 16 provides that final adoption of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission, is not authorized.

Resolve 2019, chapter 16 was finally passed as an emergency measure effective April 30, 2019.

LD 36 An Act To Change the Composition of the Board of Pesticides Control

PUBLIC 192

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B	OTP-AM ONTP	H-304

This bill restores the requirement that the two public members of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control have a demonstrated interest in environmental protection. The change does not require the termination of the terms of current members of the board.

Committee Amendment "A" (H-304)

This amendment, which is the majority report, strikes from the bill the requirement that the two public members of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control have a demonstrated interest in environmental protection and strikes from the law the requirement that these members represent different areas of the State. Instead, the amendment requires that one of the two public members have practical experience and knowledge of methods of sustainable management of indoor and outdoor pests.

Enacted Law Summary

Public Law 2019, chapter 192 requires that one of the two public members of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control have practical experience and knowledge of methods of sustainable management of indoor and outdoor pests.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 101 An Act To Reestablish the Pesticide Notification Registry

**Leave to Withdraw
Pursuant to Joint
Rule**

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

This bill re-establishes the law, which was repealed by Public Law 2011, chapter 332, governing the development and maintenance of a registry of the properties of residents, lessees and property owners who request that their properties be placed on a registry in order that they receive advance notification of the outdoor application of pesticides near their properties.

LD 125 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps

RESOLVE 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN D BLACK R	OTP-AM ONTP	H-303 S-288 JACKSON T

This resolve requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey to Roosevelt Conference Center, doing business as Eagle Lake Sporting Camps, a 12.86-acre parcel of land in Township 16, Range 6. The resolve requires the director to sell the land at fair market value and to retain or withhold any rights to subdivide. The director is also required by the resolve to convey to Eagle Lake Sporting Camps a right-of-way along the service road to the Square Lake Road for appraised fair market value. The resolve also stipulates that the State must retain a right of first refusal to reacquire the parcel and right-of-way from the owner if the use of the parcel for a year-round sporting camp or Class A restaurant and lodge is discontinued or appropriate licenses are not maintained.

Committee Amendment "A" (H-303)

This amendment, which is the majority report, requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to offer to convey, by quitclaim deed with covenant to Roosevelt Conference Center doing business as Eagle Lake Sporting Camps, a 12.86-acre parcel of land in Township 16, Range 6. If Eagle Lake Sporting Camps accepts the offer, the amendment requires the director at the State's expense and the purchaser at the purchaser's expense to each obtain a professional appraisal of the property and the higher of the two appraisals is the sale price. The amendment also stipulates that the use of the property is restricted to the operation of a commercial sporting camp, in keeping with the historical traditions of the area in general and particularly of this property. The amendment provides that if the property is no longer used for the purpose of a commercial sporting camp, title to the property reverts to the State without cost and any buildings that occupy the site must be removed by the property owner at the property owner's own cost.

Senate Amendment "A" To Committee Amendment "A" (S-288)

This amendment removes the language from the committee amendment that required the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to provide an opportunity for comment if the director intends to lease any more land to Eagle Lake Sporting Camps other than the land conveyed pursuant to the resolve. Instead, this amendment requires that the director have placed in the deed words to the effect that Eagle Lake Sporting Camps and its successors and assigns agree that they will never ask for any changes to the deed and that they will neither ask for nor accept any further grants of land from the State other than the

Joint Standing Committee on Agriculture, Conservation and Forestry

12.86-acre parcel conveyed pursuant to this resolve. A violation of this covenant results in the immediate reversion of the parcel to the State.

Enacted Law Summary

Resolve 2019, chapter 80 requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to offer to convey, by quitclaim deed with covenant to Roosevelt Conference Center doing business as Eagle Lake Sporting Camps, a 12.86-acre parcel of land in Township 16, Range 6. If Eagle Lake Sporting Camps accepts the offer, the resolve requires the director at the State's expense and the purchaser at the purchaser's expense to each obtain a professional appraisal of the property and the higher of the two appraisals is the sale price. The resolve also stipulates that the use of the property is restricted to the operation of a commercial sporting camp, in keeping with the historical traditions of the area in general and particularly of this property. The resolve provides that if the property is no longer used for the purpose of a commercial sporting camp, title to the property reverts to the State without cost and any buildings that occupy the site must be removed by the property owner at the property owner's own cost.

LD 127 An Act To Amend the Laws Governing Maine Potato Board Districts

PUBLIC 6

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

This bill amends the laws governing the Maine Potato Board to reduce the number of the board's districts from five to three and the number of assemblies to match the reduction in districts, to reduce the number of members on assemblies' executive councils so that all executive councils have five members and to reduce the number of officers an executive council must elect to one, a chair. It also removes the requirements that the board carry out duties under the laws governing the so-called Maine Bag Program.

Enacted Law Summary

Public Law 2019, chapter 6 amends the laws governing the Maine Potato Board to reduce the number of the board's districts from five to three and the number of assemblies to match the reduction in districts, to reduce the number of members on assemblies' executive councils so that all executive councils have five members and to reduce the number of officers an executive council must elect to one, a chair. It also removes the requirements that the board carry out duties under the laws governing the so-called Maine Bag Program.

LD 145 An Act Regarding the Membership of the Wild Blueberry Commission of Maine

PUBLIC 186

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MIRAMANT D	OTP-AM	H-227

This bill increases the membership of the Wild Blueberry Commission of Maine from eight members to 14 members and requires that one member be a member of a federally recognized Indian nation, tribe or band in the State, one member be an organic grower, one member be a fresh packer, one member be the leader of a cooperative and one member be a representative of a value-added organization or company. The bill also increases the number of members who are grower representatives and decreases the number of members who are processor representatives who process 1,000,000 pounds or more of wild blueberries in a calendar year. The bill specifies that members may not serve consecutive terms.

Committee Amendment "A" (H-227)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment strikes and replaces the bill. The amendment expands the membership of the Wild Blueberry Commission of Maine by adding two members who are grower representatives and requires the Commissioner of Agriculture, Conservation and Forestry to formally call for nominations for grower representative members. The amendment clarifies the requirements governing grower representative members and processor representative members. The amendment prohibits former employees of the commission from serving as paid lobbyists for wild blueberry businesses for a period of one year following employment by the commission. The amendment also allows members of the University of Maine System Wild Blueberry Advisory Committee to be reappointed for additional terms.

Enacted Law Summary

Public Law 2019, chapter 186 expands the membership of the Wild Blueberry Commission of Maine by adding two members who are grower representatives and requires the Commissioner of Agriculture, Conservation and Forestry to formally call for nominations for grower representative members. The law clarifies the requirements governing grower representative members and processor representative members. The law prohibits former employees of the commission from serving as paid lobbyists for wild blueberry businesses for a period of one year following employment by the commission. The law also allows members of the University of Maine System Wild Blueberry Advisory Committee to be reappointed for additional terms.

LD 169 An Act To Provide Occupants of Motor Vehicles with Gold Star Family CARRIED OVER
Registration Plates Free Entry to State Parks and Historic Sites

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARSON B	OTP-AM	H-13

This bill provides for free entry to state parks, camping areas and beaches for those persons who have gold star family registration plates on their motor vehicles and for passengers in those vehicles.

Committee Amendment "A" (H-13)

This amendment clarifies that free entry to state parks and historic sites for a person displaying gold star family registration plates is for day use only.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 199 An Act To Create the Water Resources Planning Committee PUBLIC 67

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M JACKSON T	OTP-AM	H-87

This bill establishes the Water Resources Planning Committee within the Department of Agriculture, Conservation and Forestry. The bill describes requirements related to committee membership, meetings and reporting. It details three phases on which the committee is required to focus effort. It also requires the committee to conduct an annual review of state policy in regard to water resources, provide guidance to municipalities and develop and disseminate educational materials on water resources and the regulatory regime.

Committee Amendment "A" (H-87)

This amendment adds to committee membership personnel from the Department of Agriculture, Conservation and Forestry, Agricultural Water Management Board and a member of the public with expertise in stormwater

Joint Standing Committee on Agriculture, Conservation and Forestry

management or wastewater management. The amendment strikes the requirement that a member of the public with expertise in water advocacy serves on the committee. The amendment strikes the requirement that the committee focus on developing a strategy for protecting and managing groundwater resources in this State if worldwide clean water resources are threatened. The amendment also strikes phases two and three in which the committee is required to focus effort.

Enacted Law Summary

Public Law 2019, chapter 67 establishes the Water Resources Planning Committee within the Department of Agriculture, Conservation and Forestry. The law describes requirements related to committee membership, meetings and reporting. It also requires the committee to conduct an annual review of state policy in regard to water resources, provide guidance to municipalities and develop and disseminate educational materials on water resources and the regulatory regime.

LD 204 An Act To Provide Funding for a Ranger Pilot Position in the Maine Forest Service PUBLIC 422

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M DILL J	OTP-AM ONTP	H-66

This bill provides funding for a Ranger Pilot position and associated costs in the forest protection unit in the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

Committee Amendment "A" (H-66)

This amendment, which is the majority report, incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 422 provides funding for a Ranger Pilot position and associated costs in the forest protection unit in the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

LD 233 An Act To Move the Bureau of Parks and Lands from the Department of Agriculture, Conservation and Forestry to the Department of Inland Fisheries and Wildlife ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOLFIELD T BLACK R	ONTP	

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to move the Bureau of Parks and Lands from the Department of Agriculture, Conservation and Forestry to the Department of Inland Fisheries and Wildlife.

LD 269 An Act To Match the State's Definition of "Hemp" to the Definition in Federal Law Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D HICKMAN C		

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill changes the term in Maine law "industrial hemp" to "hemp" and defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018.

LD 292 An Act To Feed Maine's Residents by Allowing Dairy Dealers and Producers in the State To Donate Fresh Milk to Food Banks in the State

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT S BLACK R	OTP-AM OTP-AM	H-516

This bill exempts from the Maine Milk Commission's minimum price requirements donations of fresh milk by a dealer or producer-dealer to an incorporated nonprofit organization established for the purpose of reducing hunger and increasing food security.

Committee Amendment "A" (H-516)

This amendment, which is the majority report, strikes and replaces the bill. The amendment exempts from the Maine Milk Commission's minimum price requirements donations of fresh milk produced and processed within the State by a dealer or producer-dealer to an incorporated nonprofit organization in the State established for the purpose of reducing hunger and increasing food security. The amendment also provides that these donations may occur only if the fresh milk produced and processed within the State to be donated does not have a wholesale or retail market that will provide a higher monetary value to the dealer or producer-dealer.

Committee Amendment "B" (H-517)

This amendment, which is the minority report, strikes and replaces the bill. The amendment exempts from the Maine Milk Commission's minimum price requirements donations of fresh milk processed within the State by a dealer or producer-dealer to an incorporated nonprofit organization in the State established for the purpose of reducing hunger and increasing food security. The amendment also provides that these donations may occur only if the fresh milk processed within the State to be donated does not have a wholesale or retail market that will provide a higher monetary value to the dealer or producer-dealer.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 357 exempts from the Maine Milk Commission's minimum price requirements donations of fresh milk produced and processed within the State by a dealer or producer-dealer to an incorporated nonprofit organization in the State established for the purpose of reducing hunger and increasing food security. The law also provides that these donations may occur only if the fresh milk produced and processed within the State to be donated does not have a wholesale or retail market that will provide a higher monetary value to the dealer or producer-dealer.

LD 333 An Act To Amend the Laws Governing Dangerous Dogs and Nuisance Dogs To Allow for Flexibility in Protection Dog Training

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOLFIELD T BLACK R	OTP	

This bill repeals the law prohibiting a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal.

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2019, chapter 95 repeals the law prohibiting a person from training or encouraging a dog that is not directly involved with a protection dog training program recognized by the Department of Public Safety, Bureau of State Police to be aggressive toward or attack another person or domesticated animal.

LD 351 An Act To Ensure Accuracy in the Labeling of Maine Meat and Poultry

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B BLACK R	OTP-AM OTP-AM	H-423

This bill provides that:

1. Poultry and poultry products sold or offered for sale may not be labeled with a certified "Maine" trademark or labeled or advertised as "Maine-raised" or by a similar designation unless the poultry was raised solely in the State from no later than the seventh day after hatching; and
2. Meat and meat products sold or offered for sale may not be labeled with a certified "Maine" trademark or labeled or advertised as "Maine-raised" or by a similar designation unless the animal was born in the State and raised solely in the State.

The bill also requires the Commissioner of Agriculture, Conservation and Forestry, under the Maine Revised Statutes, Title 22, chapter 562-A relating to preparation of livestock and poultry products for human consumption, to enforce the prohibition on labeling or advertising poultry, poultry products, meat and meat products sold or offered for sale as "Maine-raised" unless the requirements in this bill are met.

Committee Amendment "A" (H-423)

This amendment, which is the majority report, replaces the bill. It provides that poultry, poultry products, meat and meat products labeled or advertised as Maine-raised or by a similar designation are considered misbranded if offered for sale, sold or distributed within the State unless the poultry or animals were raised in Maine, as defined in the amendment. The Commissioner of Agriculture, Conservation and Forestry may grant a waiver of the determination that such poultry, poultry products, meat and meat products are misbranded upon consideration of economic factors, including, but not limited to, the proximity of processing facilities to the in-state poultry producer or meat producer and the availability of poultry processing facilities or meat processing facilities in the State.

Committee Amendment "B" (H-424)

This amendment, which is the minority report, replaces the bill. It provides that poultry, poultry products, meat and meat products labeled or advertised as Maine-raised or by a similar designation are considered misbranded if offered for sale, sold or distributed within the State unless the poultry or animals were raised in Maine. The Commissioner of Agriculture, Conservation and Forestry may grant a waiver of the determination that such poultry, poultry products, meat and meat products are misbranded upon consideration of economic factors, including, but not limited to, the proximity of processing facilities to the in-state poultry producer or meat producer and the availability of poultry processing facilities or meat processing facilities in the State.

The amendment provides that "raised in Maine" includes:

1. Poultry raised solely in the State from no later than the seventh day after hatching and processed solely in the State;

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- 2. Cattle raised for at least 150 days in the State and processed solely in the State; and
- 3. Swine raised for at least 100 days in the State and processed solely in the State.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 455 provides that poultry, poultry products, meat and meat products labeled or advertised as Maine-raised or by a similar designation are considered misbranded if offered for sale, sold or distributed within the State unless the poultry or animals were raised in Maine. The Commissioner of Agriculture, Conservation and Forestry may grant a waiver of the determination that such poultry, poultry products, meat and meat products are misbranded upon consideration of economic factors, including, but not limited to, the proximity of processing facilities to the in-state poultry producer or meat producer and the availability of poultry processing facilities or meat processing facilities in the State.

LD 355 An Act To Exclude Domesticated Species Used for Agricultural Purposes ONTP
from the Laws Governing Permits To Possess Wildlife in Captivity

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

This bill exempts wildlife that is domestically raised, hybridized or genetically altered and specifically used for farming or ranching or agritourism activity from the prohibition on keeping wildlife in captivity.

LD 445 An Act To Appropriate Funds to the Department of Agriculture, ONTP
Conservation and Forestry To Maintain All-terrain Vehicle Trails

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

This bill provides a one-time appropriation to the ATV Recreational Management Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, all-terrain vehicle groups and others for the maintenance of all-terrain vehicle trails.

LD 446 An Act To Appropriate Funds to the Department of Agriculture, CARRIED OVER
Conservation and Forestry To Maintain Snowmobile Trails

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM	S-53

This bill provides a one-time appropriation to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the maintenance of snowmobile trails.

Committee Amendment "A" (S-53)

This amendment incorporates a fiscal note.

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 495 Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct a Feasibility Study on Locating a Grain Processing Facility in Aroostook County ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HICKMAN C	ONTP	

This resolve directs the Commissioner of Agriculture, Conservation and Forestry to conduct a study on the feasibility of locating a grain processing facility in Aroostook County. The resolve directs the commissioner to present the study findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 4, 2019, and authorizes the joint standing committee to submit a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

LD 497 An Act Regarding the Providing of Human Food Waste to Swine Producers PUBLIC 39

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

This bill specifies that an individual, organization or institution, including a public school, that donates food waste to a swine producer for use in swine feed is not required to verify that the swine producer has a license to feed garbage to swine. The bill also specifies that it is private or public property owned or operated by a swine producer that the Commissioner of Agriculture, Conservation and Forestry may enter to investigate conditions relating to the treating or feeding of garbage to swine.

Committee Amendment "A" (S-17)

This amendment strikes the provision in the bill that specifies that it is private or public property owned or operated by a swine producer that the Commissioner of Agriculture, Conservation and Forestry may enter to investigate conditions relating to treating or feeding of garbage to swine. Current law provides that the commissioner may enter any private or public property to investigate conditions relating to the treating or feeding of garbage.

Enacted Law Summary

Public Law 2019, chapter 39 specifies that an individual, organization or institution, including a public school, that donates food waste to a swine producer for use in swine feed is not required to verify that the swine producer has a license to feed garbage to swine.

LD 515 An Act To Require Ingredient Lists at Certain Retail Food Locations Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B MIRAMANT D	ONTP OTP-AM	

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill requires a commercial food producer with a retail location to provide upon request a list of ingredients of each food and beverage item offered for sale at the retail location.

Committee Amendment "A" (H-202)

This amendment, which is the minority report, strikes and replaces the bill. The amendment provides that an unpackaged food or food product that includes one of the major food allergens as identified by the federal Food and Drug Administration is considered misbranded if a person sells, offers for sale or serves the food or food product in a food establishment with a retail store unless, when the food or food product is offered for consumption, a conspicuous label or sign is placed on the food or food product, immediately next to the food or food product or immediately next to the food's or food product's listing on a menu board indicating that the food or food product contains one of the major food allergens as identified by the federal Food and Drug Administration.

This amendment was not adopted.

LD 523 An Act To Permit the Indoor Production of Industrial Hemp

**PUBLIC 115
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C KEIM L	OTP-AM	H-193

This bill allows for the indoor production of industrial hemp.

Committee Amendment "A" (H-193)

This amendment clarifies that an indoor facility includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural methods of extending the growing season by enclosing the growing area.

Enacted Law Summary

Public Law 2019, chapter 115 allows for the indoor production of industrial hemp. The law clarifies that an indoor facility includes a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural methods of extending the growing season by enclosing the growing area.

Public Law 2019, chapter 115 was enacted as an emergency measure effective May 16, 2019.

LD 527 Resolve, Directing the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands To Establish a Law Enforcement Training Program for Park Managers and Certain Bureau Staff

RESOLVE 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOLFIELD T BLACK R	OTP-AM	H-229

This resolve directs the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to implement a training program for bureau employees and agents who manage lands or waters and exercise law enforcement powers within the bureau's jurisdiction on various law enforcement practices, to be implemented no later than January 1, 2020.

Joint Standing Committee on Agriculture, Conservation and Forestry

Committee Amendment "A" (H-229)

The amendment adds an appropriations and allocations section to the resolve.

Enacted Law Summary

Resolve 2019, chapter 92 directs the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to implement a training program for bureau employees and agents who manage lands or waters and exercise law enforcement powers within the bureau's jurisdiction on various law enforcement practices, to be implemented no later than January 1, 2020.

LD 556 An Act To Protect Animals in Unattended Vehicles ONTP

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

This bill allows a person who is not a law enforcement officer, humane agent, animal control officer, firefighter, first responder or security guard to enter a vehicle and remove an animal if the animal's safety, health or well-being appears to be in immediate danger. The bill provides that a person who removes an animal from a vehicle under these conditions is immune from criminal or civil liability.

LD 568 An Act To Change the Composition of the Maine Land Use Planning Commission Accepted Majority (ONTP) Report

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

This bill amends the laws governing the composition of the Maine Land Use Planning Commission to increase the number of members appointed by the Governor from one to three and to decrease the number of members appointed by the counties from eight to six.

LD 569 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Submit to the United States Secretary of Agriculture a Plan for Continued Implementation of the Maine Industrial Hemp Program CARRIED OVER

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

This resolve directs the Department of Agriculture, Conservation and Forestry to submit a plan to the United States Secretary of Agriculture to continue Maine's industrial hemp program and to regulate hemp in accordance with federal requirements.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 620 An Act Regarding Licensing of Land-based Aquaculture Facilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MIRAMANT D	ONTP	

This bill amends the law allowing the Commissioner of Agriculture, Conservation and Forestry to refuse to issue a land-based aquaculture license, or revoke an existing license, when the aquaculture activity presents an unreasonable risk to indigenous marine or freshwater life or its environment and specifies that the activity is either alone in the use of a body of water in combination with the aquaculture activity of any other land-based aquaculture operations using the same body of water.

LD 630 An Act To Clarify That Food, Food Additives and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated and To Match the State's Definition of "Hemp" to the Definition in Federal Law

**PUBLIC 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C JACKSON T	OTP-AM	H-10

Part A of this bill provides that food and food products containing hemp-derived cannabidiol that are produced and sold within the State are not considered to be "adulterated" under state law, and the production, marketing, sale or distribution of food or food products containing hemp may not be prohibited.

Part B of this bill changes the term in Maine law "industrial hemp" to "hemp" and defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018.

Committee Amendment "A" (H-10)

This amendment strikes and replaces Part A of the bill and provides that food, food additives and food products that contain hemp and hemp products, including hemp-derived cannabidiol, are not considered to be "adulterated" under state law and that the nonpharmaceutical or nonmedical production, marketing, sale or distribution within the State of food, food additives or food products that contain hemp-derived cannabidiol may not be prohibited.

The amendment also clarifies that eating establishments, in addition to food establishments, may not make any therapeutic claims about food products that contain hemp-derived cannabidiol without federal approval.

The amendment clarifies that the definition of "hemp" includes commodities and products derived from hemp, including food, food additives and food products, and that it does not include medical marijuana as governed by the Maine Medical Use of Marijuana Act or adult use marijuana as governed by the Marijuana Legalization Act.

Enacted Law Summary

Public Law 2019, chapter 12 provides that food, food additives and food products that contain hemp and hemp products, including hemp-derived cannabidiol, are not considered to be "adulterated" under state law and that the nonpharmaceutical or nonmedical production, marketing, sale or distribution within the State of food, food additives or food products that contain hemp-derived cannabidiol may not be prohibited. The law also clarifies that eating establishments, in addition to food establishments, may not make any therapeutic claims about food products that contain hemp-derived cannabidiol without federal approval.

Joint Standing Committee on Agriculture, Conservation and Forestry

The law changes the term in Maine law "industrial hemp" to "hemp" and defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018. The law also clarifies that the definition of "hemp" includes commodities and products derived from hemp, including food, food additives and food products, and that it does not include medical marijuana as governed by the Maine Medical Use of Marijuana Act or adult use marijuana as governed by the Marijuana Legalization Act.

Public Law 2019, chapter 12 was enacted as an emergency measure effective March 27, 2019.

LD 643 An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D BREEN C	ONTP OTP-AM	

This bill authorizes the Commissioner of Health and Human Services, in consultation with the State Entomologist, to identify pests, such as browntail moths and ticks, in this State that pose a risk of significant harm to human health, and to undertake measures to manage those pests.

The bill also establishes the Maine Harmful Pest Management Fund to provide funds to municipalities severely infested with harmful pests, to be used in mitigating the infestations. It also provides \$500,000 to the fund.

Committee Amendment "A" (H-341)

This amendment, which is the minority report, requires the Commissioner of Health and Human Services instead of the Commissioner of Agriculture, Conservation and Forestry, in consultation with the State Entomologist, to identify pests, such as browntail moths and ticks, in this State that pose a risk of significant harm to human health, and to undertake measures to manage those pests. It also changes the percentage of funds used for mitigation of infestation in residential properties to be the same as is used for mitigation of infestation in publicly owned properties.

The amendment also establishes the Maine Harmful Pest Management Fund within the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Division of Public Health and Emergency Preparedness to provide funds to municipalities severely infested with harmful pests, to be used in mitigating the infestations.

The amendment specifies that a municipality is required to use 50 percent of the funding, rather than 75 percent as proposed in the bill, to mitigate infestation of residential properties in the municipality where persons with health conditions that can be exacerbated by the infestation reside and who are unable to pay for treatment of the infestation. The amendment also specifies that a municipality is required to use the other 50 percent of the funding, rather than 25 percent as proposed in the bill, to mitigate infestation of publicly owned properties in the municipality.

This amendment was not adopted.

LD 723 An Act To Enhance Resource Management of Submerged Lands beneath Impounded Waters ONTP

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill provides that all lands beneath the mean low-water mark of waters impounded prior to January 1, 1997 are state-owned submerged lands held in trust for the benefit of the people of Maine.

LD 782 An Act Relating to Animals in Pulling Events ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MCCREA D	ONTP	

This bill prohibits a person handling or responsible for an animal in a pulling event from using on the animal any technique, force or method of preparing the animal for pulling that subjects the animal to pain, fear or undue stress, including but not limited to electric shock, physical punishment or artificial sweating to achieve weight. A person who engages in that activity is banned from participating in pulling events for one year for the first offense and permanently for a second offense.

LD 785 Resolve, Directing the Board of Pesticides Control To Educate the Public INDEF PP
on the Proper Use of Pesticides and To Promote Integrated Pest Management

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DUNPHY M		

This resolve was not referred to committee.

This resolve requires the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to develop and disseminate to the public educational materials that promote the proper use of pesticides and promote integrated pest management.

LD 786 An Act To Reduce Hunger and Promote Maine Agriculture PUBLIC 514

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HICKMAN C	OTP-AM	S-81 S-331 BREEN C

This bill provides an appropriation to allow the Department of Agriculture, Conservation and Forestry to contract with a nonprofit organization that provides statewide hunger relief services to allow that organization to:

1. Engage in statewide hunger relief services, including, but not limited to, the purchase of food from Maine food producers and processors;
2. Provide grants to local hunger relief programs; and
3. Pay its operational and distribution expenses.

Committee Amendment "A" (S-81)

This amendment decreases the ongoing annual General Fund appropriation to the Department of Agriculture, Conservation and Forestry for statewide hunger relief services from \$2,500,000 to \$1,500,000.

Joint Standing Committee on Agriculture, Conservation and Forestry

Senate Amendment "A" To Committee Amendment "A" (S-331)

This amendment reduces the annual appropriation to \$1,000,000 from \$1,500,000 as proposed in Committee Amendment "A" and requires \$1,000,000 to be transferred in fiscal year 2019-20 and fiscal year 2020-21 from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund.

Enacted Law Summary

Public Law 2019, chapter 514 provides an appropriation to allow the Department of Agriculture, Conservation and Forestry to contract with a nonprofit organization that provides statewide hunger relief services to allow that organization to:

1. Engage in statewide hunger relief services, including, but not limited to, the purchase of food from Maine food producers and processors;
2. Provide grants to local hunger relief programs; and
3. Pay its operational and distribution expenses.

**LD 795 RESOLUTION, Proposing an Amendment to the Constitution of Maine CARRIED OVER
To Establish a Right to Food**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C	OTP-AM	H-430
JACKSON T	ONTP	H-541 HICKMAN C

This constitutional resolution declares that all individuals have a natural, inherent and unalienable right to acquire, produce, process, prepare, preserve and consume and to barter, trade and purchase the food of their own choosing for their own nourishment, sustenance, bodily health and well-being.

Committee Amendment "A" (H-430)

This amendment, which is the majority report, incorporates a fiscal note.

House Amendment "A" (H-541)

This amendment amends the resolution by:

1. Removing the word "acquire" from the enumeration of the elements of an individual's right to food and removing the language limiting the exercise of acquisition;
2. Removing language establishing a fundamental right to be free from hunger, starvation and the endangerment of life due to scarcity of or lack of access to food; and
3. Specifying that the right to food does not allow an individual to abuse private property rights or abuse public lands or natural resources in the harvesting of food.

This resolution was reported out of committee and then carried over in the House to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 796 An Act To Reestablish the Department of Agriculture, Food and Rural Resources and the Department of Conservation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C BLACK R	ONTP	

This emergency bill, which is a concept draft pursuant to Joint Rule 208, proposes to reestablish the Department of Agriculture, Food and Rural Resources and the Department of Conservation, or "the departments," which were merged into the Department of Agriculture, Conservation and Forestry pursuant to Public Law 2011, chapter 657. In addition to reestablishing the departments as separate entities with separate commissioners, this bill would:

1. Reestablish the original missions of the Department of Agriculture, Food and Rural Resources and the Department of Conservation;
2. Reestablish critical administrative and program positions in the departments, including positions charged with responsibilities associated with economic development;
3. Address deficiencies in the departments in staffing and funding;
4. Address stagnation in the departments in program development and planning;
5. Allow the reestablished Department of Agriculture, Food and Rural Resources the ability to devote resources to aid farmers and to devise solutions to present-day challenges facing agricultural industries in the State;
6. Establish new goals for promoting and protecting Maine's natural beauty and the unique character of its land, waterways, wildlife habitats and wilderness resources;
7. Establish new goals for improving the agricultural economy in Maine, maintaining and strengthening rural life and values and enhancing the preservation of the rural skills, food supply, health and nutrition of the people of the State; and
8. Demonstrate Maine's commitment to its goal of becoming the "bread basket" for New England.

LD 840 An Act Regarding the Control of Browntail Moths ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BREEN C	ONTP	

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to control the problems caused by browntail moths by:

1. Requiring a state agency, on its own or by contracting with an outside entity, to determine the best practices for controlling or eliminating the browntail moth infestation in Maine; and
2. Appropriating funds for payment to members of the public for the collection and disposal of browntail moth cocoons.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 889 An Act To Require the Labeling of Foods Made with Nanotechnology

ONTP

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

This bill requires that a label be placed on any food or food product offered for sale in the State made with the use of nanotechnology. Nanotechnology is the branch of technology concerned with the control of matter with dimensions of less than 100 nanometers, especially the manipulation of individual atoms and molecules.

LD 908 An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MILLETT R	OTP-AM	H-302

This bill establishes in law certain requirements of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control related to pest management on school property. It requires a school to maintain a pest management activity log related to the application of pesticides. It requires this information to be provided annually to the board and requires the board to post the information on its publicly accessible website. It also requires that the board post on its publicly accessible website a list of all board inspections of a school's use of pesticides and the results of those inspections.

Committee Amendment "A" (H-302)

This amendment incorporates a fiscal note.

The fiscal note on the amendment, which is a fiscal note only amendment, identifies certain requirements in the bill as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential mandate do not require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue.

The requirement in the bill that a local school administrative unit submit a pest management activity log to the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control by January 15th of each year for the previous calendar year does not require an expansion or modification of activities so as to necessitate additional expenditures from local revenue. Local school administrative units currently prepare pest management activity logs with the required data pursuant to rules established by the Board of Pesticides Control. The committee finds that the act of submitting a pest management activity log that is already required to be maintained does not necessitate additional expenditures from local revenue.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

Joint Standing Committee on Agriculture, Conservation and Forestry

**LD 910 An Act To Establish as a Priority the Interests of Maine Farmers,
Growers and Food Producers ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TERRY M VITELLI E	ONTP	

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to require that when the State makes decisions regarding its purchasing of food, the State must consider as a priority in its decision making the interests of Maine farmers, growers and food producers.

**LD 920 An Act To Establish the Fund To Support Local Fruits and Vegetables
Purchasing CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B JACKSON T	OTP-AM ONTP	H-192

This bill establishes the Fund To Support Local Fruits and Vegetables Purchasing within the Department of Agriculture, Conservation and Forestry to provide incentives to federal food and nutrition assistance program participants for the purchase of locally grown fruits and vegetables and to support outreach for and administration of programs that offer nutrition incentives to participants of federal food and nutrition assistance programs. Fund recipients must be state-based organizations that support local food producers, local food production or low-income individuals in receiving food and nutrition assistance, with priority to organizations that have a demonstrated history of incentivizing the use of federal food and nutrition assistance programs to purchase locally grown fruits and vegetables or that demonstrate the ability to leverage the proceeds to match or receive additional funds from local, state, federal or private sources. The bill provides reporting and audit requirements for recipients to ensure proper use of the funds and appropriates funds to capitalize the fund.

Committee Amendment "A" (H-192)

This amendment, which is the majority report, incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 939 An Act Regarding the Regulation of Rabbit Production for Local
Consumption PUBLIC 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-88

This bill permits a rabbit producer to sell whole rabbit carcasses without inspection at the farm on which the rabbits were raised, at farmers' markets, by delivery to consumers' homes, to members of community supported agriculture farms with which the rabbit producer has a direct marketing relationship, to locally owned grocery stores and to locally owned restaurants as long as the rabbit producer slaughters fewer than 1,000 rabbits annually and the rabbit producer is registered.

Committee Amendment "A" (H-88)

Joint Standing Committee on Agriculture, Conservation and Forestry

This amendment provides that rules adopted by the Commissioner of Agriculture, Conservation and Forestry to establish requirements for the physical facilities and sanitary processes used by rabbit producers whose rabbit products are exempt from inspection are routine technical rules rather than major substantive rules as in the bill.

Enacted Law Summary

Public Law 2019, chapter 73 permits a rabbit producer to sell whole rabbit carcasses without inspection at the farm on which the rabbits were raised, at farmers' markets, by delivery to consumers' homes, to members of community supported agriculture farms with which the rabbit producer has a direct marketing relationship, to locally owned grocery stores and to locally owned restaurants as long as the rabbit producer slaughters fewer than 1,000 rabbits annually and the rabbit producer is registered.

LD 971 Resolve, To Establish a Specialty Crops Certification Cost-share Pilot Program

**RESOLVE 28
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M BLACK R	OTP-AM	H-203

This bill establishes the Specialty Crops Certification Cost-share Program in the Department of Agriculture, Conservation and Forestry and requires the Commissioner of Agriculture, Conservation and Forestry to reimburse farmers for up to 50 percent of the cost of certification of specialty crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service. The bill also provides that reimbursement to farmers for certification may not be more than \$500 per farmer per year.

Committee Amendment "A" (H-203)

This amendment strikes and replaces the bill with a resolve and adds an emergency preamble and emergency clause. The amendment directs the Commissioner of Agriculture, Conservation and Forestry to establish a specialty crops certification cost-share pilot program in the Department of Agriculture, Conservation and Forestry and authorizes the department to reimburse qualified farms for up to 50 percent of the cost of certification of specialty crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service. The amendment provides that reimbursement of funds under the program is for initial one-time payment and may not be more than \$500 per qualified farm. The amendment also directs the commissioner to monitor the four-year pilot program and to report back to the joint standing committee having jurisdiction over agricultural matters no later than December 15, 2023 with findings and recommendations.

Enacted Law Summary

Resolve 2019, chapter 28 directs the Commissioner of Agriculture, Conservation and Forestry to establish a specialty crops certification cost-share pilot program in the Department of Agriculture, Conservation and Forestry and authorizes the department to reimburse qualified farms for up to 50 percent of the cost of certification of specialty crops under the "Good Agricultural Practices" and "Good Handling Practices" voluntary audit programs under the United States Department of Agriculture, Agricultural Marketing Service. The law provides that reimbursement of funds under the program is for initial one-time payment and may not be more than \$500 per qualified farm. The law also directs the commissioner to monitor the four-year pilot program and to report back to the joint standing committee having jurisdiction over agricultural matters no later than December 15, 2023 with findings and recommendations.

Resolve 2019, chapter 28 was finally passed as an emergency measure effective May 16, 2019.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1016 Resolve, To Require the Construction of a New District Headquarters Building for the Bureau of Forestry in Fort Kent

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM ONTP	S-94 S-335 BREEN C

This resolve requires the Department of Agriculture, Conservation and Forestry to solicit bids for the construction of a new facility in Fort Kent to house the district headquarters for the Department of Agriculture, Conservation and Forestry, Bureau of Forestry. Construction must be started within 60 days following the award of the contract.

Committee Amendment "A" (S-94)

This amendment, which is the majority report, strikes the requirement in the resolve that bids must be solicited no later than 90 days following the effective date of this resolve and that construction must be started within 60 days following award of the contract. The amendment provides one-time funds to the Department of Agriculture, Conservation and Forestry, Bureau of Forestry for the construction of a new facility in the Town of Fort Kent to house the district headquarters of the department's Bureau of Forestry.

Senate Amendment "A" To Committee Amendment "A" (S-335)

This amendment requires the State Controller to transfer to the unappropriated surplus of the General Fund \$350,000 from the Public Reserved Lands Management Fund, Other Special Revenue Funds in the Department of Agriculture, Conservation and Forestry no later than January 1, 2020.

LD 1037 An Act To Address the Browntail Moth Infestation

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D BREEN C	OTP-AM ONTP	H-449

This bill provides funding to the University of Maine System to support a three-year study of the browntail moth infestation. This bill specifies that funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the cost of the study.

Committee Amendment "A" (H-449)

This amendment, which is the majority report, requires the University of Maine System to submit an annual report on the progress of the three-year browntail moth infestation study to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the Commissioner of Agriculture, Conservation and Forestry no later than March 1st for the duration of the three-year study.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1040 An Act To Waive the Variance Process for Harvesting Timber in a Shoreland Zone

ONTP

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

This bill allows a landowner to conduct timber harvesting activities on property adjacent to a river, stream, pond, wetland or tidal water that exceed limits established by Department of Agriculture, Conservation and Forestry, Bureau of Forestry rules if determined necessary by a professional forester in order to meet acceptable forestry standards upon a five-day notice to the bureau by the landowner stating the area where the timber harvesting activity is to take place, the name of the professional forester, the professional forester's license number and the professional forester's determination of the need for the timber harvesting activity.

LD 1049 An Act Regarding the Sale of Cats and Dogs with Health Problems

PUBLIC 90

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GROHOSKI N	OTP-AM	S-52

This bill provides alternative remedies for a purchaser of a dog that has a health problem causing diminished life expectancy. For a dog with a life expectancy of less than one year as determined by a veterinarian, the purchaser may choose to receive a refund of the full purchase price of the dog. For a dog with a life expectancy of one to five years as determined by a veterinarian, the purchaser may choose to receive a refund of half of the purchase price of the dog. Return of the dog to the seller and reimbursement of veterinary fees by the seller are not required.

Committee Amendment "A" (S-52)

This amendment replaces the bill and changes the title. The amendment allows, for a dog or cat with a life expectancy of less than one year as determined by a veterinarian, the purchaser to choose to retain the dog or cat and receive a full refund for the original purchase price of the dog or cat. The amendment also provides that reimbursement of veterinarian fees by the seller is not required when a purchaser chooses to retain the dog or cat and receive a full refund for the original purchase price of the dog or cat.

The amendment provides that sellers may not, contractually or otherwise, exempt themselves from the remedies provided for deaths or health problems in dogs and cats caused by hereditary or congenital defects.

Enacted Law Summary

Public Law 2019, chapter 90 allows, for a dog or cat with a life expectancy of less than one year as determined by a veterinarian, the purchaser to choose to retain the dog or cat and receive a full refund for the original purchase price of the dog or cat. The amendment also provides that reimbursement of veterinarian fees by the seller is not required when a purchaser chooses to retain the dog or cat and receive a full refund for the original purchase price of the dog or cat. The law also provides that sellers may not, contractually or otherwise, exempt themselves from the remedies provided for deaths or health problems in dogs and cats caused by hereditary or congenital defects.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1103 An Act To Increase the Number of Members of the Wild Blueberry Commission of Maine

Leave to Withdraw Pursuant to Joint Rule

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

This bill expands the membership of the Wild Blueberry Commission of Maine by adding two additional members who are grower representatives and requires the Commissioner of Agriculture, Conservation and Forestry to formally call for nominations for grower representative members. The bill clarifies the requirements governing grower representative members and processor representative members. The bill prohibits former employees of the commission from serving as paid lobbyists for wild blueberry businesses for a period of one year following employment by the commission. The bill also allows members of the University of Maine System Wild Blueberry Advisory Committee to be reappointed for additional terms.

LD 1114 An Act To Humanely Treat Animals Trapped in Buildings

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	ONTP	

This bill requires an animal control officer or law enforcement officer who responds to a report of an animal trapped in a building to attempt to capture and release the animal unharmed unless doing so would pose a threat to public health or safety.

LD 1159 Resolve, To End Hunger in Maine by 2030

RESOLVE 32

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

This resolve directs the Department of Agriculture, Conservation and Forestry, in consultation and collaboration with interested parties and stakeholders, to collaborate with the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Health and Human Services, the Department of Labor, the Department of Economic and Community Development, the Department of Education, the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services and the University of Maine Cooperative Extension to develop a comprehensive strategic plan to eliminate hunger in the State by 2030. The Department of Agriculture, Conservation and Forestry is required to submit an initial design for the plan by February 10, 2020 to the Joint Standing Committee on Agriculture, Conservation and Forestry, which may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 32 directs the Department of Agriculture, Conservation and Forestry, in consultation and collaboration with interested parties and stakeholders, to collaborate with the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Health and Human Services, the Department of Labor, the Department of Economic and Community Development, the Department of Education, the Department of

Joint Standing Committee on Agriculture, Conservation and Forestry

Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services and the University of Maine Cooperative Extension to develop a comprehensive strategic plan to eliminate hunger in the State by 2030. The Department of Agriculture, Conservation and Forestry is required to submit an initial design for the plan by February 10, 2020 to the Joint Standing Committee on Agriculture, Conservation and Forestry, which may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1167 An Act To Increase Consumption of Maine Foods in State Institutions

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C VITELLI E		

Current law requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or food brokers. This bill establishes a minimum percentage of Maine foodstuffs, including milk or milk products, eggs, meat or meat products, poultry or poultry products, fish or fish products and fruits and vegetables, that must be purchased, requiring at least 20 percent by December 31, 2025, at least 30 percent by December 31, 2030, at least 40 percent by December 31, 2040 and at least 50 percent by December 31, 2050. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill also clarifies that "Maine food producer" includes food processors, revises provisions regulating quality standards and requires competitive bidding when more than one producer or broker or wholesaler can supply a given foodstuff.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1230 An Act To Update the Civil Animal Welfare Laws

PUBLIC 437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C BLACK R	OTP-AM	H-380

This bill amends the civil animal welfare laws in the following ways.

1. It removes the provision regarding registering a dog as a service dog and issuing a tag identifying the dog as a service dog.
2. It clarifies that the dog licensing fee is waived for an owner who produces documentation that the dog is a service dog.
3. It provides for euthanasia of severely sick or severely injured stray livestock authorized by a veterinarian, humane agent, animal control officer or animal shelter.
4. It provides for immunity for a municipality, veterinarian, humane agent, animal control officer and animal shelter in instances involving handling of stray livestock.
5. It adds to the animal cruelty provisions the violation of intentionally giving an animal a scheduled drug.
6. It increases the penalties for civil violations involving animal cruelty.

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7. It makes the violation of a court order involving a civil animal welfare matter a Class D crime.
8. It establishes municipal procedures for the handling of stray livestock.
9. It repeals provisions related to stray beasts.

Committee Amendment "A" (H-380)

This amendment retains the current law that provides that, if a service dog has not been previously registered or licensed by a municipal clerk, the clerk may not register the dog nor issue to its owner or keeper a license unless the applicant presents written evidence to the municipal clerk that the dog meets the definition of "service dog." The amendment removes the requirement that the municipal clerk issue to the dog's owner or keeper a tag that identifies the dog as a service dog.

The amendment clarifies that a municipality, veterinarian, humane agent, animal control officer or animal shelter is not civilly liable to any party for authorization of euthanasia of severely sick or severely injured livestock if certain conditions are met nor is any person performing euthanasia under that authorization.

The amendment adds the intent to harm or intoxicate the animal to the bill's addition to the animal cruelty provisions of the violation of giving a scheduled drug to an animal.

The amendment strikes from the bill the provision that makes the violation of a court order involving a civil animal welfare matter a Class D crime.

The amendment clarifies under the provision establishing municipal procedures for the handling of stray livestock that "livestock" does not include feral swine or domesticated cervids.

The fiscal note on the bill identifies certain requirements in the bill, which are retained in the amendment, as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds the provisions identified as a potential state mandate do not require a local unit government to expand or modify its activities in a manner so as to necessitate additional expenditures from local revenue.

Under current law, pursuant to the Maine Revised Statutes, Title 7, section 3948, subsection 3, municipalities are required to control domesticated animals that are a cause of complaint in the community. Additionally, municipalities are required to control animals that pose a threat to public health or safety. This section of law also provides that a municipality may control undomesticated animals in matters no other department is charged by law to regulate.

The bill repeals and amends certain provisions under Title 33, chapter 21 relating to lost goods and stray beasts. The bill repeals the requirement that the finder of a stray beast, potentially a municipality, keep a stray beast for up to six months. The bill requires a municipality to follow certain procedures related to stray livestock, but a municipality is only required to retain custody for 10 days. The committee feels that this could potentially result in a savings for a municipality faced with this scenario.

Enacted Law Summary

Public Law 2019, chapter 437 removes the requirement in current law that the municipal clerk issue to the dog's owner or keeper a tag that identifies the dog as a service dog when the dog's owner or keeper presents written evidence to the municipal clerk that the dog meets the definition of "service dog" while registering or licensing the dog.

Public Law 2019, chapter 437 clarifies that a municipality, veterinarian, humane agent, animal control officer or

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animal shelter is not civilly liable to any party for authorization of euthanasia of severely sick or severely injured livestock if certain conditions are met nor is any person performing euthanasia under that authorization.

It adds the intent to harm or intoxicate an animal to the animal cruelty provisions of the violation of giving a scheduled drug to an animal.

It clarifies under the provision establishing municipal procedures for the handling of stray livestock that "livestock" does not include feral swine or domesticated cervids.

Public Law 2019, chapter 437 repeals and amends certain provisions under Title 33, chapter 21 relating to lost goods and stray beasts.

It also repeals the requirement that the finder of a stray beast, potentially a municipality, keep a stray beast for up to six months. It requires a municipality to follow certain procedures related to stray livestock, but a municipality is only required to retain custody for 10 days.

**LD 1246 An Act To Protect the Health and Safety of Maine State Park Visitors
and Staff**

PUBLIC 110

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

This bill requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to determine minimum levels of staffing for all state parks, except Baxter State Park, and historic sites and national parks that are controlled and managed by the State. The bill also requires the director to consider a list of factors, including, but not limited to, visitor capacity limits, availability of emergency response services and emergency planning issues specific to a park or historic site, when making a determination of staffing levels for each park or historic site.

Enacted Law Summary

Public Law 2019, chapter 110 requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to determine minimum levels of staffing for all state parks, except Baxter State Park, and historic sites and national parks that are controlled and managed by the State. The law also requires the director to consider a list of factors, including, but not limited to, visitor capacity limits, availability of emergency response services and emergency planning issues specific to a park or historic site, when making a determination of staffing levels for each park or historic site.

**LD 1270 An Act To Create Certain Recreational Opportunities on State-owned
Land**

CARRIED OVER

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

This bill provides that, beginning January 1, 2020, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands may develop new marked hiking trails within the unorganized territory on which loaded firearms are permitted and within 300 feet of which, during the months of October and November, firearms may be discharged.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P.

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1322.

**LD 1273 An Act To Ensure Funding for Certain Essential Functions of the
University of Maine Cooperative Extension Pesticide Safety Education
Program**

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R DUNPHY M	OTP-AM	S-149

This bill requires that the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control award an annual grant of \$65,000 on or about April 1st to the University of Maine Cooperative Extension for the development and revision of training manuals for pesticide applicator certification, licensing and recertification.

Committee Amendment "A" (S-149)

This amendment clarifies that the grant awarded by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to the University of Maine Cooperative Extension for the development and revision of training manuals for applicator certification, licensing and recertification may also be used to perform other aspects of pesticide education programs. The amendment clarifies that the amount of the annual grant is not less than \$65,000. The amendment also provides that the University of Maine Cooperative Extension may seek the advice of the Board of Pesticides Control in establishing pesticide education programs. The amendment requires the University of Maine Cooperative Extension to submit an annual report on the use of the funds, no later than January 15th, to the Board of Pesticides Control and the joint standing committee of the Legislature having jurisdiction over pesticide education and certification matters.

Enacted Law Summary

Public Law 2019, chapter 243 requires that the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control award an annual grant of not less than \$65,000 on or about April 1st to the University of Maine Cooperative Extension for the development and revision of training manuals for pesticide applicator certification, licensing and recertification.

The law clarifies that the grant awarded by the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control to the University of Maine Cooperative Extension for the development and revision of training manuals for applicator certification, licensing and recertification may also be used to perform other aspects of pesticide education programs. The law also provides that the University of Maine Cooperative Extension may seek the advice of the Board of Pesticides Control in establishing pesticide education programs. The law requires the University of Maine Cooperative Extension to submit an annual report on the use of the funds, no later than January 15th, to the Board of Pesticides Control and the joint standing committee of the Legislature having jurisdiction over pesticide education and certification matters.

LD 1311 An Act Regarding the Sale of Dogs and Cats at Pet Shops

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	ONTP OTP-AM	S-272

This bill prohibits a pet shop from selling dogs and cats and establishes a fine of \$500 per violation as well as license suspension or revocation. A pet shop may provide space to an animal rescue entity to offer to the public dogs and cats for adoption.

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Committee Amendment "A" (S-272)

This amendment, which is the minority report of the committee, does the following.

1. It allows pet shops that are currently lawfully offering dogs or cats for sale to continue to offer dogs and cats for sale as long as the ownership of the pet shop does not change and the number of dogs and cats offered for sale does not increase. It allows for limited transfers of ownership of a family-owned pet shop to a spouse, domestic partner or child of the oldest member of the family having an ownership interest.
2. Removes from the definition of "animal rescue entity" the exclusions that allow for certain associations with breeders.
3. Removes the word "nominal" as a descriptor of the adoption fee that may be charged for dogs and cats offered for adoption by an animal rescue entity.

LD 1316 An Act To Make It Explicit That Maine Holds Title to Its Intertidal Lands ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J DOW D	ONTP	

This bill states that the State owns title to intertidal land not already filled to facilitate marine commerce. The State's ownership is based on federal laws and United States Supreme Court cases that establish and substantiate each state's sovereignty over its intertidal and submerged land, as well as state law, which were not adhered to when the Supreme Judicial Court decided a pre-statehood colonial ordinance applicable to Massachusetts governs the State's ownership interest in intertidal land.

LD 1323 An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands Accepted Minority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D EVANGELOS J	OTP-AM ONTP	

This bill addresses public uses of intertidal land by substantially amending the existing laws on intertidal land. It revises the headnote of the chapter to reflect the recognition of expanded uses of intertidal land.

The bill replaces most of the legislative findings and purpose language to recite historic uses and note that the evolving public uses of intertidal land confer both economic and general welfare benefits to the citizens of this State. It specifies that there is no difference in whether the State is acting to discharge its public trust duties with respect to intertidal land or exercising its police power to protect the public health, safety and general welfare.

The bill defines "intertidal land," which is consistent with the definition in statute, and "submerged land."

The bill delineates permitted uses of intertidal land, identifying historic, recreational and commercial uses. All are subject to state laws and rules, and commercial uses may be subject to licensing, as well.

The bill also limits some activities on intertidal land.

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The bill recognizes the power of the State and municipal police powers that may be used to improve and facilitate uses of intertidal land.

Committee Amendment "A" (S-222)

Current law provides that the State of Maine owns and controls the harvesting of the living resources of the seas adjoining the coastline for a distance of 200 miles or to the furthest edge of the Continental Shelf, whichever is greater, subject only to the boundary with Canada. This amendment, which is the majority report of the committee, clarifies the definitions of "coastline" and "living resources" with respect to harvesting.

The amendment leaves in place the definition of "intertidal land" that is in current law. The amendment strikes from the bill any references to submerged land.

The amendment strikes gathering shells and sea glass from the provisions relating to water-related recreational uses of intertidal lands.

The amendment strikes from the provisions relating to commercial uses of intertidal lands "aquaculture of fish, shellfish or other marine organisms" and "the extension from the mainland of utility cables and pipelines to service island communities and permitted offshore facilities and the storage, rental and sale of paddle boards and surf boards, kayaks, small boats and related marine equipment." The amendment clarifies that the harvesting of seaweed, fish, shellfish or other marine organisms is a permitted use of intertidal land.

The amendment strikes from the bill the limitation on gathering and removing in bulk from intertidal land without a valid license sand, soil, rocks, minerals, seaweed or living marine organisms.

Because the State, through its Legislature and various executive branch agencies, currently possesses the legal authority contemplated by the bill, the amendment strikes the provision relating to state powers.

Because municipalities possess some legal authority contemplated by the bill, the amendment strikes the provision that allows municipalities to seek by gift or purchase to increase points of access to intertidal land and the provision that allows municipalities, within which intertidal land is located, to provide or increase facilities, services and other amenities to facilitate public use of intertidal land.

The amendment also explicitly states that the Attorney General has a right to intervene in any lawsuit that may affect the public trust rights to the intertidal zone.

The amendment clarifies the definition of "marine organism" to include algae, including seaweed, rockweed and other stramenopiles.

This amendment was not adopted.

LD 1482 An Act To Clarify Provisions of the Blueberry Tax

PUBLIC 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MOORE M	OTP-AM	H-340

This bill amends the laws regarding the wild Maine blueberry tax in the following ways.

1. It establishes a tax of 3/4¢ per pound for wild blueberries shipped from outside the State for processing in the State.

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2. It requires detailed reporting of the wild blueberry transactions subject to the tax.
3. It requires the Department of Agriculture, Conservation and Forestry to conduct periodic random inspections of wild blueberry shippers and processors so that each shipper and processor is inspected at least once in a three-year period.
4. It requires the Wild Blueberry Commission of Maine to maintain and periodically update a detailed survey of the wild blueberry industry acreage, assets and other industry data.
5. It requires the Wild Blueberry Commission of Maine to submit an itemized report of its yearly revenue and expenditures to the Commissioner of Agriculture, Conservation and Forestry and the joint standing committee of the Legislature having jurisdiction over agriculture matters.
6. It requires shippers and processors to maintain permanent records of the origin of wild blueberries received by the shippers and processors.
7. It prohibits the mixing or commingling of wild blueberries harvested from a field with wild blueberries harvested from another field and requires each field from which wild blueberries are harvested to have a unique identifying number and shippers and processors to record for each lot of wild blueberries shipped, received, transported or processed the unique identifying number of that lot.
8. It changes the penalty for a second violation of the record-keeping requirements within a five-year period from up to \$10,000 to \$10,000.
9. It allows the Department of Agriculture, Conservation and Forestry to audit a shipper or processor at its own discretion.

Committee Amendment "A" (H-340)

This amendment strikes and replaces the bill to remove the establishment of a tax of 3/4¢ per pound for wild blueberries shipped from outside the State for processing in the State. The amendment requires all wild blueberries harvested in the State that are to be shipped outside the State for processing to be weighed on a state-certified scale in the State prior to being shipped outside the State.

The amendment strikes detailed reporting, for processors, of wild blueberry transactions subject to the tax.

The bill requires the State Tax Assessor to forward an annual report containing information pertinent to the collection of the blueberry tax to the Wild Blueberry Commission of Maine. The amendment specifies that the report must include the total number of pounds of: wild blueberries grown in the State, wild blueberries processed in the State, unprocessed wild blueberries imported into the State and unprocessed wild blueberries exported from the State.

The bill requires the Department of Agriculture, Conservation and Forestry to conduct periodic random inspections of wild blueberry shippers and processors. The amendment strikes the requirement that each shipper and processor be inspected at least once in a three-year period.

The amendment strikes the requirement that the Wild Blueberry Commission of Maine maintain and periodically update a detailed survey of the wild blueberry industry acreage and assets and other industry data.

The amendment strikes the requirement that the Wild Blueberry Commission of Maine submit an itemized report of its yearly revenue and expenditures to the Commissioner of Agriculture, Conservation and Forestry and the joint standing committee of the Legislature having jurisdiction over agriculture matters.

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The amendment removes the repeal of the current law that provides an exception for wild blueberries harvested outside the State to the prohibition on the transport of wild blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit from the Wild Blueberry Commission of Maine.

The amendment removes the provision in the bill that changes the penalty for a second violation of the record-keeping requirements within a five-year period from up to \$10,000 to \$10,000.

The amendment removes from the bill the prohibition on mixing or commingling of wild blueberries harvested from a field with wild blueberries from another field and the requirement that each field from which blueberries are harvested have a unique identifying number and for shippers and processors to record for each lot of wild blueberries the unique identifying number of that lot. Instead, the amendment provides that wild blueberries must be uniquely identified by the field from which they were harvested during transportation to a receiving facility.

The amendment provides an effective date for this legislation of January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 222 requires all wild blueberries harvested in the State that are to be shipped outside the State for processing to be weighed on a state-certified scale in the State prior to being shipped outside the State.

Public Law 2019, chapter 222 requires the State Tax Assessor to forward an annual report containing information pertinent to the collection of the blueberry tax to the Wild Blueberry Commission of Maine. The law specifies that the report must include the total number of pounds of: wild blueberries grown in the State, wild blueberries processed in the State, unprocessed wild blueberries imported into the State and unprocessed wild blueberries exported from the State.

The law requires the Department of Agriculture, Conservation and Forestry to conduct periodic random inspections of wild blueberry shippers and processors.

The law provides that wild blueberries must be uniquely identified by the field from which they were harvested during transportation to a receiving facility.

Public Law 2019, chapter 222 is effective January 1, 2020.

LD 1518 An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S	OTP-AM ONTP	H-554

This bill establishes the Tick Laboratory and Pest Management Fund administered by the University of Maine Cooperative Extension to fund the tick laboratory and other pest management research and projects and directs the extension's pest management unit to study browntail moths as the first of a series of pest research projects to be determined every three years by a committee designated by the University of Maine. The fund is funded by a pesticide container fee of 20¢ per container administered by the State Tax Assessor. This bill also creates a duty of the Board of Pesticides Control to investigate complaints of violations of local, state and federal pesticide laws and requires the Board of Pesticides Control to review any request by a political subdivision to eliminate the use of a certain pesticide within that political subdivision.

Committee Amendment "A" (H-554)

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The bill establishes the Tick Laboratory and Pest Management Fund. This amendment, which is the majority report of the committee, provides that the fund is administered by the University of Maine at Orono to fund the tick laboratory and other pest management research and projects. The amendment provides that a portion of the funds must be provided for ongoing reimbursement, up to \$60,000 annually, to the Board of Pesticides Control to generate and maintain a list of pesticides registered with the board and make available to the public through the board's publicly accessible website the list and answer inquiries relating to the list.

The amendment provides that a portion of the fund may be used by the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to, development of educational materials; equipment, materials and supplies; and facility expansion.

The amendment makes changes to the composition of the pest research committee as described in the bill.

The amendment removes from the bill the requirement that the Board of Pesticides Control investigate any complaint alleging a violation of a local, state or federal law or rule regarding pesticide use.

The amendment removes from the bill the requirement that a political subdivision of the State that wants to eliminate use in the political subdivision of a pesticide registered by the United States Environmental Protection Agency submit a request to eliminate use of that pesticide to the Board of Pesticides Control.

The amendment provides that the fund is funded by a pesticide container fee administered by the State Tax Assessor of 15¢ per container, rather than 20¢ as proposed in the bill.

The amendment removes the provision of the bill that allows the State Tax Assessor to inspect the books or records of a retailer or to inspect the premises of a retailer where general use pesticides are stored, handled, transported or merchandised for the purpose of determining what pesticide products are taxable. The State Tax Assessor has the authority to inspect under current law pursuant to the Maine Revised Statutes, Title 36, section 112.

The amendment also provides a one-time allocation to the Department of Administrative and Financial Services, Maine Revenue Services for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

The amendment provides that the effective date of the legislation is January 1, 2020.

**LD 1531 An Act To Establish the Maine Food System Investment Program To
Create Quality Jobs and Support Farms, Fisheries and Food-related
Businesses**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

This bill creates the Maine Food System Investment Program under the Department of Agriculture, Conservation and Forestry to strengthen the food system, including the agriculture, seafood and fisheries and other food sectors and the supply chain, to increase access to new markets and opportunities for producers, processors, small businesses and consumers in the State in the producing, processing, packaging, distribution, marketing, sale and consumption of food products.

The duties of the program are to develop and maintain a 10-year strategic framework to carry out the goals of the program by fostering communication, collaboration and coordination among the various sectors of the supply chain, identify gaps in the supply chain and barriers to food infrastructure and distribution needs and work with community development corporations, financial institutions and other investors and lenders in the food system to

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direct financial investment to the areas of greatest need in the food system.

The program is also authorized to make recommendations regarding rules or legislation to the department and the Legislature that will direct investment or establish policies or priorities in carrying out the goals of the program. The program is required to submit a six-month and a one-year report to the Legislature subsequent to the implementation of the program and an annual report on the progress of and developments regarding the 10-year strategic framework.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1540 An Act Concerning Timber Harvesting on Public Lands and in State Parks, Historic Sites and the Restricted Zone of the Allagash Wilderness Waterway ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M DILL J	ONTP	

This bill amends and enacts provisions regarding the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands' management of timber harvesting on state property under its jurisdiction, including:

1. Requiring the bureau to report on the State's actual and potential forest inventory status and needs, including the need for a sawmill or other forest products processing facility to be located in the State;
2. Requiring contractors harvesting timber at state parks, historic sites and the restricted zone in the Allagash Wilderness Waterway to be established businesses in the State and to meet other requirements;
3. Requiring forest products harvested or collected from state parks, historic sites, public lands or the restricted zone in the Allagash Wilderness Waterway, unless used by the state parks, historic sites or Allagash Wilderness Waterway, to be sold to a sawmill or other forest products processing or manufacturing facility located in the State to be processed or manufactured at the facility;
4. Declaring that it is in the public interest and for the general benefit of the people of the State that title, possession and the responsibility for the management of nonreserved public lands be vested and established in the bureau acting on behalf of the people of the State and that the lands be managed to demonstrate exemplary land management practices, including silvicultural, wildlife and recreational practices, that reflect state policies governing management of forested and related types of lands; and
5. Requiring that the annual report dealing with public reserved lands identify persons who conduct timber harvesting on the lands and the sawmill or other forest products processing or manufacturing facility located in the State to which the forest products derived from the harvesting were delivered.

LD 1561 An Act To Amend the Maine Land Use Planning Commission Laws and Enhance the Economic Vitality of Neighboring Communities Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B DUNPHY M	ONTP OTP-AM	

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This bill amends the laws governing the Maine Land Use Planning Commission by requiring the commission to coordinate with neighboring municipalities by engaging in regional land use planning and directing future development into the communities where possible and consistent with municipal comprehensive land use plans. In order to ensure that the commission has current, critical data necessary for regional planning, the bill directs the commission to conduct a land use structure inventory by July 1, 2020. The bill also changes the appointment process for members of the Maine Land Use Planning Commission to ensure that a statewide perspective and relevant areas of expertise are represented on the commission.

Committee Amendment "A" (S-183)

This amendment, which is the minority report of the committee, changes the title of the bill and changes the bill into a resolve requiring the Maine Land Use Planning Commission to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry on or before January 15, 2020 regarding the commission's adoption of rules relating to the adjacency principle and subdivision standards for land use districts. After reviewing the report, the committee may report out legislation relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

LD 1574 An Act To Continue Authorization of Seaplane Landings on Katahdin Lake ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B DILL J	ONTP	

This bill allows a seaplane to land on and take off from Katahdin Lake in Baxter State Park.

LD 1590 An Act To Amend the Laws Relating to Harness Racing CARRIED OVER

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

This bill amends the harness racing laws in the following ways.

1. It requires the Department of Agriculture, Conservation and Forestry to develop a biennial operating budget for the State Harness Racing Commission with input from the commission that allows for expenditures for discretionary activities by the commission during the biennium if the commission determines the activities are in the best interest of the harness racing industry.
2. It protects the Harness Racing Promotional Fund from being charged for indirect costs under a departmental indirect cost allocation plan.
3. It requires a harness racing license application of a pari-mutuel betting licensee who leases a racing plant to list financial and corporate information of the owner of the real estate.
4. It requires the commission, when assigning race dates to licensees, to consider the development of revenues from interstate simulcasting, the ability to offer night racing and the ability to maintain ownership of or a leasehold on facilities.
5. It changes the definition of "commercial track" for regions with a population of 300,000 or more and with a

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population of less than 300,000 by removing language for racetracks that have ceased operations.

6. It provides that an off-track betting facility within a 50-mile radius of a commercial track must pay one percent of the wagers made during the time live racing is being conducted on race day and 0.5 percent of the wagers made during the time that live racing is not being conducted on race day.

7. It allows an off-track betting facility to be located within a facility licensed to serve alcohol that is owned by an owner other than the off-track betting facility owner.

8. It removes the requirement that an applicant for an off-track betting license notify commercial tracks within 50 miles of the proposed off-track betting facility.

9. It provides that an applicant for an off-track betting license must notify and allow objections from existing off-track betting facilities within 15 miles of the proposed off-track betting facility, instead of within 35 miles as in current law.

10. It changes the date of the Department of Agriculture, Conservation and Forestry's annual report to the Legislature on off-track betting from January 1st to March 1st.

11. It provides for reduced payments from revenues derived by an off-track betting facility first licensed after January 1, 2019 that is owned by a federally recognized Indian tribe and is located and operated in an establishment licensed to serve alcohol.

12. It allows an agricultural fair licensee to qualify for funds from the fund to supplement harness racing purses by conducting an extended meet, removing the requirement that the licensee must have conducted an extended meet in 2005.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1610 Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley

RESOLVE 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOLFELD T BLACK R	OTP-AM	H-434

This resolve amends the deed transferring land from the State to the Town of Carrabassett Valley to remove the prohibition on camping in motor vehicles.

Committee Amendment "A" (H-434)

This amendment clarifies that camping, including commercial camping, is an acceptable use of the property as long as development plans for commercial camping are approved by the State.

Enacted Law Summary

Resolve 2019, chapter 73 amends the deed transferring land from the State to the Town of Carrabassett Valley to remove the prohibition on camping in motor vehicles. The resolve also clarifies that camping, including commercial camping, is an acceptable use of the property as long as development plans for commercial camping are approved by the State.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1691 Resolve, Directing the Board of Pesticides Control To Work with the Forest Products Industry To Monitor Aerial Herbicide Applications

RESOLVE 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM OTP-AM	S-262

This bill prohibits the use of aerial herbicide spraying for the purpose of deforestation.

Committee Amendment "A" (S-262)

This amendment, which is the majority report of the committee, strikes the bill and replaces it with a resolve. The amendment requires the Board of Pesticides Control within the Department of Agriculture, Conservation and Forestry to work with representatives of the forest products industry over the next several months to monitor aerial applications of herbicides through a neutral third-party entity determined by the board and at the cost of the forest products industry.

The amendment requires the board to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 1, 2020.

Enacted Law Summary

Resolve 2019, chapter 84 requires the Board of Pesticides Control within the Department of Agriculture, Conservation and Forestry to work with representatives of the forest products industry over the next several months to monitor aerial applications of herbicides through a neutral third-party entity determined by the board and at the cost of the forest products industry.

The resolve requires the board to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 1, 2020.

LD 1699 An Act To Make a Technical Correction to the Law Governing Certification of Seed Potatoes

PUBLIC 229

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D DILL J	OTP	

This bill amends the laws regarding the certification of seed potatoes to require that a seed potato be post-harvest tested instead of winter tested.

Enacted Law Summary

Public Law 2019, chapter 229 amends the laws regarding the certification of seed potatoes to require that a seed potato be post-harvest tested instead of winter tested.

LD 1719 An Act To Improve Geographic Information System Data Acquisition and Maintenance

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMAN C	OTP-AM	S-261

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill moves the Maine Library of Geographic Information, the Geolibrary, from the Department of Administrative and Financial Services to the Department of Agriculture, Conservation and Forestry and establishes the Maine Library of Geographic Information Board in the Department of Agriculture, Conservation and Forestry to administer the Geolibrary.

This bill adds a Geolibrarian and a GIS information officer, appointed by the Commissioner of Agriculture, Conservation and Forestry, to the staff of the Maine Library of Geographic Information, to collect, perserve and disseminate data, manage funds and direct the Geolibrary's activities.

The bill repeals language allowing the administrator of the Office of Geographic Information Systems to enter into agreements with other agencies and to accept funds from public and private organizations, repeals language describing licensing agreement and fee requirements for geographic information system data and repeals language allowing the Maine Library of Geographic Information Board to hear and resolve disputes related to geographic information system data.

Committee Amendment "A" (S-261)

This amendment makes changes to the composition of the Maine Library of Geographic Information Board. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1726 An Act To Penalize Violators of Wood Shipment and Quarantine Laws CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R HICKMAN C		

This bill provides for penalties for violation of Department of Agriculture, Conservation and Forestry, Bureau of Forestry rules governing plant or wood products that may cause the introduction or spread of a dangerous forest insect or disease and rules governing the quarantine of forest or shade trees or part of a forest or shade tree capable of supporting a disease or insect infestation.

The bill sets fines at \$100 to \$1,000 for each day of a violation and from \$1,000 to \$2,000 for each day of a violation by a violator that violated the rules within the previous five-year period. It allows maximum fines to be increased to account for economic benefit and provides for the award of litigation costs in any action or proceeding brought by the Attorney General.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1728 An Act To Align the Harness Racing Laws with Current Policies PUBLIC 283
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN D DILL J	OTP	

This bill allows for the disqualification of horses participating in harness racing that are found in violation of the laws and rules governing prohibited substances and allowable levels of permitted medication and allows for the

Joint Standing Committee on Agriculture, Conservation and Forestry

forfeiture of any purses won by horses in violation of those laws and rules. It also removes language that requires the Department of Agriculture, Conservation and Forestry to provide a booklet containing harness racing laws and rules to harness racing licensees and instead requires the department to provide public access to those laws and rules.

Enacted Law Summary

Public Law 2019, chapter 283 allows for the disqualification of horses participating in harness racing that are found in violation of the laws and rules governing prohibited substances and allowable levels of permitted medication and allows for the forfeiture of any purses won by horses in violation of those laws and rules. It also removes language that requires the Department of Agriculture, Conservation and Forestry to provide a booklet containing harness racing laws and rules to harness racing licensees and instead requires the department to provide public access to those laws and rules.

Public Law 2019, chapter 283 was enacted as an emergency measure effective June 13, 2019.

LD 1747 An Act To Strengthen Maine's Hemp Program

INDEF PP

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

This bill was not referred to committee.

The federal Agricultural Act of 2014, also known as the 2014 Farm Bill, legalized the growth and cultivation of hemp in states that choose to establish agricultural pilot programs for research purposes.

This bill requires the Commissioner of Agriculture, Conservation and Forestry to establish, by rule, the Maine Hemp Pilot Program, including the application process, licensing fees and reporting requirements, consistent with the 2014 Farm Bill. Under the pilot program, a licensee may plant, grow, harvest, possess, process, sell and buy hemp as long as the purpose of the program is to study the growth, cultivation or marketing of hemp. An institution of higher education is also authorized to establish a pilot program that complies with the 2014 Farm Bill as long as it provides notice of its intention to the Department of Agriculture, Conservation and Forestry and local law enforcement and an annual report to the department regarding its research.

This bill also expressly authorizes marijuana manufacturing facilities and testing facilities licensed under the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act to obtain a license to process and test hemp and hemp-derived products that are legal under state and federal law.

Finally, this bill amends the recently enacted law that provides that food, food additives and food products containing hemp-derived cannabidiol are not considered to be "adulterated" under state law to require the Department of Health and Human Services and the Department of Agriculture, Conservation and Forestry to adopt routine technical rules regarding testing, labeling, packaging and record-keeping requirements for food, food additives or food products that contain hemp, including cannabidiol derived from hemp, and to also provisionally adopt emergency major substantive rules doing the same.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1749 An Act To Amend the State's Hemp Laws

PUBLIC 528

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D HICKMAN C	OTP-AM	S-299 H-630 HICKMAN C

This bill does the following.

1. It defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018 and defines "indoor square footage."
2. It allows a person to plant and grow up to three hemp plants on no more than one acre of land area or indoor square footage and to harvest, possess and process that hemp for personal use without a license.
3. It clarifies that a person licensed to grow hemp may grow hemp from a clone that is produced from seeds acquired from a certified seed source or hemp propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source.
4. This bill allows a person who holds a license to save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent third-party tester that the plants that will grow from the seeds will meet the definition of hemp, to use those seeds for breeding and planting hemp. It also requires a person who holds a license, within 14 days after planting hemp seeds or clones, to provide to the commissioner a listing of the varieties of seeds or clones planted and a statement that the seeds or clones meet the definition of hemp.
5. It directs the Commissioner of Agriculture, Conservation and Forestry to adopt rules to establish a certified hemp seed program based on international standards that includes a registry of seed varieties to allow a person desiring to grow hemp for commercial purposes to import hemp seeds through the Department of Agriculture, Conservation and Forestry.
6. It allows for the indoor production of hemp.
7. It increases the period a hemp license is valid from one year to two years.
8. It requires a person who is licensed to plant, grow, harvest, possess, process, sell and buy hemp to provide the commissioner with a final legal description of the land area or indoor square footage to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site, building, enclosed structure, greenhouse, high tunnel structure or row cover where hemp is growing within 14 days of planting hemp.
9. It provides that the legal description of the land area or indoor square footage to be used for the production of hemp is confidential and may be shared with state, county and local government agencies only for purposes of administration and enforcement of the law. However, the bill specifies that summary reports of information designated as confidential may be released to the public using aggregate data that does not reveal the location of a field, site, building, enclosed structure, greenhouse, high tunnel structure or row cover where hemp is grown, handled or stored.
10. It provides that hemp and hemp products may not be tracked as part of the medical use of marijuana program or the regulation of adult use marijuana. It states that the rules applicable to hemp, medical use of marijuana and adult use of marijuana may not prohibit or limit the sale of hemp or hemp products in medical marijuana dispensaries, by

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medical marijuana caregivers or in adult use marijuana establishments.

11. It requires the rules adopted by the commissioner to include rules regarding seed importation and a certified hemp seed program, testing and tracking hemp during cultivation, tracking hemp from harvest through processing to the point of sale, tracking hemp from processing to the manufacturing of hemp products and tracking and labeling for sale harvested hemp and hemp products.

12. It requires all state agencies to review the laws and rules applicable to their areas of jurisdiction that pertain to hemp seeds and crops, agricultural commodities and products derived from hemp, and topical or ingestible consumer products, including food, food additives and food products derived from hemp, and to identify laws and rules that require amendment to bring them into agreement with the Maine Revised Statutes, Title 7, chapter 406-A and Title 22, section 2158-A. The bill requires those state agencies, by January 1, 2020, to submit to the Joint Standing Committee on Agriculture, Conservation and Forestry reports, including proposals for legislation to bring their laws and rules into agreement with Title 7, chapter 406-A and Title 22, section 2158-A.

13. It fixes cross-references.

Committee Amendment "A" (S-299)

This amendment amends the bill as follows.

1. It removes from the bill provisions relating to the indoor growing of hemp, including instead and incorporating those provisions of existing law regarding the indoor growing of hemp as enacted through Public Law 2019, chapter 115, section 1.

2. It requires a person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived from hemp to be licensed under other applicable laws, such as licenses for eating establishments or liquor licenses.

3. It excludes hemp from the application of the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act and clarifies the scope of the definitions of "hashish" and "hemp" within the Maine Criminal Code.

4. It amends the Maine Food Law to provide that the sale, offering for sale or serving of a food, food additive or food product containing cannabidiol derived from hemp by a retail store, hotel, restaurant or other public eating place is not considered misbranded food if certain information regarding the product is provided on the packaging or to consumers.

5. It provides that the nonpharmaceutical or nonmedical manufacturing of food, food additives or food products within the State that contain hemp may not be prohibited within the State based solely on the inclusion of hemp.

6. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation upon the receipt of any report regarding hemp as provided for in the bill.

7. It directs the Department of Agriculture, Conservation and Forestry to establish a preliminary program for the indoor cultivation of hemp.

8. It removes from the bill the requirement that the Commissioner of Agriculture, Conservation and Forestry establish a certified hemp seed program.

9. It adds an appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-630)

This amendment amends the definition of "hemp."

Joint Standing Committee on Agriculture, Conservation and Forestry

Enacted Law Summary

Public Law 2019, chapter 528 does the following.

1. It defines "hemp" to match the definition of "hemp" in the federal Agriculture Improvement Act of 2018.
2. It allows a person to plant and grow up to three hemp plants on no more than one acre of land area or within an indoor facility and to harvest, possess and process that hemp for personal use without a license.
3. It clarifies that a person licensed to grow hemp may grow hemp from a clone that is produced from seeds acquired from a certified seed source or hemp propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source.
4. This bill allows a person who holds a license to save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent third-party tester that the plants that will grow from the seeds will meet the definition of hemp, to use those seeds for breeding and planting hemp. It also requires a person who holds a license, within 14 days after planting hemp seeds or clones, to provide to the commissioner a listing of the varieties of seeds or clones planted and a statement that the seeds or clones meet the definition of hemp.
5. It requires a person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived hemp to be licensed under other applicable laws, such as licenses for eating establishments or liquor licenses.
6. It requires a person who is licensed to plant, grow, harvest, possess, process, sell and buy hemp to provide the commissioner with a final legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site, building, enclosed structure, greenhouse, high tunnel structure or row cover where hemp is growing within 14 days of planting hemp.
7. It directs the Department of Agriculture, Conservation and Forestry to establish a preliminary program for the indoor cultivation of hemp.
8. It provides that the legal description of the land area or indoor facility to be used for the production of hemp is confidential and may be shared with state, county and local government agencies only for purposes of administration and enforcement of the law. However, summary reports of information designated as confidential may be released to the public using aggregate data that does not reveal the location of a field, site or indoor facility where hemp is grown, handled or stored.
9. It provides that hemp and hemp products may not be tracked as part of the medical use of marijuana program or the regulation of adult use marijuana.
10. It excludes hemp from the application of the Maine Medical Use of Marijuana Act and the Marijuana Legalization Act and clarifies the scope of the definitions of "hashish" and "hemp" within the Maine Criminal Code.
11. It amends the Maine Food Law to provide that the sale, offering for sale or serving of a food, food additive or food product containing cannabidiol derived from hemp by a retail store, hotel, restaurant or other public eating place is not considered misbranded food if certain information regarding the product is provided on the packaging or to consumers.
12. It requires all state agencies to review the laws and rules applicable to their areas of jurisdiction that pertain to hemp seeds and crops, agricultural commodities and products derived from hemp, and topical or ingestible

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consumer products, including food, food additives and food products derived from hemp, and to identify laws and rules that require amendment to bring them into agreement with the Maine Revised Statutes, Title 7, chapter 406-A and Title 22, section 2158-A. Those state agencies are required by January 1, 2020, to submit to the Joint Standing Committee on Agriculture, Conservation and Forestry reports, including proposals for legislation to bring their laws and rules into agreement with Title 7, chapter 406-A and Title 22, section 2158-A.

**LD 1762 Resolve, Authorizing the Transfer of a Plot of Land from the State to the
Town of Allagash**

RESOLVE 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN J	OTP-AM OTP-AM	S-301

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a parcel of land situated on Route 161 and Old Route 161 in the Town of Allagash to the Town of Allagash for community development purposes.

Committee Amendment "A" (S-301)

This amendment, which is the majority report, requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to offer to convey to the Town of Allagash a parcel of land situated on Route 161 and Old Route 161 in the Town of Allagash for the establishment of a fueling facility for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles. The amendment also stipulates that the use of the property is restricted to the operation of a fueling facility and if the property is no longer used as a fueling facility, title to the property reverts to the State of Maine without cost.

The amendment also adds an appropriations and allocations section.

Committee Amendment "B" (S-302)

This amendment, which is the minority report, requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to work with the Town of Allagash, in collaboration with the Department of Environmental Protection, regarding the siting and plans for the establishment of a fueling facility in the Town of Allagash for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles. The amendment also requires the Bureau of Parks and Lands to submit a report with findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizes the committee to submit a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

This amendment was not adopted.

Enacted Law Summary

Resolve 2019, chapter 85 requires the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to offer to convey to the Town of Allagash a parcel of land situated on Route 161 and Old Route 161 in the Town of Allagash for the establishment of a fueling facility for the local logging industry and off-road recreational vehicles, including, but not limited to, snowmobiles and all-terrain vehicles. The law also stipulates that the use of the property is restricted to the operation of a fueling facility and if the property is no longer used as a fueling facility, title to the property reverts to the State of Maine without cost.

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 1770 An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws CARRIED OVER

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

This bill clarifies in the laws governing forest practices and forest landowner and wood processor reporting requirements that the parties responsible for compliance with those laws include the landowner, the landowner's designated agent, the professional forester, the professional forester's employee and the person who conducts timber harvesting activities.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1788 An Act To Eliminate Online Burn Permit Fees for All Areas of the State CARRIED OVER

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

This bill eliminates online burn permit fees for all areas of the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1799 Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township CARRIED OVER

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

This resolve authorizes the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey 0.23 acre of land in Little Moose Unit, Moosehead Junction Township to an abutter, Charles Benevento, to resolve a boundary issue.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1843 An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry PUBLIC 453

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

Joint Standing Committee on Agriculture, Conservation and Forestry

This bill was not referred to committee.

This bill provides funding from Other Special Revenue Funds for two positions in the Department of Agriculture, Conservation and Forestry, Bureau of Land Management and Planning.

Enacted Law Summary

Public Law 2019, chapter 453 provides funding from Other Special Revenue Funds for two positions in the Department of Agriculture, Conservation and Forestry, Bureau of Land Management and Planning.

Joint Standing Committee on Agriculture, Conservation and Forestry

SUBJECT INDEX

Agricultural Development

Enacted

LD 971 **Resolve, To Establish a Specialty Crops Certification Cost-share Pilot Program** **RESOLVE 28
EMERGENCY**

Not Enacted

LD 495 **Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct a Feasibility Study on Locating a Grain Processing Facility in Aroostook County** **ONTP**

Animal Welfare

Enacted

LD 333 **An Act To Amend the Laws Governing Dangerous Dogs and Nuisance Dogs To Allow for Flexibility in Protection Dog Training** **PUBLIC 95**

LD 1049 **An Act Regarding the Sale of Cats and Dogs with Health Problems** **PUBLIC 90**

LD 1230 **An Act To Update the Civil Animal Welfare Laws** **PUBLIC 437**

Not Enacted

LD 355 **An Act To Exclude Domesticated Species Used for Agricultural Purposes from the Laws Governing Permits To Possess Wildlife in Captivity** **ONTP**

LD 556 **An Act To Protect Animals in Unattended Vehicles** **ONTP**

LD 782 **An Act Relating to Animals in Pulling Events** **ONTP**

LD 1114 **An Act To Humanely Treat Animals Trapped in Buildings** **ONTP**

LD 1311 **An Act Regarding the Sale of Dogs and Cats at Pet Shops** **HELD BY GOVERNOR**

Department of Agriculture, Conservation and Forestry

Enacted

LD 199	An Act To Create the Water Resources Planning Committee	PUBLIC 67
LD 1843	An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry	PUBLIC 453

Not Enacted

LD 445	An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To Maintain All-terrain Vehicle Trails	ONTP
LD 446	An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To Maintain Snowmobile Trails	CARRIED OVER
LD 620	An Act Regarding Licensing of Land-based Aquaculture Facilities	ONTP
LD 796	An Act To Reestablish the Department of Agriculture, Food and Rural Resources and the Department of Conservation	ONTP
LD 1719	An Act To Improve Geographic Information System Data Acquisition and Maintenance	CARRIED OVER

Food Policy

Enacted

LD 351	An Act To Ensure Accuracy in the Labeling of Maine Meat and Poultry	PUBLIC 455
LD 497	An Act Regarding the Providing of Human Food Waste to Swine Producers	PUBLIC 39
LD 786	An Act To Reduce Hunger and Promote Maine Agriculture	PUBLIC 514
LD 1159	Resolve, To End Hunger in Maine by 2030	RESOLVE 32

Not Enacted

LD 515	An Act To Require Ingredient Lists at Certain Retail Food Locations	Majority (ONTP) Report
LD 795	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food	CARRIED OVER

LD 889	An Act To Require the Labeling of Foods Made with Nanotechnology	ONTP
LD 910	An Act To Establish as a Priority the Interests of Maine Farmers, Growers and Food Producers	ONTP
LD 920	An Act To Establish the Fund To Support Local Fruits and Vegetables Purchasing	CARRIED OVER
LD 1167	An Act To Increase Consumption of Maine Foods in State Institutions	CARRIED OVER
LD 1531	An Act To Establish the Maine Food System Investment Program To Create Quality Jobs and Support Farms, Fisheries and Food-related Businesses	CARRIED OVER

Harness Racing

Enacted

LD 1728	An Act To Align the Harness Racing Laws with Current Policies	PUBLIC 283 EMERGENCY
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Not Enacted

LD 1590	An Act To Amend the Laws Relating to Harness Racing	CARRIED OVER
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Land Use Planning Commission

Not Enacted

LD 568	An Act To Change the Composition of the Maine Land Use Planning Commission	Majority (ONTP) Report
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Maine Forest Service

Enacted

LD 204	An Act To Provide Funding for a Ranger Pilot Position in the Maine Forest Service	PUBLIC 422
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Not Enacted

LD 1016	Resolve, To Require the Construction of a New District Headquarters Building for the Bureau of Forestry in Fort Kent	HELD BY GOVERNOR
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LD 1561	An Act To Amend the Maine Land Use Planning Commission Laws and Enhance the Economic Vitality of Neighboring Communities	Majority (ONTP) Report
LD 1726	An Act To Penalize Violators of Wood Shipment and Quarantine Laws	CARRIED OVER
LD 1788	An Act To Eliminate Online Burn Permit Fees for All Areas of the State	CARRIED OVER

Parks and Public Lands

Enacted

LD 125	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps	RESOLVE 80
LD 527	Resolve, Directing the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands To Establish a Law Enforcement Training Program for Park Managers and Certain Bureau Staff	RESOLVE 92
LD 1246	An Act To Protect the Health and Safety of Maine State Park Visitors and Staff	PUBLIC 110
LD 1610	Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley	RESOLVE 73
LD 1762	Resolve, Authorizing the Transfer of a Plot of Land from the State to the Town of Allagash	RESOLVE 85

Not Enacted

LD 169	An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks and Historic Sites	CARRIED OVER
LD 233	An Act To Move the Bureau of Parks and Lands from the Department of Agriculture, Conservation and Forestry to the Department of Inland Fisheries and Wildlife	ONTP
LD 723	An Act To Enhance Resource Management of Submerged Lands beneath Impounded Waters	ONTP
LD 1270	An Act To Create Certain Recreational Opportunities on State-owned Land	CARRIED OVER
LD 1316	An Act To Make It Explicit That Maine Holds Title to Its Intertidal Lands	ONTP
LD 1323	An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands	Minority (ONTP) Report

LD 1540	An Act Concerning Timber Harvesting on Public Lands and in State Parks, Historic Sites and the Restricted Zone of the Allagash Wilderness Waterway	ONTP
LD 1574	An Act To Continue Authorization of Seaplane Landings on Katahdin Lake	ONTP
LD 1799	Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township	CARRIED OVER

Pest Management

Enacted

LD 1273	An Act To Ensure Funding for Certain Essential Functions of the University of Maine Cooperative Extension Pesticide Safety Education Program	PUBLIC 243
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Not Enacted

LD 643	An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations	Majority (ONTP) Report
LD 785	Resolve, Directing the Board of Pesticides Control To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management	INDEF PP
LD 840	An Act Regarding the Control of Browntail Moths	ONTP
LD 908	An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public	CARRIED OVER
LD 1037	An Act To Address the Browntail Moth Infestation	CARRIED OVER
LD 1518	An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory	HELD BY GOVERNOR

Pesticides

Enacted

LD 36	An Act To Change the Composition of the Board of Pesticides Control	PUBLIC 192
LD 1691	Resolve, Directing the Board of Pesticides Control To Work with the Forest Products Industry To Monitor Aerial Herbicide Applications	RESOLVE 84

Not Enacted

LD 101 An Act To Reestablish the Pesticide Notification Registry Leave to Withdraw Pursuant to Joint Rule 310

Regulated Products

Enacted

LD 24 Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission RESOLVE 16 EMERGENCY

LD 127 An Act To Amend the Laws Governing Maine Potato Board Districts PUBLIC 6

LD 145 An Act Regarding the Membership of the Wild Blueberry Commission of Maine PUBLIC 186

LD 292 An Act To Feed Maine's Residents by Allowing Dairy Dealers and Producers in the State To Donate Fresh Milk to Food Banks in the State PUBLIC 357

LD 523 An Act To Permit the Indoor Production of Industrial Hemp PUBLIC 115 EMERGENCY

LD 630 An Act To Clarify That Food, Food Additives and Food Products Containing Hemp-derived Cannabidiol Produced and Sold within the State Are Not Adulterated and To Match the State's Definition of "Hemp" to the Definition in Federal Law PUBLIC 12 EMERGENCY

LD 939 An Act Regarding the Regulation of Rabbit Production for Local Consumption PUBLIC 73

LD 1482 An Act To Clarify Provisions of the Blueberry Tax PUBLIC 222

LD 1699 An Act To Make a Technical Correction to the Law Governing Certification of Seed Potatoes PUBLIC 229

LD 1749 An Act To Amend the State's Hemp Laws PUBLIC 528

Not Enacted

LD 269 An Act To Match the State's Definition of "Hemp" to the Definition in Federal Law Leave to Withdraw Pursuant to Joint Rule 310

LD 569 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Submit to the United States Secretary of Agriculture a Plan for Continued Implementation of the Maine Industrial Hemp Program CARRIED OVER

LD 1103	An Act To Increase the Number of Members of the Wild Blueberry Commission of Maine	Leave to Withdraw Pursuant to Joint Rule 310
LD 1747	An Act To Strengthen Maine's Hemp Program	INDEF PP

Timber Harvesting

Not Enacted

LD 1040	An Act To Waive the Variance Process for Harvesting Timber in a Shoreland Zone	ONTP
LD 1770	An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws	CARRIED OVER

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

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

August 2019

STAFF:

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Joint Standing Committee on Appropriations and Financial Affairs

LD 12 An Act To Authorize a General Fund Bond Issue for the Design and Construction of a New Fish Hatchery and To Improve Hatchery Infrastructure CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$40,000,000, will be used for the design and construction of a new fish hatchery and to improve hatchery infrastructure in the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 16 An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M VITELLI E		

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to improve waterfront and coastal infrastructure in municipalities to address sea level rise.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 47 An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B		

The funds provided by this bond issue, in the amount of \$25,000,000, will be used for the rehabilitation or new construction of fire stations by municipalities.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 48 An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B		

The funds provided by this bond issue, in the amount of \$15,000,000, will be used for capital construction costs for housing for persons who are homeless.

Joint Standing Committee on Appropriations and Financial Affairs

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 111 An Act To Authorize a General Fund Bond Issue for Research and CARRIED OVER
Development and Commercialization

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

The funds provided by this bond issue, in the amount of \$250,000,000 issued in \$50,000,000 increments over a five-year period, will be used to provide funds for research and development and commercialization as prioritized by the Maine Innovation Economy Advisory Board's most recent innovation economy action plan and the Office of Innovation's most recent science and technology action plan. The funds must be allocated in support of technological innovation leading to commercialization in the targeted sectors of life sciences and biomedical technology, environmental and renewable energy technology, information technology, advanced technologies for forestry and agriculture, aquaculture and marine technology, composites and advanced materials and precision manufacturing. The funds must be awarded through a competitive process and to Maine-based public and private institutions to leverage matching private and federal funds on at least a one-to-one basis.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 126 An Act To Authorize a General Fund Bond Issue To Acquire Significant CARRIED OVER
Historic Properties for Resale and Rehabilitation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CARPENTER M		

The funds provided by this bond issue, in the amount of \$2,000,000, will be used to provide funds to the Maine Historic Preservation Commission to capitalize the Historic Preservation Revolving Fund for the purpose of acquiring significant historic properties for resale and rehabilitation.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 148 An Act To Authorize a General Fund Bond Issue To Recapitalize the CARRIED OVER
School Revolving Renovation Fund and To Give Priority Status to
Certain School Facility Upgrades

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R JORGENSEN E		

The funds provided by the bond issue in Part A of this bill, in the amount of \$50,000,000, will be used to recapitalize the School Revolving Renovation Fund for the purpose of providing funds to public schools for renovation and capital repairs.

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Part B of this bill gives upgrades of facilities required to meet prekindergarten facility standards and for prekindergarten capacity building Priority 4 status for loans from the fund to school administrative units for school repair and renovation.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 149 An Act To Authorize a General Fund Bond Issue To Provide Student Debt Forgiveness To Support Workforce Attraction and Retention CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N DAUGHTRY M	REFERRED/ONTP ONTP	

The funds provided by this bond issue, in the amount of \$250,000,000, will be used to provide funds for payment of student loan debt for individuals who agree to live and work in Maine for five years and to reimburse employers that make student loan debt payments on behalf of their employees who agree to live and work in Maine for five years. Part B of the bill establishes the Maine Student Loan Debt Relief Program and the Maine Student Loan Debt Relief Fund and requires the Finance Authority of Maine to adopt major substantive rules to implement the program and submit the rules to the Second Regular Session of the 129th Legislature.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 172 An Act To Authorize a General Fund Bond Issue To Invest in Smart City Technology CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M LIBBY N		

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to provide funds through the Maine Technology Institute to allow municipalities to invest in smart and connected infrastructure, technology and capacity, including but not limited to information and communications technology such as broadband connectivity, connected sensors and data aggregation platforms; light-emitting diode lighting; adaptive traffic control signals; autonomous vehicle projects; electric vehicle infrastructure; and distributed power generation, storage and management.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 295 An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M		

The funds provided by this bond issue, in the amount of \$100,000,000, will be used for the provision of broadband Internet service in unserved and underserved areas through ConnectME Authority grants to partnerships between private, municipal and nongovernmental service providers.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 299 An Act To Authorize a General Fund Bond Issue To Assist Schools, Municipalities and Counties in Using Emerging Technologies and Energy Alternatives to Fossil Fuels in Heating, Electrical and Other Utility Systems CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J CARSON B		

The funds provided by this bond issue, in the amount of \$15,000,000, will be used to assist schools, municipalities and counties in using emerging technologies and energy alternatives to fossil fuels in heating, electrical and other utility systems. The Finance Authority of Maine is directed to establish an application process and requirements for distribution of the funds.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 310 An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

This bill is a concept draft pursuant to Joint Rule 208. This emergency bill proposes to adjust certain appropriations and allocations from the General Fund and other funds for the expenditures of State Government related to position changes and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2019.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 311 An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

This bill is a concept draft pursuant to Joint Rule 208. This emergency bill proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and to change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2020 and June 30, 2021.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 341 An Act To Authorize a General Fund Bond Issue for the Construction of a Convention Center in Portland CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$150,000,000, will be used for the construction of a convention center in Portland.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 354 An Act To Authorize a General Fund Bond Issue To Encourage the Provision of Reliable High-speed Internet in Rural Underserved Areas of Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E GATTINE D		

The funds provided by this bond issue, in the amount of \$20,000,000, will be used for encouraging the provision of reliable high-speed Internet in rural underserved areas of Maine.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 381 An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D MILLETT R		

The funds provided by this bond issue, in the amount of \$20,000,000, will be used to replace existing infrastructure systems of the Maine Public Broadcasting Corporation that carry the emergency alert system.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 394 An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS D MIRAMANT D	REFERRED/ONTP ONTP	

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The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds to the Finance Authority of Maine for zero-interest student loans and loan consolidation or refinancing interest rate reductions for certain Maine residents who agree to live and work in Maine for at least 5 years. The bill creates the Maine Student Loan Debt Relief Program. Under the program, zero-interest loans up to \$10,000 per year for a maximum of 5 years are available to certain Maine residents who study at qualified in-state institutions of higher education and agree to live and work in Maine for at least 5 years following graduation. Loans bearing an annual interest rate of the prime rate of interest plus 2% are available to those who do not live and work in the State upon graduation. The Finance Authority of Maine may provide interest rate reduction payments to residents who use the authority's existing loan consolidation and refinancing program. This option is available to individuals who studied in Maine or outside of Maine and agree to live and work in Maine for at least 5 years. The bill exempts from Maine income tax any benefits received under the program to the extent included in federal adjusted gross income and prohibits individuals who have received benefits under the program from receiving the Maine educational opportunity tax credit.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 400 An Act To Authorize a General Fund Bond Issue for Food Processing CARRIED OVER
Infrastructure in Targeted Areas of the State

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

The funds provided by this bond issue, in the amount of \$20,000,000, will be used for food processing infrastructure in targeted areas of the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 423 An Act To Authorize a General Fund Bond Issue To Preserve Historic CARRIED OVER
Properties for Maine's Bicentennial

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

The funds provided by this bond issue, in the amount of \$5,000,000, will be used to undertake a program as part of the commemoration of the State's bicentennial to preserve historic properties listed or eligible to be listed in the National Register of Historic Places.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 455 An Act To Authorize a General Fund Bond Issue To Expand Maine's Research, Development, Commercialization and Clinical Infrastructure Assets To Improve Outcomes for Maine Families with Members Suffering from Alzheimer's, Dementia and Other Diseases of Aging CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L HUBBELL B		

The funds provided by this bond issue, in the amount of \$65,000,000, to the Maine Technology Institute will be used for investment in research, development, commercialization and clinical infrastructure assets in Maine in the target sectors of life sciences and biomedical technology, including equipment and technology upgrades that improve outcomes for Maine families suffering from Alzheimer's, dementia and other diseases of aging, and to enable organizations to gain and hold market share and expand employment or preserve jobs. The funds must be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in at least a one-to-one ratio.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 457 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S WARREN C		

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to fund a grant program to invest in projects along the State's rivers that contribute to economic, environmental and community development and revitalization, promote economic activity, protect the environment and enhance quality of life for Maine people.

LD 469 An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$50,000,000 in fiscal year 2019-20 and \$50,000,000 in fiscal year 2020-21, will be used to provide funds to the School Revolving Renovation Fund for the purpose of providing funds to public schools to upgrade learning spaces in school buildings and make other necessary repairs.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 535 An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B LIBBY N		

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to repair and reconstruct state-owned railroad lines, improve infrastructure on a railway crossing in the Town of Yarmouth and improve the railroad line between the cities of Lewiston and Auburn and the City of Portland.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 537 An Act To Authorize a General Fund Bond Issue To Support the Gulf of Maine Research Institute's Establishment of a Near-shore Coastal Sensor Network CARRIED OVER

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

The funds provided by this bond issue, in the amount of \$2,000,000, will be used to support the Gulf of Maine Research Institute's establishment of a near-shore coastal sensor network to gather oceanographic data, track changes in state waters, predict changes and support persons who engage in commercial fishing and aquaculture as they adapt to a changing ocean.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 547 An Act To Authorize a General Fund Bond Issue To Support Maine Aquaculture CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B SYLVESTER M		

The funds provided by this bond issue, in the amount of \$25,000,000, will be used to provide funds to the Gulf of Maine Research Institute to study and promote Maine aquaculture.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 602 An Act To Authorize a General Fund Bond Issue To Support Research and Development in Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J HUBBELL B		

Joint Standing Committee on Appropriations and Financial Affairs

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for investment in research, development and commercialization in the State's 7 targeted technology sectors to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share, to increase revenues and to expand employment or preserve jobs, including in the biotechnical and biomedical sectors by attracting more research capacity and in the forest products sector by using Maine fiber to reduce carbon emissions. The funds must be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 611 An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This emergency bill proposes to provide supplemental appropriations and allocations necessary for the operation of State Government for the fiscal year ending June 30, 2019.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 741 An Act To Return Surplus Money to Maine Taxpayers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J WOODSOME D		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to distribute the funds in the State treasury by placing in the General Fund only the amount necessary to cover the outstanding obligations of the State required by law, such as for bond debt and payment of contracts and salaries. Of the funds not placed in the General Fund, 75% will be refunded to Maine taxpayers on a pro rata basis, based on tax data for the 2018 tax year and 25% will be deposited in the Maine Budget Stabilization Fund.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 789 An Act To Appropriate General Fund Money for Basic Government Functions CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C GATTINE D		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to appropriate money from the General Fund to support basic government functions.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 792 An Act To Amend the Laws Governing the Issuance of Bonds

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J		

This bill makes the following changes to the laws governing the issuance of bonds:

1. It requires the Governor to issue a general obligation bond that has been ratified by the legal voters of the State unless one of 5 specific conditions exists, and it requires the Governor to provide certain information upon delaying or forgoing issuance of a bond;
2. It eliminates the requirement that registered bonds bear the facsimile signature of the Governor; and
3. It provides that the bill applies to all general obligation bonds ratified by the voters but as yet unissued as well as all future general obligation bonds ratified by the voters.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 794 An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S BICKFORD B		

The funds provided by this bond issue, in the amount of \$6,000,000, will be used to provide funds to recapitalize the Municipal Investment Trust Fund to provide grants and loans to municipalities for public facilities and infrastructure.

LD 859 An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers and Regions

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R HERBIG E		

The funds provided by this bond issue, in the amount of \$40,000,000, will be used to provide funds to make capital improvements to, and purchase equipment for, career and technical education centers and regions for high school students.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 861 An Act To Authorize a General Fund Bond Issue To Complete the CARRIED OVER
Renovation of a Wharf and Bulkhead in Portland for Marine Research

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M CHIPMAN B		

The funds provided by this bond issue, in the amount of \$3,000,000, will be used to complete the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation for a fishing vessel berthing resource to support marine research at sea and for continued long-term marine job development.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 911 An Act To Authorize a General Fund Bond Issue To Promote Land CARRIED OVER
Conservation, Working Waterfronts, Water Access and Outdoor
Recreation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C COREY P		

The funds provided by this bond issue, in the amount of \$95,000,000, will be used to provide funds for the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands and the Land for Maine's Future Board.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 923 An Act To Authorize a General Fund Bond Issue To Upgrade Municipal CARRIED OVER
Culverts at Stream Crossings

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S FARRIN B		

The funds provided by this bond issue, in the amount of \$5,000,000, will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to enhance and restore rivers, streams and fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 968 An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021 CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This emergency bill proposes to make supplemental appropriations and allocations and change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2020 and June 30, 2021.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 969 An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019 CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This emergency bill proposes to make supplemental appropriations and allocations and change certain provisions of the law necessary to the proper operations of State Government for the fiscal year ending June 30, 2019.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1000 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019 PUBLIC 4 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C	OTP-AM	H-6

PART A of the bill makes appropriations and allocations.

PART B repeals the limited lifetime maximum coverage and reimbursement of 24 months under the MaineCare program for buprenorphine and naloxone combination drugs for the treatment of addiction.

PART C repeals the limited lifetime maximum reimbursement of 24 months under the MaineCare program for methadone for the treatment of addiction.

PART D repeals the laws governing the former Downeast Correctional Facility and establishes a Department of

Joint Standing Committee on Appropriations and Financial Affairs

Corrections prerelease center in Washington County.

PART E transfers the remaining funds in the cost recovery fund of the Public Utilities Commission to the unappropriated surplus of the General Fund in fiscal year 2018-19.

PART F transfers any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Food Supplement Administration program, Federal Expenditures Fund to the Food Supplement Administration program, Other Special Revenue Funds.

PART G imposes an additional assessment on electric utility entities for fiscal year 2018-19 to provide funding to the Office of the Public Advocate in order to fund the costs of representing ratepayers in rate cases.

Committee Amendment "A" (H-6)

This amendment strikes and replaces the bill.

PART A of the amendment makes appropriations and allocations.

PART B repeals the limited lifetime maximum coverage and reimbursement of 24 months under the MaineCare program for buprenorphine and naloxone combination drugs for the treatment of addiction.

PART C repeals the limited lifetime maximum reimbursement of 24 months under the MaineCare program for methadone for the treatment of addiction.

PART D provides that the remaining funds in the cost recovery fund of the Public Utilities Commission may not be transferred without legislature approval.

PART E requires the State Controller to transfer any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Department of Health and Human Services, Food Supplement Administration program, Federal Expenditures Fund to the Department of Health and Human Services, Food Supplement Administration program, Other Special Revenue Funds.

PART F imposes an additional assessment on electric utility entities for fiscal year 2018-19 to provide funding to the Office of the Public Advocate in order to fund the costs of representing ratepayers in rate cases.

Enacted Law Summary

Public Law 2019, chapter 4 does the following.

PART A makes appropriations and allocations.

PART B repeals the limited lifetime maximum coverage and reimbursement of 24 months under the MaineCare program for buprenorphine and naloxone combination drugs for the treatment of addiction.

PART C repeals the limited lifetime maximum reimbursement of 24 months under the MaineCare program for methadone for the treatment of addiction.

PART D provides that the remaining funds in the cost recovery fund of the Public Utilities Commission may not be transferred without legislature approval.

PART E requires the State Controller to transfer any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Department of Health and Human Services, Food Supplement Administration program, Federal Expenditures Fund to the Department of Health and Human Services, Food Supplement Administration program, Other Special Revenue Funds.

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PART F imposes an additional assessment on electric utility entities for fiscal year 2018-19 to provide funding to the Office of the Public Advocate in order to fund the costs of representing ratepayers in rate cases.

Public Law 2019, chapter 4 was enacted as an emergency measure effective March 14, 2019.

LD 1001 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021

**PUBLIC 343
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C	OTP-AM OTP-AM ONTP	H-586

This bill is a concept draft pursuant to Joint Rule 208. This bill as emergency legislation proposes to make unified appropriations and allocations for the expenditures of State Government, General Fund and other funds and change certain provisions of the law necessary to the proper operations of State Government for the fiscal years ending June 30, 2019, June 30, 2020 and June 30, 2021, as submitted by the Governor pursuant to the Maine Revised Statutes, Title 5.

The summary below does not include changes or additions proposed by the Governor’s “Change Package.”

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes for fiscal year 2019-20 the total cost of education from kindergarten to grade 12, the state contribution and the annual target state share percentage.

PART D renames the Governor's Office of Policy and Management as the Governor's Office of Policy Innovation and the Future.

PART E authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount up to \$55,000,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART F revises the selection of the chair of the Revenue Forecasting Committee, beginning in calendar year 2019, to designation by the 6 members, from among the members excluding the State Budget Officer, on a rotating basis for a 2-year term. The exclusion is to avoid a conflict with the duties of the State Budget Officer established in current law that include convening a meeting of the Revenue Forecasting Committee if new information becomes available.

PART G implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards. This Part also expands background checks to apply to all employees of the Department of Administrative and Financial Services, Maine Revenue Services. It also corrects numerous lettering conflicts that occurred when two separate public laws enacted substantively different laws with the same paragraph letters.

PART H sets the transfer to the Local Government Fund for state-municipal revenue sharing at 2.5% in fiscal year

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2019-20 and 3% in fiscal year 2020-2021 and restricts the spending the additional amount of revenue sharing for municipalities that have already established its budget for 2019.

PART I provides funding from the Salary Plan program for salary increases for positions in the Department of Administrative and Financial Services, Maine Revenue Services classified as a Tax Examiner, Tax Examiner II, Senior Tax Examiner and Tax Section Manager for fiscal years 2019-20 and 2020-21.

PART J transfers remaining funds from the, no longer used, Department of Administrative and Financial Services, Elderly Tax Deferral Program, Other Special Revenue Funds account, to the General Fund unappropriated surplus.

PART K continues authorization for each individual tax expenditure provided by statute.

PART L continues the voluntary employee incentive program through the 2020-2021 biennium.

PART M carries any remaining balances in the Debt Service - Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

PART N increases the attrition rate for the 2020-2021 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

PART O authorizes the Department of Administrative and Financial Services to enter into financial agreements related to the modernization of the tax collection system and sets out certain specifications for the system.

PART P authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART Q authorizes the Department of Administrative and Financial Services, on behalf of the Department of Public Safety, to enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police.

PART R transfers \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus in fiscal year 2018-19.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements related to the modernization of computer hardware, software and other systems to support a child welfare system for specified amounts and duration.

PART T allows money deposited in the animal welfare auxiliary fund to be used for costs associated with Department of Agriculture, Conservation and Forestry laboratory services needed to control or eradicate diseases affecting equines.

PART U moves the Harness Racing Promotional Fund to the Harness Racing Commission program.

Part V removes the explicit provision that all funds of the Natural Areas Conservation Fund are subject to allocation by the Legislature. Allotments in excess of Legislative allocation are currently, and would still be, allowed under MRSA Title 5 §1667-A.

Part W removes the explicit provision that certain funds accepted by the Bureau of Parks and Public Lands are subject to allocation by the Legislature. Allotments in excess of Legislative allocation are currently, and would still be, allowed under MRSA Title 5 §1667-A.

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Part X removes the explicit provision that funds received from the Federal Government for purposes related to property included in the National Register of Historic Places are subject to allocation by the Legislature.

PART Y eliminates the Maine State Parks and Recreational Facilities Development Fund and the Maine State Parks Fund and replaces the 2 funds with the new Parks General Operations Fund. It also makes the Forest Recreation Resource Fund and the State Parks Improvement Fund separate units of the Parks General Operations Fund and authorizes a transfer of any remaining balance in these accounts to the Parks General Operations Fund account.

PART Z removes the explicit provision that expenditures from the Public Reserved Lands Management Fund are subject to review by the joint standing committee of the Legislature having jurisdiction over public land matters.

PART AA consolidates the Allagash Wilderness Waterway Permanent Endowment Fund within the Parks - General Operations program and authorizes a transfer of any remaining balance in the Allagash Wilderness Waterway Permanent Endowment Fund account, Other Special Revenue Funds to the Allagash Waterway account, Other Special Revenue Funds in the Parks - General Operations program.

PART BB removes the explicit provision that all funds of the Maine Rivers Protection Fund are subject to allocation by the Legislature. Allotments in excess of Legislative allocation are currently, and would still be, allowed under MRSA Title 5 §1667-A and §1667-B.

PART CC renames the Geological Survey program the Geology and Resource Information program.

PART DD transfers remaining balances in the Submerged Lands and Shore and Harbor accounts to a new program within the Department of Agriculture, Conservation and Forestry.

PART EE transfers the remaining balance in the Boating Facilities Fund program to the Boating Facilities Fund account in the Off-road Recreational Vehicles Program within the Department of Agriculture, Conservation and Forestry.

PART FF transfers the remaining balance in the Municipal Planning Assistance program to the Geological Survey program within the Department of Agriculture, Conservation and Forestry.

PART GG transfers the remaining balance in the Coastal Island Registry account to the Submerged Lands Fund account in the Submerged Lands and Island Registry program within the Department of Agriculture, Conservation and Forestry.

PART HH transfers the remaining balance in the Floodplain Management program accounts to the accounts in the Geological Survey program within the Department of Agriculture, Conservation and Forestry.

PART II transfers the remaining balance in several accounts in the Department of Agriculture, Conservation and Forestry after consolidating the accounts in the Parks - General Operations program.

PART JJ transfers the remaining balances in the Holbrook Island Sanctuary account, the Wolf Neck Woods State Park account and the Mackworth account to the Vaughan Woods State Park account in the Parks - General Operations program within the Department of Agriculture, Conservation and Forestry.

PART KK authorizes a one-time transfer of all funds in excess of \$500,000 from the unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to fund the overhaul of existing helicopters.

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PART LL gives the Chief Medical Examiner authority to promote immediately a Medicolegal Death Investigator I to Medicolegal Death Investigator II as long as the Medicolegal Death Investigator I participates in training and education and demonstrates competencies for the higher classification.

PART MM authorizes the Department of Corrections to transfer, by financial order, funding in the Personal Services, All Other or Capital Expenditures line categories between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART NN requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and requires the State Budget Officer to transfer positions and available balances by financial order during a specified period. Any transfers resulting in a mission change or facility closure must comply with the statutory requirements for legislative review.

PART OO relocates the Technical Building Codes and Standards Board from the Department of Public Safety to the Department of Economic and Community Development and authorizes the transfer of remaining balances in the Other Special Revenue account.

PART PP establishes the Maine Office of Outdoor Recreation in the Department of Economic and Community Development, Office of Tourism.

PART QQ requires the Department of Economic and Community Development to provide staff to the ConnectME Authority to serve as the central broadband planning board for the State and clarifies certain responsibilities of the ConnectME Authority.

PART RR requires that the first \$2,500,000 of revenues from the real estate transfer tax that would have been deposited into the Housing Opportunities for Maine Fund within the Maine State Housing Authority in each year of the biennium be credited to the General Fund and appropriated to the Department of Economic and Community Development for support of economic and business growth.

PART SS changes the name of the Director of Policy and Programs in the Department of Education to the Director of Legislative Affairs.

PART TT adds a Chief of Staff and Operations position as a major policy-influencing position within the Department of Education appointed by the Commissioner of Education.

PART UU increases the minimum salary for certified teachers to \$40,000 beginning in school year 2020-2021.

PART VV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators for the learning technology program in fiscal years 2019-20 and 2020-21.

PART WW eliminates the language that prohibits expenditures in the Maine Environmental Protection Fund above allocations approved by the Legislature.

PART XX increases from \$500 to \$3,500 the annual allowable reimbursement to the State Historian from the existing appropriation of the Maine Historic Preservation Commission.

PART YY corrects the name of the Office of MaineCare Services program as it appears in statute.

PART ZZ changes the household income eligibility guidelines in the elderly low-cost drug program from 175% to 185% of the federal poverty level.

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PART AAA repeals an obsolete section of the Maine Revised Statutes that relates to the former Department of Mental Health and Corrections.

PART BBB codifies two types of MaineCare eligibility and benefits that Maine already provides in regulations. One relates to coverage for 19 and 20 year olds and the second relates to the Medicare buy-in program.

PART CCC repeals the law that allows the Department of Health and Human Services to administer a drug test to certain recipients of Temporary Assistance for Needy Families, or TANF, assistance and to deny TANF assistance to a person who tests positive for an illegal drug unless the person enrolls in a substance use disorder treatment program.

PART DDD repeals the provision of law that establishes the Children's Mental Health Oversight Committee and fixes cross-references.

PART EEE updates the base year for the hospital tax and requires future updates.

PART FFF authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2020-2021 biennium.

PART GGG authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services.

PART HHH authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare, MaineCare-related and non-MaineCare-related accounts and available Personal Services balances between the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program.

PART III authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2020-2021 biennium.

PART JJJ authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this legislation over which it has specific authority that has not been addressed by some other Part of this legislation without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART KKK requires the Department of Health and Human Services to conduct a study of the population covered under the expansion of Medicaid.

PART LLL suspends the Fiscal Stability Program until the 2022-2023 biennium.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in each year of the biennium.

PART NNN provides for salary increase of 5% for judges and justices of the state courts in each of the fiscal years 2019-20 and 2020-21 without regard to changes in the Consumer Price Index.

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PART OOO removes the Director of Labor Standards within the Department of Labor from salary range 86.

PART PPP removes obsolete dates and repeals the provision that requires the Department of Labor, Bureau of Rehabilitation Services to maintain a legal interpreting fund to reimburse attorneys for the costs of providing interpreting or computer-assisted real-time transcription services. It does not change the requirements under both state and federal law that attorneys provide qualified interpreting services when needed to represent their clients.

PART QQQ amends the preference in state hiring that grants an interview to a person with a disability who meets the minimum qualifications for any open position in order to comply with the federal Americans with Disabilities Act.

PART RRR allows the Commissioner of Labor to enter into reciprocal agreements with other states or the Federal Government to recover overpayment of unemployment insurance benefits owed in this State.

PART SSS removes the term “illegal” from the header portion of statute regarding benefit payments to aliens.

PART TTT delays the beginning date until January 1, 2022 for changes to the unemployment compensation experience rating record of the most recent subject employer.

PART UUU modernizes laws concerning the Department of Labor, Bureau of Rehabilitation Services and the Public Utilities Commission relating to telecommunications equipment funding for the deaf and hard of hearing to reflect changes in technology and the use of such services by individuals with disabilities.

PART VVV repeals the requirement that the Department of Labor provide monthly written reports to the joint standing committee of the Legislature having jurisdiction over labor matters and to report annually in person to the committee regarding participation in training programs and expenditures made for support services for participants in training programs.

PART WWW removes a reporting date in order to allow the Department of Labor to align its state reporting with federal reporting requirements.

PART XXX increases the salary range of the Director, Office of Professional and Occupational Regulation position from range 88 to range 90 in the Department of Professional and Financial Regulation.

PART YYY transfers remaining balances in the Statewide Outreach account into the Bureau of Consumer Credit Protection account, both of which are within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection program.

PART ZZZ carries forward unexpended All Other funds as of June 30, 2020 in the Department of Secretary of State, Elections and Commissions program to the next fiscal year to be used as matching funds for the federal Help America Vote Act of 2002.

PART AAAA carries forward balances in the Office of Treasurer of State, Debt Service - Treasury program to the 2020-2021 biennium.

PART BBBB transfers \$29,000,000 from the Fund for a Healthy Maine dedicated revenue to the MaineCare Stabilization Fund during fiscal year 2018-19 and also authorizes a transfer from the MaineCare Stabilization Fund up to \$29,000,000 for MaineCare payments.

PART CCCC authorizes the Department of Health and Human Services to transfer available All Other balances of appropriations for the purpose of the information system modernization project in the office of aging and disability services within the Department of Health and Human Services, office of aging and disability services.

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Committee Amendment "A" (H-586)

This is the majority report of the committee.

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes for fiscal year 2019-20 the total cost of education from kindergarten to grade 12, the state contribution and the annual target state share percentage.

PART D renames the Governor's Office of Policy and Management as the Governor's Office of Policy Innovation and the Future.

PART E authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount up to \$55,000,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART F revises the selection of the chair of the Revenue Forecasting Committee, beginning in calendar year 2019, to designation by the 6 members, from among the members excluding the State Budget Officer, on a rotating basis for a two-year term. The exclusion is to avoid a conflict with the duties of the State Budget Officer established in current law that include convening a meeting of the Revenue Forecasting Committee if new information becomes available.

PART G implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards. This Part also expands background checks to apply to all employees of the Department of Administrative and Financial Services, Maine Revenue Services. It also corrects numerous lettering conflicts that occurred when two separate public laws enacted substantively different laws with the same paragraph letters.

PART H sets the transfer to the Local Government Fund for state-municipal revenue sharing at 3% in fiscal year 2019-20 and 3.75% in fiscal year 2020-2021 and restricts the spending the additional amount of revenue sharing for municipalities that have already established its budget for 2019; increases the value of the homestead exemption benefit under the Maine resident homestead property tax exemption from \$20,000 to \$25,000 and increases the state reimbursement to municipalities for the lost property tax revenue from 62.5% to 70%; and changes the formula for calculation of the property tax fairness credit.

PART I provides funding from the Salary Plan program for salary increases for positions in the Department of Administrative and Financial Services, Maine Revenue Services classified as a Tax Examiner, Tax Examiner II, Senior Tax Examiner and Tax Section Manager for fiscal years 2019-20 and 2020-21.

PART J transfers remaining funds from the, no longer used, Department of Administrative and Financial Services, Elderly Tax Deferral Program, Other Special Revenue Funds account, to the General Fund unappropriated surplus.

PART K continues authorization for each individual tax expenditure provided by statute.

PART L continues the voluntary employee incentive program through the 2020-2021 biennium.

PART M carries any remaining balances in the Debt Service - Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

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PART N increases the attrition rate for the 2020-2021 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

PART O authorizes the Department of Administrative and Financial Services to enter into financial agreements related to the modernization of the tax collection system and sets out certain specifications for the system.

PART P authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART Q authorizes the Department of Administrative and Financial Services, on behalf of the Department of Public Safety, to enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police.

PART R transfers \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus in fiscal year 2018-19.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements related to the modernization of computer hardware, software and other systems to support a child welfare system for specified amounts and duration.

PART T allows money deposited in the animal welfare auxiliary fund to be used for costs associated with Department of Agriculture, Conservation and Forestry laboratory services needed to control or eradicate diseases affecting equines.

PART U moves the Harness Racing Promotional Fund to the Harness Racing Commission program.

PARTS V, W and X are intentionally left blank.

PART Y eliminates the Maine State Parks and Recreational Facilities Development Fund and the Maine State Parks Fund and replaces the 2 funds with the new Parks General Operations Fund. It also makes the Forest Recreation Resource Fund and the State Parks Improvement Fund separate units of the Parks General Operations Fund and authorizes a transfer of any remaining balance in these accounts to the Parks General Operations Fund account.

PART Z is intentionally left blank.

PART AA consolidates the Allagash Wilderness Waterway Permanent Endowment Fund within the Parks - General Operations program and authorizes a transfer of any remaining balance in the Allagash Wilderness Waterway Permanent Endowment Fund account, Other Special Revenue Funds to the Allagash Waterway account, Other Special Revenue Funds in the Parks - General Operations program.

PART BB is intentionally left blank.

PART CC renames the Geological Survey program the Geology and Resource Information program.

PART DD transfers remaining balances in the Submerged Lands and Shore and Harbor accounts to a new program within the Department of Agriculture, Conservation and Forestry.

PART EE transfers the remaining balance in the Boating Facilities Fund program to the Boating Facilities Fund account in the Off-road Recreational Vehicles Program within the Department of Agriculture, Conservation and Forestry.

PART FF transfers the remaining balance in the Municipal Planning Assistance program to the Geological Survey

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program within the Department of Agriculture, Conservation and Forestry.

PART GG transfers the remaining balance in the Coastal Island Registry account to the Submerged Lands Fund account in the Submerged Lands and Island Registry program within the Department of Agriculture, Conservation and Forestry.

PART HH transfers the remaining balance in the Floodplain Management program accounts to the accounts in the Geological Survey program within the Department of Agriculture, Conservation and Forestry.

PART II transfers the remaining balance in several accounts in the Department of Agriculture, Conservation and Forestry after consolidating the accounts in the Parks - General Operations program.

PART JJ transfers the remaining balances in the Holbrook Island Sanctuary account, the Wolf Neck Woods State Park account and the Mackworth account to the Vaughan Woods State Park account in the Parks - General Operations program within the Department of Agriculture, Conservation and Forestry.

PART KK authorizes a one-time transfer of all funds in excess of \$500,000 from the unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to fund the overhaul of existing helicopters.

PART LL gives the Chief Medical Examiner authority to promote immediately a Medicolegal Death Investigator I to Medicolegal Death Investigator II as long as the Medicolegal Death Investigator I participates in training and education and demonstrates competencies for the higher classification.

PART MM authorizes the Department of Corrections to transfer, by financial order, funding in the Personal Services, All Other or Capital Expenditures line categories between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART NN requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and requires the State Budget Officer to transfer positions and available balances by financial order during a specified period. Any transfers resulting in a mission change or facility closure must comply with the statutory requirements for legislative review.

PART OO is intentionally left blank.

PART PP establishes the Maine Office of Outdoor Recreation in the Department of Economic and Community Development, Office of Tourism.

PART QQ requires the Department of Economic and Community Development to provide staff to the ConnectME Authority to serve as the central broadband planning board for the State and clarifies certain responsibilities of the ConnectME Authority.

PART RR is intentionally left blank.

PART SS changes the name of the Director of Policy and Programs in the Department of Education to the Director of Legislative Affairs.

PART TT adds a Chief of Staff and Operations position as a major policy-influencing position within the Department of Education appointed by the Commissioner of Education.

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PART UU increases the minimum salary for certified teachers to \$35,000 in school year 2020-2021, \$37,500 in school year 2021-2022 and \$40,000 beginning with the 2022-2023 school year. It also requires the Commissioner of Education to provide to each school administrative unit the funds necessary for the incremental salary increase based on specified reports from the local school units.

PART VV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators for the learning technology program in fiscal years 2019-20 and 2020-21.

PART WW eliminates the language that prohibits expenditures in the Maine Environmental Protection Fund above allocations approved by the Legislature.

PART XX increases from \$500 to \$3,500 the annual allowable reimbursement to the State Historian from the existing appropriation of the Maine Historic Preservation Commission.

PART YY corrects the name of the Office of MaineCare Services program as it appears in statute.

PART ZZ changes the household income eligibility guidelines in the elderly low-cost drug program from 175% to 185% of the federal poverty level.

PART AAA repeals an obsolete section of the Maine Revised Statutes that relates to the former Department of Mental Health and Corrections.

PART BBB is intentionally left blank.

PART CCC repeals the law that allows the Department of Health and Human Services to administer a drug test to certain recipients of Temporary Assistance for Needy Families, or TANF, assistance and to deny TANF assistance to a person who tests positive for an illegal drug unless the person enrolls in a substance use disorder treatment program.

PART DDD repeals the provision of law that establishes the Children's Mental Health Oversight Committee and fixes cross-references.

PART EEE updates the base year for the hospital tax.

PART FFF authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2020-2021 biennium.

PART GGG authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services.

PART HHH authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare, MaineCare-related and non-MaineCare-related accounts and available Personal Services balances between the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program.

PART III authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program

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account for the 2020-2021 biennium.

PART JJJ authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this legislation over which it has specific authority that has not been addressed by some other Part of this legislation without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART KKK requires the Department of Health and Human Services to conduct a study of the population covered under the expansion of Medicaid.

PART LLL suspends the Fiscal Stability Program until the 2022-2023 biennium.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in each year of the biennium.

PART NNN provides for salary increase of 3% for judges and justices of the state courts in each of the fiscal years 2019-20 and 2020-21 without regard to changes in the Consumer Price Index.

PART OOO removes the Director of Labor Standards within the Department of Labor from salary range 86.

PART PPP removes obsolete dates and repeals the provision that requires the Department of Labor, Bureau of Rehabilitation Services to maintain a legal interpreting fund to reimburse attorneys for the costs of providing interpreting or computer-assisted real-time transcription services. It does not change the requirements under both state and federal law that attorneys provide qualified interpreting services when needed to represent their clients.

PART QQQ amends the preference in state hiring that grants an interview to a person with a disability who meets the minimum qualifications for any open position in order to comply with the federal Americans with Disabilities Act.

PART RRR allows the Commissioner of Labor to enter into reciprocal agreements with other states or the Federal Government to recover overpayment of unemployment insurance benefits owed in this State.

PART SSS allows the Commissioner of Health and Human Services in consultation with the Superintendent of Insurance to apply for a waiver of applicable provisions of the federal Patient Protection and Affordable Care Act with respect to health insurance coverage in the State for the purposes of improving affordability by June 30, 2022.

PART TTT delays the beginning date until January 1, 2022 for changes to the unemployment compensation experience rating record of the most recent subject employer.

PART UUU modernizes laws concerning the Department of Labor, Bureau of Rehabilitation Services and the Public Utilities Commission relating to telecommunications equipment funding for the deaf and hard of hearing to reflect changes in technology and the use of such services by individuals with disabilities.

PART VVV repeals the requirement that the Department of Labor provide monthly written reports to the joint standing committee of the Legislature having jurisdiction over labor matters and to report annually in person to the committee regarding participation in training programs and expenditures made for support services for participants in training programs.

PART WWW removes a reporting date in order to allow the Department of Labor to align its state reporting with federal reporting requirements.

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PART XXX increases the salary range of the Director, Office of Professional and Occupational Regulation position from range 88 to range 90 in the Department of Professional and Financial Regulation.

PART YYY transfers remaining balances in the Statewide Outreach account into the Bureau of Consumer Credit Protection account, both of which are within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection program.

PART ZZZ carries forward unexpended All Other funds as of June 30, 2020 in the Department of Secretary of State, Elections and Commissions program to the next fiscal year to be used as matching funds for the federal Help America Vote Act of 2002.

PART AAAA carries forward balances in the Office of Treasurer of State, Debt Service - Treasury program to the 2020-2021 biennium.

PART BBBB transfers \$14,500,000 from the Fund for a Healthy Maine dedicated revenue and \$14,500,000 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund during fiscal year 2018-19 and also authorizes a transfer from the MaineCare Stabilization Fund up to \$29,000,000 for MaineCare payments.

PART CCCC authorizes the Department of Health and Human Services to transfer available All Other balances of appropriations for the purpose of the information system modernization project in the office of aging and disability services within the Department of Health and Human Services, office of aging and disability services.

PART DDDD carries forward balances within the Department of Administrative and Financial Services, Central Administrative Applications program in fiscal year 2018-19, fiscal year 2019-20 and fiscal year 2020-21.

PART EEEE corrects the budgeted deappropriation included in Public Law 2017, chapter 284, Part ZZZZZZ and authorizes the State Budget Officer to identify and transfer Personal Services savings to the Executive Branch Departments and Independent Agencies - Statewide program.

PART FFFF authorizes the Maine Health Data Organization to transfer by financial order available Personal Services balances up to \$290,000 to All Other in the Maine Health Data Organization, Other Special Revenue Funds account during the 2020-2021 biennium.

PART GGGG authorizes the State Budget Officer to calculate All Other savings in the Department of Health and Human Services General Fund account and transfer by financial order the All Other appropriations from each General Fund account to the Departmentwide program, General Fund account.

PART HHHH requires the state portion of funds that are recovered as a result of food supplement overpayments to be deposited into the Other Special Revenue Funds, Food Supplement Administration account.

PART IIII completes the changes necessary to transfer the State Economist to the Department of Administrative and Financial Services from the Governor's Office of Policy and Management, as begun by Public Law 2017, chapter 284.

PART JJJJ transfers \$19,800,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund in fiscal year 2018-19.

PART KKKK authorizes an additional transfer amount of up to \$14,500,000 by June 30, 2019 from the Maine Budget Stabilization Fund to a General Fund reserve account established by the State Controller for the purpose of providing funding for the amounts in federal financial participation for Medicaid services and disproportionate share hospital payments related to the Riverview Psychiatric Center.

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PART LLLL re-establishes and revises the purpose and oversight of the Downeast Correctional Facility and makes the superintendent of the Mountain View Correctional Facility the chief administrative officer of the Downeast Correctional Facility.

PART MMMM transfers the remaining funds in the cost recovery fund in the Public Utilities Commission to the unappropriated surplus of the General Fund in fiscal year 2019-20.

PART NNNN directs the State to fund the difference between federal reimbursements for reduced-price and free lunches in order to provide all children under 185% of the federal poverty level free lunch at school.

PART OOOO transfers \$18,000,000 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund in fiscal year 2018-19.

PART PPPP transfers funds from the unappropriated surplus of the General Fund to the Reserve for Indigent Legal Services program in fiscal year 2019-20 only.

PART QQQQ lapses unencumbered funds from the Legislature, General Fund accounts, as identified by the Executive Director of the Legislative Council, to the unappropriated surplus of the General Fund to offset additional General Fund costs from position changes for the 2020-2021 biennium.

PART RRRR directs the Department of Economic and Community Development to develop a strategic plan to recommend strategies for increased economic prosperity in the State; establishes goals for the plan and directs the department to include an analysis of gaps in funding and policy in the plan; requires that the department establish a steering committee and a work team to guide the development of the plan; and requires the department to report on the plan to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business which is authorized to report out related legislation in the Second Regular Session of the 129th Legislature.

PART SSSS requires the Public Utilities Commission to establish, within stated limits, the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge beginning January 1, 2020 and imposes a monthly surcharge of 10¢ per line or number for the ConnectME Fund.

PART TTTT creates the Maine Economic Development Fund within the Department of Economic and Community Development and transfers \$4,000,000 from the General Fund unappropriated surplus to the fund by June 30, 2020.

PART UUUU establishes a State goal of providing adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year and requires recommendations in specified areas to be reported to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 which is authorized to report out legislation to the Second Regular Session of the 129th Legislature to implement the recommendations in the report.

PART VVVV authorizes the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services and authorizes the Office of the Executive Director of the Legislative Council, at the direction of the Joint Standing Committee on Education and Cultural Affairs, to develop and administer a request for proposals process to award a contract for the independent review.

PART WWWW specifies the uses of the one-time additional funding of \$3,000,000 provided in Part A of this act to the Department of Corrections, County Jail Operations Fund for each year of the 2020-2021 biennium.

PART XXXX requires the Department of Health and Human Services to amend its rules governing MaineCare reimbursement in order to provide a supplemental payment of \$750,000 in fiscal year 2019-20 and fiscal year 2020-21 to Maine Veterans' Homes to offset budget shortfalls and requires the allocation of the funds be

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proportional to the shortfall of each Maine Veterans' Homes nursing facility.

PART YYYY provides a sales tax exemption for sales of watercraft to an incorporated nonprofit transportation company under specified conditions.

PART ZZZZ allows the School Revolving Renovation Fund to be used for renovations to retrofit learning spaces for public preschool programs as Priority 4 status projects.

PART AAAAA requires the Department of Education to provide a so-called hold harmless adjustment to the career and technical education centers and career and technical education regions in fiscal years 2020-21, 2021-22 and 2022-23 in order to transition the career and technical education centers and career and technical education regions to a total allocation that is equal to the sum of the career and technical education program components under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 by fiscal year 2023-24.

PART BBBBB establishes the Commission To Study Long-term Care Workforce Issues to study and make policy recommendations regarding direct care workers and establishes reporting requirements and deadlines.

PART CCCCC amends the Maine Revised Statutes, Title 25, chapter 601, the Substance Use Disorder Assistance Program to change language referencing "pilot projects"; eliminate the steering committee that provides advice on the selection of grant recipients; repeal the requirement that the Justice Assistance Council disburse funds; and eliminate the authority of the Department of Public Safety to retain up to 5% of funds to cover administrative expenses.

PART DDDDD carries forward unexpended All Other funds as of June 30, 2019 and June 30, 2020 in the Department of Public Safety, Administration - Public Safety program, General Fund account to the next fiscal years to provide funding for grants for the provision of community-based treatment and support services through the Substance Use Disorder Assistance Program.

PART EEEEE transfers \$1,035,000 from available balances in Other Special Revenue Funds accounts in the Department of Environmental Protection, the Department of Marine Resources or the Department of Education to the Department of Marine Resources, Nonfederal Grants, Other Special Revenue Funds account, based on the determination of the Commissioner of Administrative and Financial Services.

Committee Amendment "B" (H-587)

This amendment is the minority report of the committee.

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes for fiscal year 2019-20 the total cost of education from kindergarten to grade 12, the state contribution and the annual target state share percentage.

PART D renames the Governor's Office of Policy and Management as the Governor's Office of Policy Innovation and the Future.

PART E authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount up to \$55,000,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART F revises the selection of the chair of the Revenue Forecasting Committee, beginning in calendar year 2019, to designation by the six members, from among the members excluding the State Budget Officer, on a rotating basis

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for a two-year term. The exclusion is to avoid a conflict with the duties of the State Budget Officer established in current law that include convening a meeting of the Revenue Forecasting Committee if new information becomes available.

PART G implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards. This Part also expands background checks to apply to all employees of the Department of Administrative and Financial Services, Maine Revenue Services.

This Part also corrects numerous lettering conflicts that occurred when two separate public laws enacted substantively different laws with the same paragraph letters.

PART H sets the transfer to the Local Government Fund for state-municipal revenue sharing at 3% in fiscal year 2019-20 and 3.75% in fiscal year 2020-2021 and restricts the spending the additional amount of revenue sharing for municipalities that have already established its budget for 2019; increases the value of the homestead exemption benefit under the Maine resident homestead property tax exemption from \$20,000 to \$25,000 and increases the state reimbursement to municipalities for the lost property tax revenue from 62.5% to 70%; and changes the formula for calculation of the property tax fairness credit.

PART I provides funding from the Salary Plan program for salary increases for positions in the Department of Administrative and Financial Services, Maine Revenue Services classified as a Tax Examiner, Tax Examiner II, Senior Tax Examiner and Tax Section Manager for fiscal years 2019-20 and 2020-21.

PART J transfers remaining funds from the, no longer used, Department of Administrative and Financial Services, Elderly Tax Deferral Program, Other Special Revenue Funds account, to the General Fund unappropriated surplus.

PART K continues authorization for each individual tax expenditure provided by statute.

PART L continues the voluntary employee incentive program through the 2020-2021 biennium.

PART M carries any remaining balances in the Debt Service - Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

PART N increases the attrition rate for the 2020-2021 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

PART O authorizes the Department of Administrative and Financial Services to enter into financial agreements related to the modernization of the tax collection system and sets out certain specifications for the system.

PART P authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART Q authorizes the Department of Administrative and Financial Services, on behalf of the Department of Public Safety, to enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police.

PART R transfers \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus in fiscal year 2018-19.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements related to the modernization of computer hardware, software and other systems to support a child welfare system for

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specified amounts and duration.

PART T allows money deposited in the animal welfare auxiliary fund to be used for costs associated with Department of Agriculture, Conservation and Forestry laboratory services needed to control or eradicate diseases affecting equines.

PART U consolidates accounts to recognize administrative efficiencies and authorizes a transfer of residual cash remaining in the Harness Racing Promotional Fund account that is being consolidated with the Operating Account within the Harness Racing Commission program.

Parts V, W and X are intentionally left blank.

PART Y eliminates the Maine State Parks and Recreational Facilities Development Fund and the Maine State Parks Fund and replaces the 2 funds with the new Parks General Operations Fund. It also makes the Forest Recreation Resource Fund and the State Parks Improvement Fund separate units of the Parks General Operations Fund and authorizes a transfer of any remaining balance in these accounts to the Parks General Operations Fund account.

PART Z is intentionally left blank.

PART AA consolidates the Allagash Wilderness Waterway Permanent Endowment Fund within the Parks - General Operations program and authorizes a transfer of any remaining balance in the Allagash Wilderness Waterway Permanent Endowment Fund account, Other Special Revenue Funds to the Allagash Waterway account, Other Special Revenue Funds in the Parks - General Operations program.

PART CC renames the Geological Survey program the Geology and Resource Information program.

PART DD transfers remaining balances in the Submerged Lands and Shore and Harbor accounts to a new program within the Department of Agriculture, Conservation and Forestry.

PART EE transfers the remaining balance in the Boating Facilities Fund program to the Boating Facilities Fund account in the Off-road Recreational Vehicles Program within the Department of Agriculture, Conservation and Forestry.

PART FF transfers the remaining balance in the Municipal Planning Assistance program to the Geological Survey program within the Department of Agriculture, Conservation and Forestry.

PART GG transfers the remaining balance in the Coastal Island Registry account to the Submerged Lands Fund account in the Submerged Lands and Island Registry program within the Department of Agriculture, Conservation and Forestry.

PART HH transfers the remaining balance in the Floodplain Management program accounts to the accounts in the Geological Survey program within the Department of Agriculture, Conservation and Forestry.

PART II transfers the remaining balance in several accounts in the Department of Agriculture, Conservation and Forestry after consolidating the accounts in the Parks - General Operations program.

PART JJ transfers the remaining balances in the Holbrook Island Sanctuary account, the Wolf Neck Woods State Park account and the Mackworth account to the Vaughan Woods State Park account in the Parks - General Operations program within the Department of Agriculture, Conservation and Forestry.

PART KK authorizes a one-time transfer of all funds in excess of \$500,000 from the unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of

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Forest Protection, General Fund account to the Capital Expenditures line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to fund the overhaul of existing helicopters.

PART LL gives the Chief Medical Examiner authority to promote immediately a Medicolegal Death Investigator I to Medicolegal Death Investigator II as long as the Medicolegal Death Investigator I participates in training and education and demonstrates competencies for the higher classification.

PART MM authorizes the Department of Corrections to transfer, by financial order, funding in the Personal Services, All Other or Capital Expenditures line categories between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART NN requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and requires the State Budget Officer to transfer positions and available balances by financial order during a specified period. Any transfers resulting in a mission change or facility closure must comply with the statutory requirements for legislative review.

PART OO is intentionally left blank.

PART PP establishes the Maine Office of Outdoor Recreation in the Department of Economic and Community Development, Office of Tourism.

PART QQ requires the Department of Economic and Community Development to provide staff to the ConnectME Authority to serve as the central broadband planning board for the State and clarifies certain responsibilities of the ConnectME Authority.

PART RR is intentionally left blank.

PART SS changes the name of the Director of Policy and Programs in the Department of Education to the Director of Legislative Affairs.

PART TT adds a Chief of Staff and Operations position as a major policy-influencing position within the Department of Education appointed by the Commissioner of Education.

PART UU increases the minimum salary for certified teachers to \$32,500 in school year 2020-2021, \$35,000 in school year 2021-2022, \$37,500 beginning with the 2022-2023 school year and \$40,000 beginning with the 2023-2024 school year and requires the Commissioner of Education to provide to each school administrative unit the funds necessary to fund the incremental salary increase based on specified reports from the local school units.

PART VV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators for the learning technology program in fiscal years 2019-20 and 2020-21.

PART WW eliminates the language that prohibits expenditures in the Maine Environmental Protection Fund above allocations approved by the Legislature.

PART XX increases from \$500 to \$3,500 the annual allowable reimbursement to the State Historian from the existing appropriation of the Maine Historic Preservation Commission.

PART YY corrects the name of the Office of MaineCare Services program as it appears in statute.

PART ZZ changes the household income eligibility guidelines in the elderly low-cost drug program from 175% to

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185% of the federal poverty level.

PART AAA repeals an obsolete section of the Maine Revised Statutes that relates to the former Department of Mental Health and Corrections.

PARTS BBB and CCC are intentionally left blank.

PART DDD repeals the provision of law that establishes the Children's Mental Health Oversight Committee and fixes cross-references.

PART EEE updates the base year for the hospital tax and provides for future updates.

PART FFF authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2020-2021 biennium.

PART GGG authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services.

PART HHH authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare, MaineCare-related and non-MaineCare-related accounts and available Personal Services balances between the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program.

PART III authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2020-2021 biennium.

PART JJJ authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this legislation over which it has specific authority that has not been addressed by some other Part of this legislation without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART KKK requires the Department of Health and Human Services to conduct a study of the population covered under the expansion of Medicaid.

PART LLL suspends the Fiscal Stability Program until the 2022-2023 biennium.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in each year of the biennium.

PART NNN provides for a cost-of-living adjustment of 3% for judges and justices of the state courts in each of the fiscal years 2019-20 and 2020-21, regardless of the cost-of-living adjustments linked to the Consumer Price Index.

PART OOO This Part removes the Director of Labor Standards within the Department of Labor from salary range 86.

PART PPP removes obsolete dates and repeals the provision that requires the Department of Labor, Bureau of

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Rehabilitation Services to maintain a legal interpreting fund to reimburse attorneys for the costs of providing interpreting or computer-assisted real-time transcription services but does not change the requirements under both state and federal law that attorneys provide qualified interpreting services when needed to represent their clients.

PART QQQ amends the preference in state hiring that grants an interview to a person with a disability who meets the minimum qualifications for any open position in order to comply with the federal Americans with Disabilities Act.

PART RRR allows the Commissioner of Labor to enter into reciprocal agreements with other states or the Federal Government to recover overpayment of unemployment insurance benefits owed in this State.

PART SSS allows the Commissioner of Health and Human Services in consultation with the Superintendent of Insurance to apply for a waiver of applicable provisions of the federal Patient Protection and Affordable Care Act with respect to health insurance coverage in the State for the purposes of improving affordability by June 30, 2022.

PART TTT delays the beginning date until January 1, 2022 for changes to the unemployment compensation experience rating record of the most recent subject employer.

PART UUU modernizes laws concerning the Department of Labor, Bureau of Rehabilitation Services and the Public Utilities Commission relating to telecommunications equipment funding for the deaf and hard of hearing to reflect changes in technology and the use of such services by individuals with disabilities.

PART VVV repeals the requirement that the Department of Labor provide monthly written reports to the joint standing committee of the Legislature having jurisdiction over labor matters and to report annually in person to the committee regarding participation in training programs and expenditures made for support services for participants in training programs.

PART WWW removes a reporting date in order to allow the Department of Labor to align its state reporting with federal reporting requirements.

PART XXX increases the salary range of the Director, Office of Professional and Occupational Regulation position from range 88 to range 90 in the Department of Professional and Financial Regulation.

PART YYY transfers remaining balances in the Statewide Outreach account into the Bureau of Consumer Credit Protection account, both of which are within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection program.

PART ZZZ carries forward unexpended All Other funds as of June 30, 2020 in the Department of Secretary of State, Elections and Commissions program to the next fiscal year to be used as matching funds for the federal Help America Vote Act of 2002.

PART AAAA carries forward balances in the Office of Treasurer of State, Debt Service - Treasury program to the 2020-2021 biennium.

PART BBBB transfers \$14,500,000 from the Fund for a Healthy Maine dedicated revenue to the MaineCare Stabilization Fund and \$14,500,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund during fiscal year 2018-19. It also authorizes transfers from the MaineCare Stabilization Fund and, as a secondary source, up to \$14,500,000 in transfers from the Maine Budget Stabilization Fund for MaineCare payments.

PART CCCC authorizes the Department of Health and Human Services to transfer available All Other balances of appropriations for the purpose of the information system modernization project in the office of aging and disability

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services within the Department of Health and Human Services, office of aging and disability services.

PART DDDD carries forward balances within the Department of Administrative and Financial Services, Central Administrative Applications program in fiscal year 2018-19, fiscal year 2019-20 and fiscal year 2020-21.

PART EEEE corrects the budgeted deappropriation included in Public Law 2017, chapter 284, Part ZZZZZZ and authorizes the State Budget Officer to identify and transfer Personal Services savings to the Executive Branch Departments and Independent Agencies - Statewide program.

PART FFFF authorizes the Maine Health Data Organization to transfer by financial order available Personal Services balances up to \$290,000 to All Other in the Maine Health Data Organization, Other Special Revenue Funds account during the 2020-2021 biennium.

PART GGGG authorizes the State Budget Officer to calculate All Other savings in the Department of Health and Human Services General Fund account and transfer by financial order the All Other appropriations from each General Fund account to the Departmentwide program, General Fund account.

PART HHHH requires the state portion of funds that are recovered as a result of food supplement overpayments to be deposited into the Other Special Revenue Funds, Food Supplement Administration account.

PART IIII completes the changes necessary to transfer the State Economist to the Department of Administrative and Financial Services from the Governor's Office of Policy and Management, as begun by Public Law 2017, chapter 284.

PART JJJJ transfers \$64,300,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund in fiscal year 2018-19.

PART KKKK authorizes an additional transfer amount of up to \$14,500,000 by June 30, 2019 from the Maine Budget Stabilization Fund to a General Fund reserve account established by the State Controller for the purpose of providing funding for the amounts in federal financial participation for Medicaid services and disproportionate share hospital payments related to the Riverview Psychiatric Center.

PART LLLL re-establishes and revises the purpose and oversight of the Downeast Correctional Facility and makes the superintendent of the Mountain View Correctional Facility the chief administrative officer of the Downeast Correctional Facility.

PART MMMM transfers the remaining funds in the cost recovery fund in the Public Utilities Commission to the unappropriated surplus of the General Fund in fiscal year 2019-20.

PART NNNN intentionally left blank.

PART OOOO transfers \$10,000,000 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund in fiscal year 2018-19.

PART PPPP transfers funds from the unappropriated surplus of the General Fund to the Reserve for Indigent Legal Services program in fiscal year 2019-20 only.

PART QQQQ intentionally left blank.

PART RRRR directs the Department of Economic and Community Development to develop a strategic plan to recommend strategies for increased economic prosperity in the State; establishes goals for the plan and directs the department to include an analysis of gaps in funding and policy in the plan; requires that the department establish a

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steering committee and a work team to guide the development of the plan; and requires the department to report on the plan to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business which is authorized to report out related legislation in the Second Regular Session of the 129th Legislature.

PART SSSS requires the Public Utilities Commission to establish, within stated limits, the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge beginning January 1, 2020 and imposes a monthly surcharge of 10¢ per line or number for the ConnectME Fund.

PART TTTT creates the Maine Economic Development Fund within the Department of Economic and Community Development and transfers \$4,000,000 from the General Fund unappropriated surplus to the fund by June 30, 2020.

PART UUUU establishes a State goal of providing adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year and requires recommendations in specified areas to be reported to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 which is authorized to report out legislation to the Second Regular Session of the 129th Legislature to implement the recommendations in the report.

PART VVVV authorizes the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services and authorizes the Office of the Executive Director of the Legislative Council, at the direction of the Joint Standing Committee on Education and Cultural Affairs, to develop and administer a request for proposals process to award a contract for the independent review.

PART WWWW specifies the uses of the one-time additional funding of \$3,000,000 provided in Part A of this act to the Department of Corrections, County Jail Operations Fund for each year of the 2020-2021 biennium.

PART XXXX requires the Department of Health and Human Services to amend its rules governing MaineCare reimbursement in order to provide a supplemental payment of \$750,000 in fiscal year 2019-20 and fiscal year 2020-21 to Maine Veterans' Homes to offset budget shortfalls and requires the allocation of the funds be proportional to the shortfall of each Maine Veterans' Homes nursing facility.

PART YYYY is intentionally left blank.

PART ZZZZ allows the School Revolving Renovation Fund to be used for renovations to retrofit learning spaces to accommodate the provision of services for children with disabilities who are 3 to 5 years of age, and the renovations receive Priority 4 status. It also repeals the requirement that the School Revolving Renovation Fund be used to provide grants to forgive the principal payments of a loan for an eligible school administrative unit and corrects cross-references to that provision.

PART AAAAA requires the Department of Education to provide a so-called hold harmless adjustment to the career and technical education centers and career and technical education regions in fiscal years 2020-21, 2021-22 and 2022-23 in order to transition the career and technical education centers and career and technical education regions to a total allocation that is equal to the sum of the career and technical education program components under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 by fiscal year 2023-24.

PART BBBBBB establishes the Commission To Study Long-term Care Workforce Issues to study and make policy recommendations regarding direct care workers and establishes reporting requirements and deadlines.

PART CCCCC amends the Maine Revised Statutes, Title 25, chapter 601, the Substance Use Disorder Assistance Program to change language referencing "pilot projects"; eliminate the steering committee that provides advice on the selection of grant recipients; repeal the requirement that the Justice Assistance Council disburse funds; and eliminate the authority of the Department of Public Safety to retain up to 5% of funds to cover administrative

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expenses.

PART DDDDD carries forward unexpended All Other funds as of June 30, 2019 and June 30, 2020 in the Department of Public Safety, Administration - Public Safety program, General Fund account to the next fiscal years to provide funding for grants for the provision of community-based treatment and support services through the Substance Use Disorder Assistance Program.

PART EEEEE transfers \$1,035,000 from available balances in Other Special Revenue Funds accounts in the Department of Environmental Protection, the Department of Marine Resources or the Department of Education to the Department of Marine Resources, Nonfederal Grants, Other Special Revenue Funds account, based on the determination of the Commissioner of Administrative and Financial Services.

PART FFFFF specifies that the MaineCare reimbursement rate for direct care workers for adults with intellectual disabilities or autism must be at least 125% of the state minimum wage.

PART GGGGG eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets all elements of the fire safety code before the Department of Health and Human Services may issue a license to operate as a family foster home; moves the inspection responsibility to the Department of Health and Human Services; and directs the Department of Health and Human Services to adopt rules governing the method of inspection.

PART HHHHH requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the current federal 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by spouses who are employed as personal support specialists to provide those services and requires the department to amend its rules after the amended waiver approval has been received from the Federal Government. It also requires the department to provide an interim and final report with specified content.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 343 does the following:

PART A makes appropriations and allocations of funds for the 2018-2019 biennium.

PART B makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C establishes for fiscal year 2019-20 the total cost of education from kindergarten to grade 12, the state contribution and the annual target state share percentage.

PART D renames the Governor's Office of Policy and Management as the Governor's Office of Policy Innovation and the Future.

PART E authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount up to \$55,000,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART F revises the selection of the chair of the Revenue Forecasting Committee, beginning in calendar year 2019, to designation by the 6 members, from among the members excluding the State Budget Officer, on a rotating basis for a two-year term. The exclusion is to avoid a conflict with the duties of the State Budget Officer established in current law that include convening a meeting of the Revenue Forecasting Committee if new information becomes

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available.

PART G implements background investigations for certain individuals with a business need to receive federal tax information, in order to meet United States Internal Revenue Service standards. This Part also expands background checks to apply to all employees of the Department of Administrative and Financial Services, Maine Revenue Services. It also corrects numerous lettering conflicts that occurred when two separate public laws enacted substantively different laws with the same paragraph letters.

PART H sets the transfer to the Local Government Fund for state-municipal revenue sharing at 3% in fiscal year 2019-20 and 3.75% in fiscal year 2020-2021 and restricts the spending the additional amount of revenue sharing for municipalities that have already established its budget for 2019; increases the value of the homestead exemption benefit under the Maine resident homestead property tax exemption from \$20,000 to \$25,000 and increases the state reimbursement to municipalities for the lost property tax revenue from 62.5% to 70%; and changes the formula for calculation of the property tax fairness credit.

PART I provides funding from the Salary Plan program for salary increases for positions in the Department of Administrative and Financial Services, Maine Revenue Services classified as a Tax Examiner, Tax Examiner II, Senior Tax Examiner and Tax Section Manager for fiscal years 2019-20 and 2020-21.

PART J transfers remaining funds from the, no longer used, Department of Administrative and Financial Services, Elderly Tax Deferral Program, Other Special Revenue Funds account, to the General Fund unappropriated surplus.

PART K continues authorization for each individual tax expenditure provided by statute.

PART L continues the voluntary employee incentive program through the 2020-2021 biennium.

PART M carries any remaining balances in the Debt Service - Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2020-2021 biennium into the following fiscal year.

PART N increases the attrition rate for the 2020-2021 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

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PART Q authorizes the Department of Administrative and Financial Services, on behalf of the Department of Public Safety, to enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police.

PART R transfers \$6,000,000 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus in fiscal year 2018-19.

PART S authorizes the Department of Administrative and Financial Services to enter into financing arrangements related to the modernization of computer hardware, software and other systems to support a child welfare system for specified amounts and duration.

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affecting equines.

PART U moves the Harness Racing Promotional Fund to the Harness Racing Commission program.

PARTS V, W and X are intentionally left blank.

PART Y eliminates the Maine State Parks and Recreational Facilities Development Fund and the Maine State Parks Fund and replaces the 2 funds with the new Parks General Operations Fund. It also makes the Forest Recreation Resource Fund and the State Parks Improvement Fund separate units of the Parks General Operations Fund and authorizes a transfer of any remaining balance in these accounts to the Parks General Operations Fund account.

PART Z is intentionally left blank.

PART AA consolidates the Allagash Wilderness Waterway Permanent Endowment Fund within the Parks - General Operations program and authorizes a transfer of any remaining balance in the Allagash Wilderness Waterway Permanent Endowment Fund account, Other Special Revenue Funds to the Allagash Waterway account, Other Special Revenue Funds in the Parks - General Operations program.

PART BB is intentionally left blank.

PART CC renames the Geological Survey program the Geology and Resource Information program.

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PART LL gives the Chief Medical Examiner authority to promote immediately a Medicolegal Death Investigator I to Medicolegal Death Investigator II as long as the Medicolegal Death Investigator I participates in training and education and demonstrates competencies for the higher classification.

PART MM authorizes the Department of Corrections to transfer, by financial order, funding in the Personal Services, All Other or Capital Expenditures line categories between accounts within the same fund for the purpose of paying departmental overtime expenses in each year of the biennium.

PART NN requires the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and requires the State Budget Officer to transfer positions and available balances by financial order during a specified period. Any transfers resulting in a mission change or facility closure must comply with the statutory requirements for legislative review.

PART OO is intentionally left blank.

PART PP establishes the Maine Office of Outdoor Recreation in the Department of Economic and Community Development, Office of Tourism.

PART QQ requires the Department of Economic and Community Development to provide staff to the ConnectME Authority to serve as the central broadband planning board for the State and clarifies certain responsibilities of the ConnectME Authority.

PART RR is intentionally left blank.

PART SS changes the name of the Director of Policy and Programs in the Department of Education to the Director of Legislative Affairs.

PART TT adds a Chief of Staff and Operations position as a major policy-influencing position within the Department of Education appointed by the Commissioner of Education.

PART UU increases the minimum salary for certified teachers to \$35,000 in school year 2020-2021, \$37,500 in school year 2021-2022 and \$40,000 beginning with the 2022-2023 school year. It also requires the Commissioner of Education to provide to each school administrative unit the funds necessary for the incremental salary increase based on specified reports from the local school units.

PART VV authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators for the learning technology program in fiscal years 2019-20 and 2020-21.

PART WW eliminates the language that prohibits expenditures in the Maine Environmental Protection Fund above allocations approved by the Legislature.

PART XX increases from \$500 to \$3,500 the annual allowable reimbursement to the State Historian from the existing appropriation of the Maine Historic Preservation Commission.

PART YY corrects the name of the Office of MaineCare Services program as it appears in statute.

PART ZZ changes the household income eligibility guidelines in the elderly low-cost drug program from 175% to 185% of the federal poverty level.

PART AAA repeals an obsolete section of the Maine Revised Statutes that relates to the former Department of Mental Health and Corrections.

Joint Standing Committee on Appropriations and Financial Affairs

PART BBB is intentionally left blank.

PART CCC repeals the law that allows the Department of Health and Human Services to administer a drug test to certain recipients of Temporary Assistance for Needy Families, or TANF, assistance and to deny TANF assistance to a person who tests positive for an illegal drug unless the person enrolls in a substance use disorder treatment program.

PART DDD repeals the provision of law that establishes the Children's Mental Health Oversight Committee and fixes cross-references.

PART EEE updates the base year for the hospital tax.

PART FFF authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2020-2021 biennium.

PART GGG authorizes the Department of Health and Human Services to transfer by financial order available Personal Services line category balances in the Office for Family Independence program and the Office for Family Independence - District program to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services.

PART HHH authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare, MaineCare-related and non-MaineCare-related accounts and available Personal Services balances between the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program.

PART III authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2020-2021 biennium.

PART JJJ authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this legislation over which it has specific authority that has not been addressed by some other Part of this legislation without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART KKK requires the Department of Health and Human Services to conduct a study of the population covered under the expansion of Medicaid.

PART LLL suspends the Fiscal Stability Program until the 2022-2023 biennium.

PART MMM transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in each year of the biennium.

PART NNN provides for salary increase of 3% for judges and justices of the state courts in each of the fiscal years 2019-20 and 2020-21 without regard to changes in the Consumer Price Index.

PART OOO removes the Director of Labor Standards within the Department of Labor from salary range 86.

PART PPP removes obsolete dates and repeals the provision that requires the Department of Labor, Bureau of

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Rehabilitation Services to maintain a legal interpreting fund to reimburse attorneys for the costs of providing interpreting or computer-assisted real-time transcription services. It does not change the requirements under both state and federal law that attorneys provide qualified interpreting services when needed to represent their clients.

PART QQQ amends the preference in state hiring that grants an interview to a person with a disability who meets the minimum qualifications for any open position in order to comply with the federal Americans with Disabilities Act.

PART RRR allows the Commissioner of Labor to enter into reciprocal agreements with other states or the Federal Government to recover overpayment of unemployment insurance benefits owed in this State.

PART SSS allows the Commissioner of Health and Human Services in consultation with the Superintendent of Insurance to apply for a waiver of applicable provisions of the federal Patient Protection and Affordable Care Act with respect to health insurance coverage in the State for the purposes of improving affordability by June 30, 2022.

PART TTT delays the beginning date until January 1, 2022 for changes to the unemployment compensation experience rating record of the most recent subject employer.

PART UUU modernizes laws concerning the Department of Labor, Bureau of Rehabilitation Services and the Public Utilities Commission relating to telecommunications equipment funding for the deaf and hard of hearing to reflect changes in technology and the use of such services by individuals with disabilities.

PART VVV repeals the requirement that the Department of Labor provide monthly written reports to the joint standing committee of the Legislature having jurisdiction over labor matters and to report annually in person to the committee regarding participation in training programs and expenditures made for support services for participants in training programs.

PART WWW removes a reporting date in order to allow the Department of Labor to align its state reporting with federal reporting requirements.

PART XXX increases the salary range of the Director, Office of Professional and Occupational Regulation position from range 88 to range 90 in the Department of Professional and Financial Regulation.

PART YYY transfers remaining balances in the Statewide Outreach account into the Bureau of Consumer Credit Protection account, both of which are within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection program.

PART ZZZ carries forward unexpended All Other funds as of June 30, 2020 in the Department of Secretary of State, Elections and Commissions program to the next fiscal year to be used as matching funds for the federal Help America Vote Act of 2002.

PART AAAA carries forward balances in the Office of Treasurer of State, Debt Service - Treasury program to the 2020-2021 biennium.

PART BBBB transfers \$14,500,000 from the Fund for a Healthy Maine dedicated revenue and \$14,500,000 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund during fiscal year 2018-19 and also authorizes a transfer from the MaineCare Stabilization Fund up to \$29,000,000 for MaineCare payments.

PART CCCC authorizes the Department of Health and Human Services to transfer available All Other balances of appropriations for the purpose of the information system modernization project in the office of aging and disability services within the Department of Health and Human Services, office of aging and disability services.

Joint Standing Committee on Appropriations and Financial Affairs

PART DDDD carries forward balances within the Department of Administrative and Financial Services, Central Administrative Applications program in fiscal year 2018-19, fiscal year 2019-20 and fiscal year 2020-21.

PART EEEE corrects the budgeted deappropriation included in Public Law 2017, chapter 284, Part ZZZZZZ and authorizes the State Budget Officer to identify and transfer Personal Services savings to the Executive Branch Departments and Independent Agencies - Statewide program.

PART FFFF authorizes the Maine Health Data Organization to transfer by financial order available Personal Services balances up to \$290,000 to All Other in the Maine Health Data Organization, Other Special Revenue Funds account during the 2020-2021 biennium.

PART GGGG authorizes the State Budget Officer to calculate All Other savings in the Department of Health and Human Services General Fund account and transfer by financial order the All Other appropriations from each General Fund account to the Departmentwide program, General Fund account.

PART HHHH requires the state portion of funds that are recovered as a result of food supplement overpayments to be deposited into the Other Special Revenue Funds, Food Supplement Administration account.

PART IIII completes the changes necessary to transfer the State Economist to the Department of Administrative and Financial Services from the Governor's Office of Policy and Management, as begun by Public Law 2017, chapter 284.

PART JJJJ transfers \$19,800,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund in fiscal year 2018-19.

PART KKKK authorizes an additional transfer amount of up to \$14,500,000 by June 30, 2019 from the Maine Budget Stabilization Fund to a General Fund reserve account established by the State Controller for the purpose of providing funding for the amounts in federal financial participation for Medicaid services and disproportionate share hospital payments related to the Riverview Psychiatric Center.

PART LLLL re-establishes and revises the purpose and oversight of the Downeast Correctional Facility and makes the superintendent of the Mountain View Correctional Facility the chief administrative officer of the Downeast Correctional Facility.

PART MMMM transfers the remaining funds in the cost recovery fund in the Public Utilities Commission to the unappropriated surplus of the General Fund in fiscal year 2019-20.

PART NNNN directs the State to fund the difference between federal reimbursements for reduced-price and free lunches in order to provide all children under 185% of the federal poverty level free lunch at school.

PART OOOO transfers \$18,000,000 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund in fiscal year 2018-19.

PART PPPP transfers funds from the unappropriated surplus of the General Fund to the Reserve for Indigent Legal Services program in fiscal year 2019-20 only.

PART QQQQ lapses unencumbered funds from the Legislature, General Fund accounts, as identified by the Executive Director of the Legislative Council, to the unappropriated surplus of the General Fund to offset additional General Fund costs from position changes for the 2020-2021 biennium.

PART RRRR directs the Department of Economic and Community Development to develop a strategic plan to recommend strategies for increased economic prosperity in the State; establishes goals for the plan and directs the

Joint Standing Committee on Appropriations and Financial Affairs

department to include an analysis of gaps in funding and policy in the plan; requires that the department establish a steering committee and a work team to guide the development of the plan; and requires the department to report on the plan to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business which is authorized to report out related legislation in the Second Regular Session of the 129th Legislature.

PART SSSS requires the Public Utilities Commission to establish, within stated limits, the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge beginning January 1, 2020 and imposes a monthly surcharge of 10¢ per line or number for the ConnectME Fund.

PART TTTT creates the Maine Economic Development Fund within the Department of Economic and Community Development and transfers \$4,000,000 from the General Fund unappropriated surplus to the fund by June 30, 2020.

PART UUUU establishes a State goal of providing adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year and requires recommendations in specified areas to be reported to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 which is authorized to report out legislation to the Second Regular Session of the 129th Legislature to implement the recommendations in the report.

PART VVVV authorizes the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services and authorizes the Office of the Executive Director of the Legislative Council, at the direction of the Joint Standing Committee on Education and Cultural Affairs, to develop and administer a request for proposals process to award a contract for the independent review.

PART WWWW specifies the uses of the one-time additional funding of \$3,000,000 provided in Part A of this act to the Department of Corrections, County Jail Operations Fund for each year of the 2020-2021 biennium.

PART XXXX requires the Department of Health and Human Services to amend its rules governing MaineCare reimbursement in order to provide a supplemental payment of \$750,000 in fiscal year 2019-20 and fiscal year 2020-21 to Maine Veterans' Homes to offset budget shortfalls and requires the allocation of the funds be proportional to the shortfall of each Maine Veterans' Homes nursing facility.

PART YYYY provides a sales tax exemption for sales of watercraft to an incorporated nonprofit transportation company under specified conditions.

PART ZZZZ allows the School Revolving Renovation Fund to be used for renovations to retrofit learning spaces for public preschool programs as Priority 4 status projects.

PART AAAAA requires the Department of Education to provide a so-called hold harmless adjustment to the career and technical education centers and career and technical education regions in fiscal years 2020-21, 2021-22 and 2022-23 in order to transition the career and technical education centers and career and technical education regions to a total allocation that is equal to the sum of the career and technical education program components under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 by fiscal year 2023-24.

PART BBBBBB establishes the Commission To Study Long-term Care Workforce Issues to study and make policy recommendations regarding direct care workers and establishes reporting requirements and deadlines.

PART CCCCC amends the Maine Revised Statutes, Title 25, chapter 601, the Substance Use Disorder Assistance Program to change language referencing "pilot projects"; eliminate the steering committee that provides advice on the selection of grant recipients; repeal the requirement that the Justice Assistance Council disburse funds; and eliminate the authority of the Department of Public Safety to retain up to 5% of funds to cover administrative expenses.

Joint Standing Committee on Appropriations and Financial Affairs

PART DDDDD carries forward unexpended All Other funds as of June 30, 2019 and June 30, 2020 in the Department of Public Safety, Administration - Public Safety program, General Fund account to the next fiscal years to provide funding for grants for the provision of community-based treatment and support services through the Substance Use Disorder Assistance Program.

PART EEEEE transfers \$1,035,000 from available balances in Other Special Revenue Funds accounts in the Department of Environmental Protection, the Department of Marine Resources or the Department of Education to the Department of Marine Resources, Nonfederal Grants, Other Special Revenue Funds account, based on the determination of the Commissioner of Administrative and Financial Services.

Public Law 2019, chapter 343 was enacted as an emergency measure effective June 17, 2019.

LD 1093 An Act To Authorize a General Fund Bond Issue To Invest in Maine's CARRIED OVER
Railroad Infrastructure

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N SHEATS B		

The funds provided by this bond issue, in the amount of \$50,000,000, will be used for investments in railroad infrastructure to expand passenger rail service, with a priority for railroad track corridors that could support passenger and freight intermodal operations and enhance the movement of agricultural products.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1119 An Act To Authorize a General Fund Bond Issue To Support CARRIED OVER
Investments in Energy Efficiency and Renewable Energy in
Municipalities and School Administrative Units

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L HUBBELL B		

The funds provided by the bond issue in Part A, in the amount of \$10,000,000, will be used to purchase solar arrays, high-efficiency ductless heat pumps and high-efficiency modern wood heating systems for buildings and property owned by municipalities and school administrative units.

Part B directs the Efficiency Maine Trust to use funds from the bond issue under Part A to fund the Municipal Energy Efficiency and Renewable Energy Program.

Part C establishes the Municipal Energy Efficiency and Renewable Energy Program within the Efficiency Maine Trust to support municipalities and municipally authorized citizen committees and school administrative units across the State in reducing energy costs, reducing carbon emissions, facilitating the development of renewable energy resources and creating local jobs related to the building of renewable energy facilities and the installation of energy-efficient equipment. It funds the program with the proceeds of bonds, including bonds issued pursuant to Part A, any other funds allocated by the trust and matching funds from participating municipalities.

Parts B and C take effect only if the bond issue under Part A is approved by the voters of the State.

Joint Standing Committee on Appropriations and Financial Affairs

Technology Institute in consultation with the Department of Marine Resources and the Department of Economic and Community Development, to be matched by at least \$50,000,000 in private and other funds.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1836 An Act To Authorize a General Fund Bond Issue for Infrastructure,
Economic Development, Workforce Development and Energy and
Environment Investment**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C	OTP-AM	S-354
GATTINE D	OTP-AM	

Part A provides a bond issue in the amount of \$105,000,000. Funds in the amount of \$100,000,000 will be used for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, matching an estimated \$137,000,000 per year in federal and other funds.

Funds in the amount of \$4,000,000 will be used for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and to allow communities to better prepare for extreme storms and floods. Funds in the amount of \$1,000,000 will be used to complete the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation for a fishing vessel berthing resource to support marine research at sea, for commercial fishing access and for continued long-term marine job development.

Part B provides a bond issue, in the amount of \$50,000,000, to be used to invest in community broadband infrastructure, economic development and job creation.

Part C provides a bond issue, in the amount of \$19,000,000, to be used to invest in Maine Community College training, in child care services, in Maine Army National Guard readiness centers and support facilities and in career and technical education centers.

Part D provides a bond issue, in the amount of \$65,000,000, to be used to protect Maine's environment by investing in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfronts and by supporting environmental clean-up efforts and promotion of renewable energy projects through the Municipal Energy Efficiency and Renewable Energy Program established in Part E.

Part E establishes the Municipal Energy Efficiency and Renewable Energy Program within the Efficiency Maine Trust to support municipalities and municipally authorized citizen committees and school administrative units across the State in reducing energy costs, reducing carbon emissions, facilitating the development of renewable energy resources and creating local jobs related to the building of renewable energy facilities and the installation of energy-efficient equipment. This Part takes effect only if the bond issue under Part D is approved by the voters of the State.

This bill was reported out of committee and then carried over as tabled in the Senate to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

Committee Amendment "A" (S-354)

This amendment is the majority report of the committee. It makes the following changes:

1. Amends Part B to allow biomedical research institutions to apply for bond proceeds and adds market

Joint Standing Committee on Appropriations and Financial Affairs

development of life sciences products as an area within which a successful application must demonstrate potential for job creation and economic growth;

2. Amends Part D to reduce bond funds allocated to the Efficiency Maine Trust's Municipal Energy Efficiency and Renewable Energy Program from \$15,000,000 to \$10,000,000 and allocates \$5,000,000 to the trust's Heating Fuels Efficiency and Weatherization Fund to recapitalize that fund. It also changes the language regarding disbursement of bond proceeds to provide that payment from bond proceeds for acquisitions to community conservation projects may be made directly to cooperating entities and removes the requirement that the Land for Maine's Future Board give preference to acquisitions that achieve benefits for multiple towns and address regional conservation needs. It also includes community conservation projects in the expenditures for which bond funds must be matched with at least \$30,000,000 in public and private contributions.

3. Amends Part E to allow Maine Efficiency Trust to award grant funding under the Municipal Energy Efficiency and Renewable Energy Program for a solar array that is not directly owned by a municipality or school administrative unit if, pursuant to an agreement between the owner of the solar array and a municipality or school administrative unit, the sole user of the energy produced by the solar array is the municipality or school administrative unit that entered into the agreement.

4. Adds Part F, which requires the ConnectME Authority to establish a process to ensure state funds made available pursuant to the bond issue under Part B are used to build broadband Internet service in areas of the State that do not meet the goals for broadband service described under the Maine Revised Statutes, Title 35-A, section 9202-A.

5. Adds Part G, which allows proceeds of the Land for Maine's Future Fund to be spent on property that is determined by the Land for Maine's Future Board to be for a community conservation project, defines "community conservation project," includes Maine Indian tribes under the definition of "cooperative entities" and sets helping the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate as a priority of the board in making land acquisitions.

Committee Amendment "B" (S-355)

This amendment, which is the minority report of the committee, strikes out Parts B to E.

This amendment was not adopted.

**LD 1840 Resolve, To Continue until August 3, 2019 Limited-period Positions
 Expiring in June 2019**

**RESOLVE 58
EMERGENCY**

Sponsor(s)
MILLETT S

Committee Report

Amendments Adopted

This resolve was not referred to committee.

This resolve continues all limited-period positions that are scheduled to expire during June 2019 until August 3, 2019.

Enacted Law Summary

Resolve 2019, chapter 58 continues all limited-period positions that are scheduled to expire during June 2019 until August 3, 2019.

Joint Standing Committee on Appropriations and Financial Affairs

Resolve 2019, chapter 58 was finally passed as an emergency measure effective June 7, 2019.

Joint Standing Committee on Appropriations and Financial Affairs

SUBJECT INDEX

Budget Bills

Enacted

- | | | |
|----------------|--|---------------------------------|
| LD 1000 | An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019 | PUBLIC 4
EMERGENCY |
| LD 1001 | An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021 | PUBLIC 343
EMERGENCY |

Not Enacted

- | | | |
|---------------|---|---------------------|
| LD 149 | An Act To Authorize a General Fund Bond Issue To Provide Student Debt Forgiveness To Support Workforce Attraction and Retention | CARRIED OVER |
| LD 310 | An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government | CARRIED OVER |
| LD 311 | An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government | CARRIED OVER |
| LD 611 | An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government | CARRIED OVER |
| LD 789 | An Act To Appropriate General Fund Money for Basic Government Functions | CARRIED OVER |
| LD 968 | An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021 | CARRIED OVER |
| LD 969 | An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019 | CARRIED OVER |

Fiscal Policy

Not Enacted

LD 741	An Act To Return Surplus Money to Maine Taxpayers	CARRIED OVER
LD 792	An Act To Amend the Laws Governing the Issuance of Bonds	CARRIED OVER
LD 1496	An Act To Protect the Maine Budget Stabilization Fund	CARRIED OVER

General Obligation Bond Bills

Enacted

LD 12	An Act To Authorize a General Fund Bond Issue for the Design and Construction of a New Fish Hatchery and To Improve Hatchery Infrastructure	CARRIED OVER
LD 16	An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise	CARRIED OVER
LD 47	An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations	CARRIED OVER
LD 48	An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless	CARRIED OVER
LD 111	An Act To Authorize a General Fund Bond Issue for Research and Development and Commercialization	CARRIED OVER
LD 126	An Act To Authorize a General Fund Bond Issue To Acquire Significant Historic Properties for Resale and Rehabilitation	CARRIED OVER
LD 148	An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund and To Give Priority Status to Certain School Facility Upgrades	CARRIED OVER
LD 172	An Act To Authorize a General Fund Bond Issue To Invest in Smart City Technology	CARRIED OVER
LD 295	An Act To Authorize a General Fund Bond Issue To Increase Rural Maine's Access to Broadband Internet Service	CARRIED OVER
LD 299	An Act To Authorize a General Fund Bond Issue To Assist Schools, Municipalities and Counties in Using Emerging Technologies and Energy Alternatives to Fossil Fuels in Heating, Electrical and Other Utility Systems	CARRIED OVER
LD 341	An Act To Authorize a General Fund Bond Issue for the Construction of a Convention Center in Portland	CARRIED OVER

LD 354	An Act To Authorize a General Fund Bond Issue To Encourage the Provision of Reliable High-speed Internet in Rural Underserved Areas of Maine	CARRIED OVER
LD 381	An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation	CARRIED OVER
LD 394	An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief	CARRIED OVER
LD 400	An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Targeted Areas of the State	CARRIED OVER
LD 423	An Act To Authorize a General Fund Bond Issue To Preserve Historic Properties for Maine's Bicentennial	CARRIED OVER
LD 455	An Act To Authorize a General Fund Bond Issue To Expand Maine's Research, Development, Commercialization and Clinical Infrastructure Assets To Improve Outcomes for Maine Families with Members Suffering from Alzheimer's, Dementia and Other Diseases of Aging	CARRIED OVER
LD 457	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	Leave to Withdraw Pursuant to Joint Rule 310
LD 469	An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund	CARRIED OVER
LD 535	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service	CARRIED OVER
LD 537	An Act To Authorize a General Fund Bond Issue To Support the Gulf of Maine Research Institute's Establishment of a Near-shore Coastal Sensor Network	CARRIED OVER
LD 547	An Act To Authorize a General Fund Bond Issue To Support Maine Aquaculture	CARRIED OVER
LD 602	An Act To Authorize a General Fund Bond Issue To Support Research and Development in Maine	CARRIED OVER
LD 794	An Act To Authorize a General Fund Bond Issue To Recapitalize the Municipal Investment Trust Fund	Leave to Withdraw Pursuant to Joint Rule 310
LD 859	An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers and Regions	CARRIED OVER
LD 861	An Act To Authorize a General Fund Bond Issue To Complete the Renovation of a Wharf and Bulkhead in Portland for Marine Research	CARRIED OVER

LD 911	An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation	CARRIED OVER
LD 923	An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings	CARRIED OVER
LD 1093	An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure	CARRIED OVER
LD 1119	An Act To Authorize a General Fund Bond Issue To Support Investments in Energy Efficiency and Renewable Energy in Municipalities and School Administrative Units	CARRIED OVER
LD 1224	An Act To Authorize General Fund Bond Issues To Address Changes in Sea Level, Geospatial Data Acquisition by Communities and the Increase in Ocean Acidity	CARRIED OVER
LD 1333	An Act To Authorize a General Fund Bond Issue To Establish a Maine County Correctional Facilities Revolving Construction and Improvement Fund	CARRIED OVER
LD 1604	An Act To Authorize General Fund Bond Issues To Improve Highways, Bridges and Multimodal Facilities	CARRIED OVER
LD 1692	An Act To Authorize a General Fund Bond Issue To Fund Training for Mill Workers and Loggers	CARRIED OVER
LD 1705	An Act To Authorize a General Fund Bond Issue To Strengthen the Marine Economy	CARRIED OVER
LD 1836	An Act To Authorize a General Fund Bond Issue for Infrastructure, Economic Development, Workforce Development and Energy and Environment Investment	CARRIED OVER

Miscellaneous Funding and Other Requests

Enacted

LD 1840	Resolve, To Continue until August 3, 2019 Limited-period Positions Expiring in June 2019	RESOLVE 58 EMERGENCY
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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

August 2019

MEMBERS:

SEN. SUSAN A. DESCHAMBAULT, CHAIR
SEN. MICHAEL E. CARPENTER
SEN. KIMBERLEY C. ROSEN

REP. CHARLOTTE WARREN, CHAIR
REP. JANICE E. COOPER
REP. PINNY BEEBE-CENTER
REP. LOIS GALGAY RECKITT
REP. VICTORIA E. MORALES
REP. BRADEN SHARPE
REP. RICHARD A. PICKETT
REP. PATRICK W. COREY
REP. CHRIS A. JOHANSEN
REP. DANNY EDWARD COSTAIN

STAFF:

JANE ORBETON, SENIOR LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

Joint Standing Committee on Criminal Justice and Public Safety

**LD 18 An Act To Ensure Proper Prosecution of Crimes Involving Domestic
Violence and Enhance Protection of Victims of Domestic Violence**

**PUBLIC 412
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L CARPENTER M	OTP-AM	H-175

This bill creates the crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person. The bill also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order.

Committee Amendment "A" (H-175)

This amendment amends the bill by changing the crime of domestic violence aggravated assault to create the Class A variant of aggravated assault that is consistent with the existing crime of Class A aggravated assault under the Maine Revised Statutes, Title 17-A section 208, subsection 1, paragraph A-1, when the defendant causes bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. The amendment adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the predicates that may be used to elevate existing domestic violence crimes. The amendment also adds reference to the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. The amendment makes one nonsubstantive, grammatical correction to the provision of the bill on repeat violations under the protection from abuse law. The amendment adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5 and repeals reference to a violation of Title 17-A, section 208 that has occurred between members of the same family or household as unnecessary following inclusion in the subsection of the newly created crimes.

Enacted Law Summary

Public Law 2019, chapter 412 creates a Class A variant of aggravated assault that is consistent with the existing crime of Class A aggravated assault under the Maine Revised Statutes, Title 17-A section 208, subsection 1, paragraph A-1, when the defendant causes bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. The law adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the predicates that may be used to elevate existing domestic violence crimes. The law adds reference to the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. The law makes one nonsubstantive, grammatical correction to the provision of the bill on repeat violations under the protection from abuse law. The law adds the newly created crimes of domestic violence aggravated assault, domestic violence elevated aggravated assault and domestic violence elevated aggravated assault on a pregnant person to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5. The law repeals an unnecessary reference to a violation of Title 17-A, section 208.

Public Law 2019, chapter 412 was enacted as an emergency measure effective June 20, 2019.

Joint Standing Committee on Criminal Justice and Public Safety

LD 44 An Act Regarding the Maine Criminal Code

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-104

This bill contains the following provisions.

1. In Part A it amends the crime of endangering the welfare of a child by enacting in the Maine Revised Statutes, Title 17-A, section 554, subsection 1, paragraph D a new Class C crime for the reckless violation of a duty of care or protection that results in death or serious bodily injury to the child. It amends the crime of endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph C to cover recklessly violating a duty of care or protection.
2. In Part B it amends the crime of gross sexual assault against a person under 12 years of age or under 14 years of age, both of which are Class A crimes, by requiring that the actor be at least three years older than the other person.
3. In Part C it amends Title 15, section 393 to recognize that convictions in the tribal courts of the Passamaquoddy Tribe and the Penobscot Nation are disqualifying domestic violence convictions for the purposes of the prohibition against firearms created by Title 15, section 393, subsection 1-B. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase "another jurisdiction" to reference the courts defined by that term.
4. In Part D, in response to *State v. LeBlanc-Simpson*, 2018 ME 109, it clarifies that a judicial officer in issuing a written release order under Title 15, section 1026, subsection 2-A or 3 must inform a defendant of the conditions of release, that the conditions take effect and are fully enforceable immediately and that failure to appear or comply with conditions may result in revocation of bail and additional criminal penalties. The bill provides that a condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the bail order expressly excludes a condition of release from immediate applicability, if the defendant is advised of the conditions and that failure to appear or comply with the conditions may subject the defendant to revocation of bail and additional criminal penalties.
5. In Part E it amends the probation statutes to reflect the current practice of the Department of Corrections with respect to calculating the period of probation. A probationer receives credit for a full day of probation on the day probation commences, regardless of the time of day, and receives no credit for a day on which probation is tolled. The period of probation ends when the final day of the probation period ends.

Committee Amendment "A" (H-104)

This amendment clarifies that the notice required by the bill in order for a condition of release to take effect immediately may be provided by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 64 An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense

PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-105

This bill sets the minimum amount of time a person convicted of animal cruelty may not own, possess or have on the person's premises an animal as five years for a Class D crime and 15 years for a Class C crime and makes a violation of these time periods a Class D crime. This bill also provides that a person may petition the court to reduce the amount of time that the person may not own, possess or have on the person's premises an animal upon a showing that the person does not present a danger to animals and meets other criteria.

Committee Amendment "A" (H-105)

This amendment replaces the bill and changes the title. The amendment authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The amendment provides that an intentional or knowing violation of a court order issued pursuant to the provisions of the amendment is a Class D crime. The amendment provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

Enacted Law Summary

Public Law 2019, chapter 99 authorizes the court in a proceeding for a violation of cruelty to animals to impose conditions, including but not limited to prohibiting ownership or possession of an animal or having an animal on the defendant's premises and prohibiting employment that involves the care of or other contact with animals. The law provides that an intentional or knowing violation of a court order issued pursuant to the provisions of this law is a Class D crime. The law provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions set in a court order.

LD 67 An Act To Ensure Access to Justice for Victims of Sexual Assault

PUBLIC 483

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E MOONEN M	OTP-AM	S-72

This bill amends the Maine Criminal Code to extend from 8 years to 20 years the statute of limitations applicable to prosecutions for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual assault committed on or after the effective date of this legislation or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation. The bill also makes a number of technical corrections to the provisions of the Maine Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

Committee Amendment "A" (S-72)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 483 amends the Maine Criminal Code to extend from 8 years to 20 years the statute of

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limitations applicable to prosecutions for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those Class A, Class B and Class C crimes of unlawful sexual contact or gross sexual assault committed on or after September 19, 2019 or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to September 19, 2019. The law makes a number of technical corrections to the provisions of the Maine Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

LD 94 An Act To Prohibit the Dissemination of Obscene Material by Public Schools ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A CYRWAY S	ONTP	

This bill removes public schools from the institutional exceptions to the law prohibiting the dissemination of obscene material to minors.

LD 113 An Act To Exclude Antique Tractors from the Laws Governing Motor Vehicle Racing ONTP

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

This bill excludes antique tractors from regulation under the motor vehicle racing laws.

LD 128 An Act To Reopen the Downeast Correctional Facility ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	ONTP	

This bill requires the Department of Corrections to reopen the Downeast Correctional Facility. The facility must remain open and operational, and the bill permits the closure of the facility only if legislation approving the closure is enacted into law. Funding is provided to restore all positions and for related All Other costs to reopen and operate the Downeast Correctional Facility beginning October 1, 2019.

LD 134 An Act Concerning the Composition of the Criminal Law Advisory Commission Accepted Majority (ONTP) Report

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

This bill amends the membership of the Criminal Law Advisory Commission to require that at least one member be a law enforcement officer from a state law enforcement agency and at least one member be a law enforcement officer from a county or municipal law enforcement agency.

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LD 141 An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K		

This bill makes it a traffic infraction to consume marijuana or a marijuana product, to possess an open container of marijuana or a marijuana product in the passenger area of a vehicle or to place marijuana or a marijuana product in a container labeled by the manufacturer of the container as containing a nonmarijuana substance. This bill is similar to the provisions of law making consuming alcohol or having an open container of alcohol in the passenger area of a vehicle a traffic infraction.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

See LD 637, a related bill on the issue of consuming or having an open container of marijuana in a motor vehicle.

LD 159 An Act To Require Cameras in Ambulances When a Patient Is Being Transported ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D BEEBE-CENTER P	ONTP	

This bill requires that, whenever an ambulance transports a patient from the scene of an emergency or from a hospital or other health care facility to another place, the ambulance must be equipped with video recording equipment that is in operation for the duration of the transport and that is producing a clear video record of the care provided to the patient. In accordance with applicable federal and state law, the video records are to be maintained as confidential by the ambulance service operator and, if applicable, by the Emergency Medical Services' Board and the Department of Public Safety.

LD 182 An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T ROSEN K		

This bill amends the Maine Bail Code to provide that a defendant who is not dangerous, is not a flight risk in the absence of bond and is otherwise eligible for bail may not be detained solely due to financial inability to post a money or property bond and may file a motion with the court requesting relief from the requirement to post a money or property bond. This bill requires the court to determine the financial capacity of the defendant and rule on the motion in an expedited manner.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 205 An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H MOORE M	ONTP	

This bill adds work assignments for a defendant to the circumstances for which notification to the victim of a crime is required for a victim who has requested to be notified.

LD 215 An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUECKER B MIRAMANT D	OTP-AM	H-283

This bill requires the Department of Corrections, or its contracted medical provider, to pay to a provider of ambulance services 225% of the allowable reimbursement under the MaineCare program for ambulance services provided for a person residing in a correctional or detention facility.

Committee Amendment "A" (H-283)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 223 An Act Regarding Community Service Sentencing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A CARPENTER M	ONTP	

This bill allows a court to sentence an offender to community service such as litter collection and custodial duties for and under the supervision of the municipality in which the offense was committed.

LD 262 An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S HANLEY J	ONTP OTP-AM	

This bill changes the crime of assault on an officer to include offensive physical contact and creates the crime of aggravated assault on an officer, which includes assaults against law enforcement officers and corrections officers and other corrections personnel and which is modeled on the crime of aggravated assault.

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Committee Amendment "A" (S-74)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment provides for a mandatory minimum term of imprisonment for an aggravated assault on a victim who is a law enforcement officer, a corrections officer or corrections supervisor or a member of the staff of a correctional institution who is in the performance of the victim's official duties if the defendant planned the assault prior to the assault or targeted that person because of that person's employment. The amendment provides a procedure and standards for the court to impose a sentence of imprisonment less than the mandatory minimum.

This amendment was not adopted.

LD 263 An Act To Prohibit Certain Sex Offenders from Establishing Residence ONTP
in Certain Multiunit Residential Buildings in which Minors Reside

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S ARATA A	ONTP	

This bill prohibits certain convicted sex offenders who were convicted of an offense against a minor under 14 years of age from intentionally or knowingly establishing residence in a dwelling unit of a multiunit residential building in which another dwelling unit that shares the same entryway is occupied by a person under 18 years of age. The bill makes violation of this provision a Class E crime.

LD 264 An Act Regarding Liability for Taking a Blood Sample from an PUBLIC 189
Operator of a Motor Vehicle Involved in a Fatal Crash

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

This bill allows an emergency medical services person or law enforcement officer whose training allows that person to draw blood samples to draw a specimen of blood from the operator of a motor vehicle involved in a fatal traffic accident for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. This bill extends to those same persons the current law shielding persons from liability for acts done or omitted in collecting or withdrawing specimens of blood.

Committee Amendment "A" (S-118)

This amendment changes the title of the bill and strikes and replaces the bill. The amendment makes grammatical changes to clarify the law providing immunity from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer and extends that immunity to an emergency medical services person, a law enforcement officer, an emergency medical service and a law enforcement agency.

Enacted Law Summary

Public Law 2019, chapter 189 amends the law regarding persons shielded from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer. The law clarifies that immunity extends to health care providers whose occupational licenses or training allow them to draw blood, including but not limited to emergency medical services persons and law enforcement officers, emergency medical services and law enforcement agencies.

See related bill LD 1676.

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LD 306 Resolve, Requiring the Department of Public Safety To Study and Determine What Constitutes a Violation of Air Space by a Drone ONTP

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

This resolve requires the Department of Public Safety to study and determine what constitutes a violation of air space by a drone and to report the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by December 4, 2019.

LD 316 An Act To Protect Vulnerable Persons from Theft CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A CYRWAY S	OTP-AM OTP-AM	H-297

This bill makes the crime of theft by deception when the victim is 66 years of age or older at the time of the offense a Class B crime.

Committee Amendment "A" (H-297)

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment designates the following types of theft or fraud as Class B crimes if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. The amendment includes an appropriations and allocations section.

Committee Amendment "B" (H-298)

This amendment is the minority report of the committee. The amendment replaces the bill. The amendment defines "vulnerable person" by reference to the definitions of "dependent adult" in the Maine Revised Statutes, Title 22, section 3472, subsection 6 and "incapacitated adult" in Title 22, section 3472, subsection 10. The amendment elevates the class of the following crimes of theft or fraud by one class, up to a maximum of Class B, if the owner of the property is a vulnerable person: theft by unauthorized taking or transfer, theft by deception, theft by misapplication of property and misuse of entrusted property. The amendment includes an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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**LD 324 An Act Regarding Forfeiture of Assets of Persons Convicted of
Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses,
Aggravated Criminal Forced Labor Offenses and Criminal Forced
Labor Offenses**

PUBLIC 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM	H-106

This bill provides for criminal forfeiture of property of a person convicted of certain criminal restraint offenses in violation of the Maine Revised Statutes, Title 17-A, section 302, subsection 1; aggravated sex trafficking offenses in violation of Title 17-A, section 852; and sex trafficking offenses in violation of Title 17-A, section 853.

Committee Amendment "A" (H-106)

This amendment strikes and replaces the bill and the title. The amendment adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets pursuant to a court procedure specified in statute, after a criminal conviction, and with distribution of the forfeited property or proceeds of the forfeited property in accordance with statute and as ordered by the court. The amendment broadens one of the allowable uses of the property forfeited or the proceeds of the property. In current law, property or proceeds may be given to a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders; in the amendment, property or proceeds may be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

Enacted Law Summary

Public Law 2019, chapter 97 adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets pursuant to a court procedure specified in statute, after a criminal conviction, and with distribution of the forfeited property or proceeds of the forfeited property in accordance with statute and as ordered by the court. The law broadens one of the allowable uses of the property forfeited or the proceeds of the property to allow the property or proceeds to be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

LD 326 An Act To Decriminalize Engaging in Prostitution

ONTP

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

Part A decriminalizes engaging in prostitution by making the following amendments to the laws.

1. It changes the term "prostitute" to the term "prostituted person" in the law on funding for the Victims' Compensation Fund and in the definitions in the Maine Revised Statutes, Title 17-A, section 851.
2. It repeals the crime of engaging a prostitute in Title 17-A, section 853-B and places the provision in Title 17-A, chapter 11, which governs sexual assaults, in section 253-A using the term "engaging a prostituted person" instead of the term "engaging a prostitute." It provides definitions in chapter 11 for "engaging a prostituted person" and "prostitution."

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3. It repeals the crime of engaging in prostitution.

4. It removes from the adoption assistance program reference to prostitution in the examples of family background factors that are used to define a special needs child.

Part B allows a person convicted of a crime of engaging in prostitution in this State to petition the court in which the conviction was recorded to expunge the record of the conviction. It authorizes the court to order all records of the conviction expunged if the convicted person has not been convicted of a violation of Title 17-A, section 253-A, 852 or 853 or former section 853-A and has no formal charging instrument pending in this State for a violation of Title 17-A, section 253-A, 852 or 853. Part B requires the Department of Public Safety, State Bureau of Identification, following receipt of a court order for expungement, to make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the expunged crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency.

See also LD 974.

This bill was voted Ought Not to Pass as a companion vote to LD 1834.

LD 329 An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency

PUBLIC 137

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B DESCHAMBAULT S	OTP-AM ONTP	H-178

This bill exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

Committee Amendment "A" (H-178)

This amendment, which is the majority of the committee, incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 137 exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

LD 332 An Act To Remove the Statute of Limitations for Certain Sex Crimes

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R HERBIG E	ONTP	

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This bill amends the portions of the Maine Criminal Code pertaining to statutes of limitations to remove statutes of limitations governing the prosecution of Class A, Class B or Class C crimes involving incest; unlawful sexual contact; sexual abuse of a minor; or rape or gross sexual assault, formerly denominated as gross sexual misconduct. These changes apply only to those sexual crimes committed on or after the effective date of this legislation or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

LD 342 An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle ONTP

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

This bill establishes the failure to inform a law enforcement officer of a person's possession of a hypodermic apparatus as a Class D crime. Under the bill, if a person discloses the possession of a hypodermic apparatus as required, the hypodermic apparatus and any contents of the apparatus are inadmissible as evidence in a prosecution for a violation of the Maine Revised Statutes, Title 17-A, chapter 45.

LD 353 An Act Regarding the Safety of Recovery Residences PUBLIC 358

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	OTP-AM	H-577

This bill requires a recovery residence located in a house to be considered a one-family dwelling under rules concerning safety to life from fire if the recovery residence has no more than six occupants and contains a fire extinguisher and smoke detector in each room. This bill also defines "recovery residence" as an alcohol-free and illegal substance-free shared living residence for persons recovering from substance use disorder that provides peer support and connects residents to support services and community resources.

Committee Amendment "A" (H-577)

This amendment replaces the bill and provides a new title. The amendment provides an exception to the rules for life safety code requirements for recovery residences that are certified by a nationally recognized organization that supports persons recovering from substance use disorder and that meet other listed criteria. The amendment defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

Enacted Law Summary

Public Law 2019, chapter 358 provides an exception to the rules for life safety code requirements for recovery residences that are certified by a nationally recognized organization that supports persons recovering from substance use disorder and that meet other listed criteria. The law defines a recovery residence as a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

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LD 379 An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V CYRWAY S	ONTP OTP	

This bill creates the Class E crime of unlawful storage of a firearm, which a person is guilty of if the person stores or leaves on premises under the person's control a loaded firearm; the person knows or reasonably should know that a child is likely to gain access to the loaded firearm without the permission of the child's parent or guardian; and a child in fact gains access to the loaded firearm and uses the loaded firearm in a reckless or threatening manner, uses the loaded firearm during the commission of a crime or recklessly or negligently discharges the loaded firearm. The bill also requires a firearm dealer to post a warning at each purchase counter regarding the need to secure firearms from unauthorized use.

LD 396 An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored

PUBLIC 94

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAXMIN C CHENETTE J	OTP-AM	H-113

This bill changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to the period of time equal to the limitations period for the underlying crime. This bill also requires investigating agencies in possession of a sexual assault forensic examination kit when the victim has come forward to store the kit for the period of time equal to the limitations period for the underlying crime or until the underlying crime has been prosecuted and a conviction has been obtained, whichever comes first.

Committee Amendment "A" (H-113)

This amendment replaces the bill. The amendment changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to eight years.

Enacted Law Summary

Public Law 2019, chapter 94 changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not come forward from 90 days from receipt of the kit to eight years.

LD 430 An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DESCHAMBAULT S	OTP-AM OTP-AM ONTP	H-627

This bill establishes within the Department of Public Safety programs for the collection and disposal of expired marine flares and for education of the public and state agency personnel regarding expired marine flares.

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Committee Amendment "A" (H-627)

This amendment is the majority report of the committee. The amendment adds to the bill a directive that the Commissioner of Public Safety use appropriated General Fund funding for the purposes of the bill and authorizes the commissioner to accept and use for those purposes gifts, donations and contributions. The amendment adds an appropriation in fiscal year 2019-20 of \$43,500 to enable the State Fire Marshal to purchase a new high temperature thermal destruction incinerator.

Committee Amendment "B" (H-628)

This amendment is one of two minority reports of the committee. The amendment adds to the bill a marine flare disposal fee, in a new chapter in the Maine Revised Statutes, Title 36, of 25¢ per flare. The fee will offset the cost to the General Fund of paying for the marine flare education, collection and disposal programs in the bill. The marine flare disposal fee takes effect on January 1, 2020. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 449 An Act To Impose a Mandatory Sentence for the Crime of Aggravated ONTP
Unlawful Operation of a Methamphetamine Laboratory

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

This bill adds the crime of aggravated unlawful operation of a methamphetamine laboratory to the list of drug offenses that carry a mandatory four-year minimum sentence.

LD 460 An Act Requiring the State To Reimburse Counties for All Costs ONTP
Exceeding the Tax Assessment for Correctional Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S FARRIN B	ONTP	

This bill requires the Department of Corrections to reimburse a county for the annual costs of correctional services that exceed the county's tax assessment for those services.

LD 485 An Act Regarding Actions of the Owner or Keeper of a Dog That PUBLIC 134
Assaults a Person and Causes an Injury That Requires Medical
Attention

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M HARNETT T	OTP-AM	S-65

This bill requires the owner or keeper of a dangerous dog that assaults a person and causes serious bodily injury to remain at the scene of the assault until after providing the owner's or keeper's name and current address to the

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injured person, a person acting for the injured person or a law enforcement officer. A person who fails to comply commits a Class C crime.

Committee Amendment "A" (S-65)

This amendment replaces the bill and provides a new title. The amendment requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, if necessary, and provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer before the owner or keeper may leave the scene of the assault. A violation of the section is a Class D crime.

Enacted Law Summary

Public Law 2019, chapter 134 requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, if necessary, and provide the owner's or keeper's name, current address and contact information to the injured person, a person acting for the injured person or a law enforcement officer before the owner or keeper may leave the scene of the assault. A violation of the law is a Class D crime.

LD 516 An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program ONTP

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

This bill directs the Commissioner of Public Safety to design, implement and administer a statewide voluntary firearm collection day, the purpose of which is to provide to any person an annual, one-day opportunity to voluntarily turn over any firearm or ammunition in the person's possession to a law enforcement officer at a number of sites conveniently located throughout the State.

The commissioner is also required to facilitate the establishment of a year-round voluntary firearm collection program administered by the Bureau of State Police that, at a minimum, is designed to provide to any person the opportunity to voluntarily turn over any firearm or ammunition in the person's possession to a state police officer at any facility or function of the Bureau of State Police to which members of the public are regularly allowed admission.

The commissioner is directed to provide technical assistance and, as necessary and as resources allow, financial assistance to municipal and county law enforcement agencies that elect to participate in the voluntary firearm collection day or elect to establish an ongoing local voluntary firearm collection program. A person may not be charged a fee to turn over a firearm or ammunition to a law enforcement officer during the collection day or through a collection program and is required only to provide the law enforcement officer the person's name, mailing address and telephone number. Firearms and ammunition collected are to be destroyed, except for those firearms determined to have been stolen or used in the commission of a criminal act or that are otherwise sought as evidence in a criminal investigation or prosecution.

LD 533 An Act To Eliminate the Statutory Duty To Retreat and Affirm the Right of Self-defense Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J BLACK R	ONTP OTP-AM	

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This bill removes the requirements that a person retreat if it is safe to do so and if the person can comply with a demand that the person abstain from performing an act that the person is not obliged to perform. The bill also permits the use of deadly force to prevent death or serious bodily injury in self-defense, in defense of a 3rd person, in defense of a dwelling or to prevent the forcible commission of a kidnapping, a robbery or a gross sexual assault.

Committee Amendment "A" (H-501)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 548 An Act Regarding Charging a Person under 18 Years of Age with the PUBLIC 131
Crime of Engaging in Prostitution

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	OTP-AM ONTP	S-48

This bill prohibits minors from being charged with the crime of engaging in prostitution.

Committee Amendment "A" (S-48)

This amendment, which is the majority report of the committee, changes the title of the bill and conforms the reference to a person's age to the drafting standards of the Maine Criminal Code.

Enacted Law Summary

Public Law 2019, chapter 131 limits the persons who may be charged with engaging in prostitution to persons who are 18 years of age or older.

LD 608 An Act To Provide Funding for a Correctional Facility in Downeast CARRIED OVER
Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide funding to establish a correctional facility in the eastern coastal region of Maine in Washington and Hancock counties.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 628 An Act To Ensure Comprehensive Access to Menstrual Products in All PUBLIC 139
Maine's Jails, County Correctional Facilities and State Correctional and
Detention Facilities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C DESCHAMBAULT S	OTP-AM ONTP	H-176

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This bill adds to the rights of a person residing in a correctional or detention facility under the jurisdiction of the Department of Corrections the right to comprehensive access to menstrual products, including sanitary pads, tampons and menstrual cups, provided without charge to a female person residing in the correctional or detention facility. This bill provides that any female person incarcerated in a jail or other county correctional facility has a right to comprehensive access to menstrual products, including, but not limited to, sanitary pads, tampons and menstrual cups, without charge to the incarcerated person.

Committee Amendment "A" (H-176)

This amendment is the majority report of the committee. The amendment changes the person entitled to menstrual products from a female person to a person who menstruates. The amendment removes menstrual cups from the products in the bill that are required to be provided. The amendment requires that products, including but not limited to sanitary pads and tampons, be provided and available at all times and without inconvenience to the person who resides in the jail, county correctional facility or state correctional or detention facility.

Enacted Law Summary

Public Law 2019, chapter 139 adds to the rights of a person who menstrates who is residing in a correctional or detention facility under the jurisdiction of the Department of Corrections or who is incarcerated in a jail or other county correctional facility the right to comprehensive access to menstrual products, including sanitary pads and tampons, provided and available at all times and without inconvenience.

LD 635 An Act Related to Community Reparations Boards

ONTP

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

This bill provides that, if a court imposes a sentencing alternative that includes a period of deferred disposition, the court may, with the express approval of the prosecuting attorney, require as a condition of the deferred disposition that the person subject to the deferred disposition appear before a community reparations board and abide by any requirement imposed by the board if the court finds no circumstance that makes the appearance inappropriate.

LD 636 Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S PICKETT R	OTP-AM ONTP	S-236

This bill requires that, beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. Use of body-worn cameras by law enforcement officers and the maintenance and retention of data and recordings must be consistent with model policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.

Committee Amendment "A" (S-236)

This amendment, which is the majority report of the committee, replaces the bill with a resolve establishing the Work Group To Study the Use of Body Cameras by Law Enforcement Officers, consisting of nine members appointed by the President of the Senate, the Speaker of the House and the Attorney General. The Attorney General

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or the Attorney General's designee serves as chair. The Attorney General is required to give notice of meetings of the work group to the general public and a broad array of organizations. The work group is required to study the use of body cameras by law enforcement officers, to review current practices in Maine and outside of Maine, to review research on the use of body cameras and to report by March 1, 2020 with any recommendations to the Joint Standing Committee on Criminal Justice and Public Safety.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Study Table by joint order, H.P. 1322.

LD 637 An Act Regarding Motor Vehicle Operation and Drug Use ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S RYKERSON D	ONTP	

This bill does the following.

1. It allows as admissible evidence indicating whether a person is operating a motor vehicle under the influence of intoxicants whether the person has an alcohol level of 0.05 grams or less of alcohol per 100 milliliters of blood or 210 liters of breath and has a trace amount of any drug or the metabolite of any drug within the person's blood or urine.
2. It establishes a permissible inference of operating under the influence of intoxicants when a person operates a motor vehicle and has an alcohol level in excess of 0.05 grams of alcohol but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath and has a trace amount of any drug or the metabolite of any drug within the person's blood or urine.
3. It establishes a 0.00 nanogram level for THC for a person under 21 years of age who is operating a motor vehicle.
4. It creates a new traffic infraction for a person who consumes marijuana or a marijuana product in a vehicle, possesses an open container of marijuana or a marijuana product in the passenger area of a vehicle or possesses marijuana or a marijuana product that has been placed in a container labeled by the manufacturer of the container as containing a nonmarijuana substance.

See LD 141, related bill on issue of consuming or having an open container of marijuana in a motor vehicle.

LD 648 An Act To Improve Reporting of Operating Under the Influence Offenses PUBLIC 121

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-152

This bill requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to maintain separate categories in its uniform crime reporting for offenses that involve operating under the influence of alcohol, offenses that involve operating under the influence of intoxicating substances other than alcohol and offenses that involve operating under a combination of alcohol and other intoxicating substances.

Committee Amendment "A" (H-152)

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This amendment replaces the bill. The amendment requires the Department of Public Safety, State Bureau of Identification to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to the Maine Revised Statutes, Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

Enacted Law Summary

Public Law 2019, chapter 121 requires the Department of Public Safety, State Bureau of Identification to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence offenses pursuant to the Maine Revised Statutes, Title 29-A, section 2411. The report must include separate categories for offenses involving operating under the influence of alcohol, for offenses involving operating under the influence of intoxicating substances other than alcohol and for offenses involving operating under the influence of a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

LD 677 An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B MIRAMANT D	ONTP	

This bill requires the establishment of a record and case tracking system and detailed reporting to the Commissioner of Public Safety when a law enforcement agency seizes, holds or disposes of property as a result of civil forfeiture provisions of the Maine Revised Statutes, Title 15, section 5821 and the criminal forfeiture provisions of Title 15, section 5826. The bill provides that reported information is public information and for public access to that information through a website and mandates reports to the Legislature, Attorney General and Governor. The bill provides rulemaking for the Commissioner of Public Safety and auditing by the State Auditor, with a report from the State Auditor to the Commissioner of Public Safety. The provisions apply to law enforcement agencies, which are defined to include fire departments, that seize, hold or dispose of property as a result of an investigation and arrest carried out in cooperation with a federal law enforcement agency.

LD 678 An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails ONTP

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

This bill requires the Department of Corrections to reimburse a county for 20.25% of the cost of the county's correctional services.

LD 691 An Act Regarding County Jail Funding ONTP

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

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This bill requires that instead of a specific dollar amount the State provide at least 20.22% of the cost of county jail operations to the County Jail Operations Fund for distribution to county jails.

LD 693 An Act To Create a Regional Prerelease Center

Leave to Withdraw Pursuant to Joint Rule

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish and fund a regional prerelease center.

LD 700 An Act To Prevent Internet Theft

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HANLEY J		

This bill creates the crime of organized electronic theft, of which a person is guilty if the person commits two or more thefts under the Maine Criminal Code pursuant to a scheme or course of conduct involving thefts committed by electronic means. "Thefts committed by electronic means" includes, but is not limited to, thefts committed using Internet-based sales platforms and Internet-based fundraising, including so-called crowdfunding platforms. The severity of punishment for the crime of organized electronic theft is dependent upon the total value of the property stolen. The bill also includes an appropriation to establish a computer forensic analyst position within the Department of Public Safety dedicated to the investigation of organized electronic theft.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 735 An Act To Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy

PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP-AM	H-111

This bill provides a permanent seat on the Board of Trustees of the Maine Criminal Justice Academy for a representative of the five Wabanaki tribal governments. The tribal representative must be a law enforcement official and must be chosen for a two-year term by a process determined by the tribal governments. The process must require that the position rotate among the five tribal governments.

Committee Amendment "A" (H-111)

This amendment changes the title and provides a seat on the Board of Trustees of the Maine Criminal Justice Academy for a person appointed by the Governor who is knowledgeable about public safety and who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton

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Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. The term of this member of the board of trustees is two years.

Enacted Law Summary

Public Law 2019, chapter 103 provides a seat on the Board of Trustees of the Maine Criminal Justice Academy for a person appointed by the Governor who is knowledgeable about public safety and who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. The term of this member of the board of trustees is two years.

LD 747 An Act To Promote the Safe Use and Sale of Firearms

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B GRATWICK G	ONTP	

This bill does the following.

1. It creates the civil violation of the sale or transfer of a firearm to a prohibited person and provides that a 2nd or subsequent offense is a strict liability Class E crime. The bill also creates an affirmative defense to prosecution under this new civil violation and crime that the seller or transferor of the firearm requested a federally licensed firearms dealer to conduct a computerized background check under the Federal Bureau of Investigation, National Instant Criminal Background Check System on the purchaser or transferee prior to the sale or transfer of the firearm and the background check indicated that the purchaser or transferee was not a prohibited person.
2. It creates the Class D crime of the sale or transfer of a firearm to a prohibited person. A person is guilty of this crime if that person intentionally or knowingly sells or transfers a firearm to another person that the seller or transferor knows or believes is prohibited from possessing a firearm.
3. It increases the fine from \$50 to \$1,000 for the civil violation of giving a false or fictitious name to a firearms dealer and makes the fine mandatory.
4. It requires the Chief of the State Police to convene a study group to review and make recommendations regarding the so-called blue paper process as it relates to persons admitted to a psychiatric hospital on an emergency basis who are temporarily prohibited from possessing firearms. Representatives from the following are invited to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors Association, Disability Rights Maine and any other interested parties that the Chief of the State Police determines appropriate. The Chief of the State Police is required to report the recommendations of the study group to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2020. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out a bill to the Second Regular Session of the 129th Legislature.

LD 755 An Act To Ensure Funding Sources for County Jails

ONTP

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

This bill removes the 4% growth limitation factor on county tax assessments for correctional services and treats excessive tax assessments for county correctional services the same as for other county services.

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LD 762 An Act Regarding Consent by a Motor Vehicle Operator to a Blood Test

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-284 S-198 ROSEN K

This bill brings the implied consent provisions concerning operating under the influence into compliance with recent case law from the United States Supreme Court that requires a search warrant before taking a sample of blood or urine from a person suspected of operating under the influence.

Committee Amendment "A" (H-284)

This amendment is the majority report of the committee. The amendment replaces the bill and provides a new title. The amendment amends the criminal operating under the influence statutes for motor vehicle operators to:

1. Provide that refusal to submit to a blood test at the request of a law enforcement officer in the absence of a warrant is not a ground for imposition of a mandatory period of incarceration, does not constitute an operating under the influence offense for the purpose of requiring the imposition or enhancement of a mandatory minimum sentence of incarceration and is not admissible in evidence at a hearing or trial; and
2. Add to the warning given to a person being asked to submit to a test a statement that refusal to submit to a blood test at the request of a law enforcement officer in the absence of a warrant is not a ground for imposition of a mandatory period of incarceration.

Senate Amendment "A" To Committee Amendment "A" (S-198)

This amendment removes from the committee amendment wording regarding the admissibility of evidence at trial, correcting a drafting error in the committee amendment.

LD 767 An Act To Ensure the Availability of In-person Visitation in County Jails

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BELLOWS S	OTP OTP-AM	

This bill requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The bill authorizes a sheriff to restrict a particular prisoner to video-only visitation upon a determination that allowing in-person visitation for that prisoner may jeopardize the safety and security of the jail. The bill also requires the sheriff to provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

Committee Amendment "A" (H-65)

This amendment is the minority report of the committee. The amendment authorizes, instead of requires as in the bill, the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The amendment also authorizes, instead of requires as in the bill, the sheriff to

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provide opportunities for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 76 requires the sheriff of a county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. The law authorizes the sheriff to provide video-only visitation for all visitation at the jail or for in-person visitation involving physical contact between a prisoner and a visitor of the prisoner, subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff.

**LD 779 An Act To Improve the Definition of "Strangulation" in the Aggravated PUBLIC 91
Assault Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-47

This bill removes the requirement that the act of strangulation has to be intentional in order to be considered aggravated assault.

Committee Amendment "A" (S-47)

This amendment clarifies that, in order for the act of strangulation to be considered aggravated assault, the actor must intentionally, knowingly or recklessly apply pressure on another person's throat or neck.

Enacted Law Summary

Public Law 2019, chapter 91 clarifies in the law that, in order for the act of strangulation to be considered aggravated assault, the actor must intentionally, knowingly or recklessly apply pressure on another person's throat or neck.

**LD 788 An Act To Authorize the Use of Handheld Narcotics Analyzers Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L STEWART T	ONTP OTP	

This bill provides that a law enforcement agency that has in its possession a drug or substance for analysis as a scheduled drug may, in addition to or instead of analysis of the drug or substance in a laboratory, submit the drug or substance for analysis by means of a handheld narcotics analyzer that has been evaluated and certified by the Department of Health and Human Services, Health and Environmental Testing Laboratory as reliable for field testing of scheduled drugs. The bill requires that a law enforcement officer who analyzes a drug or substance by means of a handheld narcotics analyzer in accordance with procedures adopted by the Health and Environmental Testing Laboratory must upon completion of the analysis issue a signed certificate stating the results of the analysis. The bill provides that such a certificate, when duly signed and sworn to by a person certified as qualified for this purpose by the Department of Health and Human Services under certification standards set by that department, is admissible in evidence in a court of the State, and gives rise to a permissible inference under the Maine Rules of

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Evidence, Rule 303 that the composition, quality and quantity of the drug or substance are as stated in the certificate, unless, with 10 days' written notice to the prosecution, the defendant requests that a qualified witness testify as to the composition, quality and quantity.

LD 802 An Act To Recruit and Retain Corrections Support Staff

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill requires staff in support, maintenance and other nonsupervisory positions, but not including guards, in correctional facilities maintained by the Department of Corrections to be given a \$2 per hour increase in their wages. In 2016, guards in the department were given a \$2 per hour wage increase but other employees in the correctional facilities were not.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order H.P. 1322.

LD 804 An Act To Ensure Programming for Long-term Incarcerations at County Jails

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to ensure programming for long-term incarcerations at county jails.

LD 810 An Act To Require Background Checks for All Private Firearm Sales or Transfers Except between Family Members

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D COLLINGS B	ONTP	

This bill allows the transfer or sale of a firearm between two individuals who are not licensed as firearm dealers if the person to whom the firearm is being transferred submits to a background check conducted by a licensed firearm dealer; the dealer must conduct a background check and complete the sale or transfer as though selling or transferring the dealer's own inventory. This bill does not restrict transfers to a family member, which is broadly defined to include a spouse, domestic partner, intimate partner, child, parent, sibling, grandparent, grandchild, stepchild, stepparent, niece, nephew, first cousin, aunt, uncle and in-law; temporary transfers between persons who are hunting or sport shooting together; transfers done for emergency self-defense; the transfer of an antique weapon or curio; a transfer involving a law enforcement officer or agency, member of the military or licensed security guard; or a transfer that occurs by operation of law upon a person's death.

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LD 828 An Act Concerning the Release of the Name of a Deceased Individual

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K TIMBERLAKE J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to ensure that the name of a deceased individual is not released publicly before the family of the deceased individual has been notified.

LD 829 Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

RESOLVE 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM	H-320 S-309 LIBBY N H-659 TALBOT ROSS R

This resolve reestablishes the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was previously established by the 121st Legislature in 2003. This 17-member commission is charged with conducting research and preparing recommendations on a variety of issues relating to the sentencing of prisoners, the management of county and state correctional facilities and the treatment of prisoners within those facilities. The commission is directed to submit, no later than December 4, 2019, a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation relating to the report to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (H-320)

This amendment adds three members to the membership of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners: a representative of a statewide organization working to end domestic violence; a representative of a statewide organization working to end sexual assault; and a member of a federally recognized tribe in Maine. The amendment adds to the duties of the commission specific mention of juvenile and adult prisoner populations and diversion from juvenile corrections.

Senate Amendment "A" (S-309)

This amendment changes the method of appointing the commission chairs so as to conform with Joint Rule 353.

House Amendment "A" (H-659)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2019, chapter 104 reestablishes the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was previously established by the 121st Legislature in 2003. The commission has 20 members, including the first-named Senate member as Senate chair and the first-named House member as House chair. The commission is charged with conducting research and preparing recommendations on a variety of issues relating to the sentencing of prisoners, the management of county and state correctional facilities and the treatment of prisoners within those facilities. The commission is directed to review and make recommendations with regard

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to juvenile and adult populations. The commission is directed to submit, no later than December 4, 2019, a report detailing its findings and recommendations, including any proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on Judiciary, each of which may report out legislation relating to the report to the Second Regular Session of the 129th Legislature. The resolve was not enacted as an emergency measure.

LD 855 An Act To Strengthen the Maine Uniform Building and Energy Code

PUBLIC 517

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIAZZO C MIRAMANT D	OTP-AM	H-619 S-372 DESCHAMBAULT S

This bill requires that the Commissioner of Public Safety appoint a technical codes coordinator, an office specialist and a building codes trainer. It also requires that municipalities impose a \$3 surcharge on building permits and remit those funds to the Department of Public Safety to fund the Uniform Building Codes and Standards Fund.

Committee Amendment "A" (H-619)

This amendment makes the following changes to the bill.

1. It increases the municipal permit surcharge from \$3 to \$5 and specifies that the surcharge only applies to permits for new construction or renovations that are subject to the Maine Uniform Building and Energy Code.
2. It transfers administration of code enforcement officer training from the Department of Economic and Community Development, Office of Community Development to the Department of Public Safety, Office of the State Fire Marshal.

The amendment also adds a mandate preamble and an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-372)

This amendment removes the municipal permit surcharge and the positions funded by it. The amendment also removes the mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 517 transfers administration of code enforcement officer training from the Department of Economic and Community Development, Office of Community Development to the Department of Public Safety, Office of the State Fire Marshal.

LD 869 An Act Regarding Gun Control

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing gun control.

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LD 871 An Act To Establish the Crime of Endangering the Welfare of a Child by Transferring Illegal Drugs through Breast Milk Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COSTAIN D CYRWAY S		

This bill establishes the Class C crime of endangering the welfare of a child by knowingly transferring a scheduled drug or a metabolite of a scheduled drug to a child through breast milk.

LD 913 An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals PUBLIC 494

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

This bill makes it unlawful for a member of the clergy who is in a position of trust or authority over another person to cause the other person to submit to or participate in a sexual act, sexual contact or sexual touching by exploiting the person's emotional dependency on the member of the clergy. It also places the current definition of "domestic partner" in the definition section of the Maine Revised Statutes, Title 17-A, chapter 11 and deletes repetitive definitions of "domestic partner" found throughout the chapter.

Committee Amendment "A" (S-117)

This amendment replaces the bill and provides a new title. The amendment amends the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to include all licensed counseling professionals as the actors in the gross sexual assault, unlawful sexual contact and unlawful sexual touching.

Enacted Law Summary

Public Law 2019, chapter 494 amends the law on gross sexual assault, unlawful sexual contact and unlawful sexual touching to include all licensed counseling professionals as the actors in the gross sexual assault, unlawful sexual contact and unlawful sexual touching.

LD 921 An Act To Allow Municipalities To Adopt Stricter Building and Energy Code Standards Than the Maine Uniform Building and Energy Code Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESSLER C CHIPMAN B	ONTP OTP	

This bill authorizes municipalities to adopt building and energy code requirements that are more strict than those contained in the Maine Uniform Building and Energy Code.

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LD 925 An Act Requiring the Department of Corrections To Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations ONTP

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

This bill requires the Department of Corrections to reimburse a county for the costs of confining a person who is serving a sentence of more than six months or for a probation or parole violation.

LD 926 An Act To Protect Hospital Employees from Assault ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J DOW D	ONTP	

This bill provides that an assault on a hospital employee while the hospital employee is providing medical care is a Class C crime. It also provides that an assault on an emergency medical care provider while the emergency medical care provider is providing medical care is a Class C crime. Current law provides that an assault on an emergency medical care provider while the emergency medical care provider is providing emergency medical care is a Class C crime. The bill also corrects a cross-reference.

See also LD 1199.

LD 973 An Act To Stabilize County Corrections CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to stabilize the funding for county corrections.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 974 An Act To Amend the Penalties for Engaging in Prostitution ONTP

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

This bill amends the penalty provision for the crime of engaging in prostitution. For a first offense, the bill retains the current law designation of the crime as a Class E crime. For a 2nd or subsequent conviction within two years of engaging in prostitution, the bill changes the designation from a Class D crime to a Class E crime.

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See also LDs 326 and 1834.

LD 1014 An Act To Attract and Retain Firefighters

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THERIAULT T	OTP-AM	S-242

This bill provides funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

Committee Amendment "A" (S-242)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1018 Resolve, To Review the Laws Governing the Enforcement of Protection from Abuse Orders

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K WARREN C	ONTP	

This resolve requires the Department of Public Safety to convene a work group to review the laws governing enforcement of protection from abuse orders and how those orders are enforced by law enforcement officers.

LD 1022 An Act To Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim or Juror

PUBLIC 309

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-159

This bill amends the elements of the crime of tampering with a witness, informant, juror or victim by adding the instance of committing an unlawful act in retaliation against a witness, informant, juror or victim for acting in the capacity of a witness, informant, juror or victim.

Committee Amendment "A" (S-159)

This amendment replaces the bill and provides a new title. The amendment creates a new Class C crime of retaliation against a witness, informant, victim or juror if a person, believing that another person is participating or has participated as a witness, informant, victim or juror in an official proceeding, as defined in the Maine Revised Statutes, Title 17-A, section 451, subsection 5, paragraph A, or, in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation.

Enacted Law Summary

Public Law 2019, chapter 309 creates a new Class C crime of retaliation against a witness, informant, victim or juror if a person, believing that another person is participating or has participated as a witness, informant, victim or

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juror in an official proceeding, as defined in the Maine Revised Statutes, Title 17-A, section 451, subsection 5, paragraph A, or, in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation.

LD 1023 An Act Regarding the Definition of "Serious Bodily Injury" in the CARRIED OVER
Maine Criminal Code

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-116

This bill amends the definition of "serious bodily injury" in the Maine Criminal Code by changing "substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health" to "substantial impairment of the health or function of any part of the body or that causes extended convalescence necessary for recovery of physical or mental health." The bill also makes grammatical changes.

Committee Amendment "A" (S-116)

This amendment strikes and replaces the bill. The amendment amends the definition of "serious bodily injury" in the Maine Criminal Code by clarifying the language regarding injury that leads to extended convalescence. The amendment also amends the law regarding the crime of aggravated assault to reflect the changes to the definition of "serious bodily injury" contained in the amendment. The amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over in the Senate to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1033 An Act To Protect Children from Accidental Injury Due to Unsafe ONTP
Storage of Firearms

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MILLETT R	ONTP	

This bill requires that firearms kept in a place where children reside or receive child care services or where persons prohibited from possessing firearms reside be secured in a locked container or with tamper-resistant devices that prevent them from being discharged. It excludes antique firearms from this requirement. A fine is provided for violation of the requirement, and a violation is evidence of wanton or reckless conduct in any criminal or civil case if injury or death was the result of the violation.

LD 1038 Resolve, To Convene a Stakeholder Group on Funding and Training for RESOLVE 49
the State's Hazardous Materials Emergency Response Teams and the
Acquisition of Equipment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C CYRWAY S	OTP-AM	H-319

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve the training and retention of oil and hazardous materials emergency response workers and their ability to respond to oil and hazardous materials emergencies by requiring the State to:

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1. Pay or waive the fee for workers for the cost of necessary training courses and any materials required for those courses;
2. Compensate workers fairly for the time spent in training courses, while on call and when responding to hazardous materials emergencies; and
3. Purchase hazardous materials emergency response equipment for use by municipalities or reimburse municipalities that purchase hazardous materials emergency response equipment.

Committee Amendment "A" (H-319)

This amendment replaces the concept draft bill with a resolve. The resolve directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the State's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The amendment directs the director to present the findings and recommendations of the stakeholder group to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 49 directs the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to convene a stakeholder group to review and make recommendations regarding the funding currently provided to the State's hazardous materials emergency response teams, including the eight regional response teams and the seven decontamination strike teams, funding options, the training of the teams and equipment acquisition. The recommendations of the stakeholder group must be compatible with the strategic plan of the State Emergency Response Commission. The director is required to invite to the stakeholder group representatives of the Maine Fire Chiefs' Association, fire chiefs from municipalities with regional response teams and decontamination strike teams and other persons who express interest in the work of the stakeholder group. The resolve directs the director to present the findings and recommendations of the stakeholder group to the Joint Standing Committee on Criminal Justice and Public Safety by November 6, 2019. Following receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1071 An Act To Prohibit the Sale of High-capacity Magazines

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B GRATWICK G	ONTP	

This bill makes sale of a high-capacity magazine a Class D crime. A high-capacity magazine is a firearm magazine or other device that is used to load ammunition into the chamber of a firearm and that has the capacity to contain or accept more than 10 rounds of ammunition.

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LD 1088 An Act Regarding the Maine Law Enforcement Memorial

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K COSTAIN D	ONTP OTP	

This bill requires the Commissioner of Public Safety to add to the list of names on the law enforcement memorial located at the State Capitol complex the name of a law enforcement officer who was killed in the line of duty, who at the time of death was a resident of the State or employed in the State as a law enforcement officer and whose name is approved for inclusion on the National Law Enforcement Officers Memorial or whose death meets the criteria for line-of-duty death benefits.

LD 1090 An Act To Update the Criminal Animal Welfare Laws

PUBLIC 237

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-160

This bill amends the criminal animal welfare laws in the following ways:

1. Consolidates and clarifies the provisions for a possession hearing concerning an animal suspected to have been subject to cruelty, including removing the provisions for a show cause hearing;
2. Provides for emergency euthanasia of an impounded animal that is severely sick or severely injured;
3. Clarifies that a person authorized to make arrests may seize and take possession of a cruelly treated animal;
4. Prohibits an owner or keeper of an animal that has been seized or impounded due to cruel treatment from possessing or acquiring an animal prior to the possession hearing;
5. Clarifies that an owner or keeper subject to forfeiture of an animal may appeal to the Superior Court;
6. Adds to the definition of animal cruelty intentionally giving an animal a scheduled drug; and
7. Makes the violation of a sentencing provision for a conviction of animal cruelty a Class D crime.

Committee Amendment "A" (S-160)

This amendment makes the following changes to the bill:

1. With regard to the fine for violating a court order banning temporary possession under the Maine Revised Statutes, Title 17, section 1021 or 1034, the amendment removes the mandatory minimum fine of \$50;
2. With regard to the crime of cruelty to animals, the amendment adds to the prohibition on giving drugs, poison or alcohol to an animal that the act was done with the intent to harm or intoxicate the animal; and
3. With regard to the section of the bill on penalties for the crime of cruelty to animals, the amendment removes from the bill language that designates violation of a court order a Class D crime since an identical provision is included in another legislative document.

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Enacted Law Summary

Pubic Law 2019, chapter 237 amends the criminal animal welfare laws in the following ways:

1. Consolidates and clarifies the provisions for a possession hearing concerning an animal suspected to have been subject to cruelty, including removing the provisions for a show cause hearing;
2. Provides for emergency euthanasia of an impounded animal that is severely sick or severely injured;
3. Clarifies that a person authorized to make arrests may seize and take possession of a cruelly treated animal;
4. Prohibits an owner or keeper of an animal that has been seized or impounded due to cruel treatment from possessing or acquiring an animal prior to the possession hearing;
5. Clarifies that an owner or keeper subject to forfeiture of an animal may appeal to the Superior Court; and
6. Adds to the definition of animal cruelty intentionally giving an animal a scheduled drug and adds to the prohibition on giving drugs, poison or alcohol to an animal that the act was done with the intent to harm or intoxicate the animal.

LD 1092 An Act To Amend the Laws Governing Critical Incident Stress Management Teams

PUBLIC 89

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP-AM	S-54

This bill clarifies the qualifications and duties of members of critical incident stress management teams and provides that the services of critical incident stress management teams are provided to employees of state, county or municipal government entities that provide or have the authority to provide fire, emergency medical or police services.

Committee Amendment "A" (S-54)

This amendment expands the list of persons who may be served by a critical incident stress management team and changes the description of the employing entity from "a criminal justice agency" to a "public safety agency" and adds an organization involved in emergency care or response or a county jail or a correctional facility operated by the Department of Corrections. The amendment removes reference to cumulative exposure to stress and traumatic incidents added by the bill. The amendment removes from the bill specific types of training, instead requiring training in accordance with national best practices and standards established by the Commissioner of Public Safety and providing routine technical rulemaking authority to the commissioner. The amendment removes the requirement that a critical incident stress management team have as a member a licensed mental health clinician. The amendment requires the critical incident stress management team to have a relationship with a licensed mental health clinician who is available for consultation with members of the team as needed and with the team at least once per year.

Enacted Law Summary

Public Law 2019, chapter 89 expands the list of persons who may be served by a critical incident stress management team and changes the description of the employing entity from "a criminal justice agency" to a "public safety agency." The law adds to the list of employing agencies an organization involved in emergency care or response or a county jail or a correctional facility operated by the Department of Corrections. The law requires training for the persons serving on the critical incident stress management team in accordance with national best practices and

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standards established by the Commissioner of Public Safety and providing routine technical rulemaking authority to the commissioner. The law requires the critical incident stress management team to have a relationship with a licensed mental health clinician who is available for consultation with members of the team as needed and with the team at least once per year.

LD 1096 An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D		

This bill requires the Commissioner of Corrections to establish and maintain a substance use disorder treatment program in the correctional facilities, which must provide for an assessment on intake, provide a variety of behavioral and medication-assisted treatment options and offer peer support and comprehensive treatment options after release. The bill also provides funding for the establishment of the substance use disorder treatment program.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1099 An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm Accepted Majority (ONTP) Report

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

This bill requires a 72-hour waiting period between an agreement for the purchase and sale of a firearm and its delivery to the purchaser and makes violation of the waiting period a civil violation with a \$200 to \$500 fine for the first violation and a \$500 to \$1,000 fine for a subsequent violation.

Committee Amendment "A" (S-276)

This amendment is the minority report of the committee. The amendment provides cross-references to define the listed professions of persons who are exempt from the law and adds corrections officers to the list.

LD 1108 Resolve, Establishing the Task Force on Alternatives to Incarceration for Maine Youth CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B		

This resolve establishes the Task Force on Alternatives to Incarceration for Maine Youth to:

1. Review and evaluate current state and national reports regarding the efficacy of the use of incarceration of youth in the State and nationally;
2. Seek input from juvenile justice system stakeholders, including judges, defense attorneys, prosecutors, agency staff, residential and community-based service providers, youth advocates and youth and families affected by the

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juvenile justice system;

- 3. Develop a plan to close the Long Creek Youth Development Center by 2022 and make recommendations on subsequent use of the land or facility, including identifying options for alternate use of the land or facility that do not include the incarceration of other populations, and a transition plan for the center's staff; and
- 4. Develop recommendations for reinvestment of corrections funds currently designated for youth incarceration into a continuum of community-based alternatives.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1111 An Act Regarding Driver's License Suspensions

PUBLIC 467

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICKETT R DESCHAMBAULT S	OTP-AM	H-576

This bill makes the following changes to the laws governing the suspension of a driver's license of a person who negligently operates a motor vehicle in a manner so as to cause the death of another person:

- 1. It removes the requirement that prior to the suspension, the Secretary of State notify any family of the victim and consider written or oral statements received from the family in response to the notice;
- 2. It requires the Secretary of State to find that the person whose license is to be suspended operated a motor vehicle with criminal negligence as described in the Maine Criminal Code; and
- 3. It requires the Secretary of State to find that the person whose license is to be suspended caused the death of another person and to base that finding on the definition of "causation" in the Maine Criminal Code.

Committee Amendment "A" (H-576)

This amendment changes the mandatory minimum period of suspension of a driver's license after a finding of negligence in causing a fatal accident from three years to one year. The amendment deletes from the bill provisions that change the requirement of civil negligence to a requirement of criminal negligence and that require causation to be found as defined in the Maine Criminal Code in Title 17-A, section 33.

Enacted Law Summary

Public Law 2019, chapter 467 changes the mandatory minimum period of suspension of a driver's license after a finding of negligence in causing a fatal accident from three years to one year.

LD 1140 An Act To Improve the Investigation and Prosecution of Sexual Assault Cases

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C HERBIG E	OTP	

This bill requires a law enforcement agency, within 60 days of receiving a complaint for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and submit the complaint to the appropriate prosecutor for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure

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of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

Enacted Law Summary

Public Law 2019, chapter 80 requires a law enforcement agency, within 60 days of receiving a complaint for an alleged sexual assault, to inform the appropriate prosecutor of any evidence and submit the complaint to the appropriate prosecutor for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure of a law enforcement agency to do so does not affect the validity of a later submission and prosecution.

LD 1143 An Act To Exclude Tractor Pulling from Certain Rules Governing Motor Vehicle Racing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP	

This bill excludes tractor pulling events from motor vehicle racing rules requiring the erection, construction or maintenance of fences or safety barriers.

LD 1169 An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S MORALES V	OTP-AM ONTP	S-233

This bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code to require that commercial buildings built or renovated on or after January 1, 2020 with occupancy exceeding 200 individuals have an operational automated external defibrillator on the premises. The bill also requires that retail pharmacies, rural health center pharmacies and free clinic pharmacies have an automated external defibrillator on the premises, and that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

Committee Amendment "A" (S-233)

This amendment is the majority report of the committee. The amendment requires that required automated external defibrillators be clearly marked. The amendment removes from the requirements for pharmacies that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

This bill was originally reported out of committee but then recommitted. It was then carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1188 An Act To Provide Preventive Counseling to Firefighters and Emergency Medical Services' Persons as Part of Their Training ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIFFIN A GUERIN S	ONTP	

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This bill requires that firefighter training include preventive and post-trauma counseling, at which a counseling professional licensed under the Maine Revised Statutes, Title 32, chapter 119 or the fire department chaplain must be available to work with the firefighters, as required by the fire chief. The bill provides that, with advice from and in consultation with each regional council and its medical control committee and with the statewide emergency medical services' medical director, the Emergency Medical Services' Board may adopt routine technical rules setting mandatory requirements for preventive and post-trauma counseling for basic and advanced training for emergency medical services' persons for initial licensing and relicensing. The requirements may include the services of a counseling professional licensed under Title 32, chapter 119 or a chaplain to be provided by ambulance services and nontransporting emergency medical services.

LD 1199 An Act To Protect the Safety of Health Care Workers ONTP

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

This bill provides that an assault on a health care practitioner while that health care practitioner is providing medical care or an assault on a hospital employee or person working for a hospital on a contractual basis while that employee or person is performing duties related to the provision of care for a patient or a prospective patient is a Class C crime.

See also LD 926.

**LD 1210 Resolve, To Direct the Commissioner of Corrections To Study Changes CARRIED OVER
in Corrections Practices and Reinvestment in Corrections Resources To
Reduce Recidivism and Control Correctional Facility Costs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M		

This resolve directs the Commissioner of Corrections to establish a working group to study changes in corrections practices and reinvestment of corrections resources in various ways to reduce recidivism and control correctional facility costs, including upstream interventions, diversion and alternative sentencing, prevention and harm reduction and mental health and substance use disorder treatment.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1215 An Act Relating to Defenses and Self-defense in the Maine Criminal CARRIED OVER
Code**

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

This bill amends the Maine Criminal Code by clarifying that determination of the applicability of a defense is a preliminary question of fact under the Maine Rules of Evidence that must be proved by the totality of the circumstances and not by viewing the evidence in a light most favorable to the defendant and by providing that the

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use of nondeadly force in defense of a person is not justified when the person is engaged in criminal conduct against the other person or the other person's property concurrently with the use of the nondeadly force.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1221 An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CLAXTON N		

This bill allows, in addition to existing deductions in time from a prison or jail sentence, a deduction in time of up to 7.5 days per calendar month for a person's satisfactory performance, while in custody or on probation, in the completion of an educational program leading to a high school equivalency diploma, completion of another educational or vocational training program or a work release program or work for a county or state facility industry that leads directly to the rehabilitation of that person.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1249 An Act To Prohibit Infringing on the Rights of Association of Dependent Adults HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VEROW A	OTP-AM	H-546

This bill prohibits abuse and isolation of elder persons and dependent adults. Abuse or isolation of an elder person or dependent adult is a Class C crime. A person commits the crime if the person has or has assumed responsibility for the care, custody or control of an elder person or a dependent adult and subjects the elder person or dependent adult to isolation, neglect, physical abuse, sexual abuse, emotional abuse or financial abuse, including threats of abuse. The new crime is allocated to the chapter of the Maine Criminal Code that establishes crimes against the person.

The bill defines "elder person" to mean a person who is at least 60 years of age. The bill also defines "isolate" to mean to restrict personal rights of association retained by the elder person or dependent adult, including, but not limited to, the right to receive visitors, telephone calls and personal mail, unless the restriction of personal rights is authorized by court order.

When a person is convicted of the crime of abuse or isolation of an elder person or dependent adult, the court may require that the person convicted of the crime participate in appropriate counseling at the convicted person's expense.

The bill is based on a similar law in Rhode Island.

Committee Amendment "A" (H-546)

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This amendment replaces the bill and provides a new title. The amendment adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The amendment also provides a definition for "undue influence."

LD 1276 An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms **Accepted Minority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L	OTP-AM ONTP	

This bill requires background checks of purchasers of firearms for all private sales at gun shows or private sales resulting from advertising or marketing.

Committee Amendment "A" (S-274)

This amendment is the majority report of the committee. The amendment adds to the bill exemptions to the requirement that a federally licensed firearms dealer perform a background check for a transfer or sale of a firearm under specific listed circumstances. The amendment provides that the first offense for knowingly transferring or selling a firearm in violation of the new provision is a civil violation for which the penalty is a fine of up to \$1,000. The amendment designates subsequent offenses as Class D crimes.

LD 1293 An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office **CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide increased funding to the Department of Public Safety, Office of the State Fire Marshal, criminal investigative unit for additional supervisory and support staff. This bill would also establish a more stable source of funding for the Office of the State Fire Marshal going forward.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1295 An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DOW D		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Department of Health and Human Services and the Department of Corrections to determine the current need for forensic emergency and crisis beds to ensure the prompt and humane treatment of arrested individuals who are suffering from mental illness and

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deduction per month a person may receive under the State's good time laws.

LD 1375 An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MILLETT R	OTP-AM	H-285

This bill makes sexual contact between a law enforcement officer and a person who is not the law enforcement officer's spouse while the person is under arrest, in custody, being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, by the law enforcement officer a Class D crime. If the sexual contact involves penetration, the sexual contact is a Class C crime.

Committee Amendment "A" (H-285)

This amendment replaces the bill and provides a new title. The amendment provides that a law enforcement officer commits Class B gross sexual assault if the officer, in the performance of the officer's official duties, engages in a sexual act with another person, not the officer's spouse, while the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. The amendment subjects to disciplinary sanctions by the Board of Trustees of the Maine Criminal Justice Academy an applicant or certificate holder who engages in sexual contact, as defined in the Maine Revised Statutes, Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board. The amendment also prohibits, as obstructing criminal prosecution, giving anything of benefit to another person with the intent to induce the other person to refrain from initiating or continuing with a criminal prosecution or juvenile proceeding or soliciting, accepting or agreeing to accept anything of benefit for those purposes.

Enacted Law Summary

Public Law 2019, chapter 438 provides that a law enforcement officer commits Class B gross sexual assault if the officer, in the performance of the officer's official duties, engages in a sexual act with another person, not the officer's spouse, while the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. The law subjects to disciplinary sanctions by the Board of Trustees of the Maine Criminal Justice Academy an applicant or certificate holder who engages in sexual contact, as defined in the Maine Revised Statutes, Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board. The law also prohibits, as obstructing criminal prosecution, giving anything of benefit to another person with the intent to induce the other person to refrain from initiating or continuing with a criminal prosecution or juvenile proceeding or soliciting, accepting or agreeing to accept anything of benefit for those purposes.

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LD 1397 An Act Regarding the Admissibility of Certain Statements of Juveniles

PUBLIC 220

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V	OTP-AM	H-299

This bill amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or substance use disorder or mental health treatment program attended by the juvenile in connection with an informal adjustment are not admissible in evidence at an adjudicatory hearing against that juvenile if a petition based on the same facts is later filed. The bill also removes a cross-reference to a provision of law regarding community resolution teams, which has been repealed.

Committee Amendment "A" (H-299)

This amendment replaces the bill and provides a new title. The amendment amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The amendment provides for similar protections in school disciplinary proceedings. The amendment adds a definition of "restorative justice program." The amendment also retains the provision of the bill that removes a cross-reference to a provision of law regarding community resolution teams, which has been repealed.

Enacted Law Summary

Public Law 2019, chapter 220 amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The law provides similar protections in school disciplinary proceedings. The law adds to the Juvenile Code a definition of "restorative justice program."

LD 1407 An Act To Revise and Recodify Certain Provisions of the Maine Criminal Code

**PUBLIC 113
EMERGENCY**

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

This bill, which was submitted by the Criminal Law Advisory Commission, recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 and other portions of the Maine Criminal Code and amends other laws affected by this recodification and revision accordingly. The purpose of this bill is to reorganize certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A. While much of the revision throughout this bill is intended to be technical in nature, the following changes are more substantive. This bill is an emergency measure.

PART A

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Part A recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 as follows:

1. Chapter 61, General Sentencing Provisions, which is the current chapter 47:

- A. Allows the court to accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative, the imposition of which is deferred;
- B. Specifies that, as with the Department of Corrections, the legal authority of jails to transfer individuals from one facility to another by agreement is not impaired by the provisions of chapter 61;
- C. Subjects to forfeiture a firearm that constitutes the basis for a conviction of aggravated unlawful operation of a methamphetamine laboratory;
- D. Clarifies that the maximum term of imprisonment for a Class D crime is less than one year; and
- E. Requires that a court terminate probation, administrative release or supervised release if the court determines that the previously imposed sentence and the new sentence must be served consecutively;

2. Chapter 63, Sentences of Imprisonment, which is the current chapter 51:

- A. Specifies that, in imposing a sentencing alternative that includes a term of imprisonment, the court is required to set a definite period of imprisonment;
- B. Specifies the steps of the sentencing process the court must take in imposing a sentence for the crime of murder;
- C. Specifies that the court must employ specific steps of the sentencing process when imposing a period of supervised release after imprisonment and determine the appropriate period of supervised release;
- D. Specifies that no portion of a term of imprisonment for murder may be suspended;
- E. Specifies that, unless the law that the individual is convicted of violating expressly provides that an authorized term of imprisonment may not be suspended and if the individual is eligible for probation or administrative release, a court may suspend the authorized term of imprisonment in whole or in part and accompany the suspension with a period of probation or administrative release. The period of probation may not exceed the maximum period of probation authorized for the crime, and the period of administrative release may not exceed one year;
- F. Clarifies that provisions regarding a previously imposed sentence when a new sentence is to be served consecutively apply to administrative release as well as probation;
- G. Clarifies that when an individual is committed to a Department of Corrections correctional facility the sentence commences on the date on which the individual is received into the correctional facility designated as the place of confinement by the Commissioner of Corrections or the commissioner's designee instead of designated solely by the commissioner;
- H. Does not retain the provision in current law prohibiting the court from resentencing a defendant if the sentences are consecutive as a matter of law;
- I. Includes administrative release in the provision prohibiting a court from imposing a sentence of imprisonment, not wholly suspended, to be served consecutively with any split sentence, or to any sentence

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including supervised release previously imposed or imposed on the same date, if the net result would be to have the individual released from physical confinement be on probation, administrative release or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence; and

J. Allows the court to rearrange the order of sentences;

3. Chapter 65, Fines, Fees, Assessments and Surcharges, gathers various provisions regarding fines, fees, assessments and surcharges from throughout Part 3 into one chapter. Specifically, chapter 65 does the following:

A. Subchapter 1, Fines, which is the current chapter 53:

- (1) Requires the court, in imposing a sentencing alternative that includes a fine, to set a specific amount of money;
- (2) Collects the current statutory exceptions to the maximum fine amounts based on the class of the crime and requires that the State plead and prove each of them. The definition and sentence hearing procedure for the pecuniary gain exception are also changed;
- (3) Specifies that, for purposes of a default hearing, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization;
- (4) Subjects a person on administrative release to the provisions regarding reporting of default and motions to revoke based on failure to pay a fine; and
- (5) Treats the imposition of community service work for an unexcused default as a stand-alone court sanction instead of as a sentencing alternative as under current law; and

B. Subchapter 2, Fees, Assessments and Surcharges, which is the current chapters 49, 54-B, 54-F and 54-G:

- (1) Specifies that the provisions regarding failure to pay a county jail reimbursement fee apply to a person on administrative release as well as on probation;
- (2) Changes the credit that an individual committed for nonpayment of a reimbursement fee is given toward the payment of a reimbursement fee for each day of confinement that the individual is in custody to not be less than \$25 or more than \$100;
- (3) Specifies that a court may impose other surcharges and assessments that are outside the Maine Criminal Code; and
- (4) Specifies that the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule is not affected by the provisions of chapter 65;

4. Chapter 67, Conditional Release, contains the provisions of law regarding probation, administrative release, supervised release for sex offenders and deferred disposition with the following changes:

A. Subchapter 1, Probation, which is the current chapter 49:

- (1) Requires the court in imposing a sentencing alternative under section 1502 that includes a period of probation to set a definite period of probation;
- (2) Authorizes any court to rearrange the order of sentences; and

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(3) Authorizes a probation officer to offer a person who has violated probation in a noncriminal manner the option of participating in a public restitution program or treatment program administered through a correctional facility or county jail instead of commencing a probation revocation proceeding or residing at a county jail or, as under current law, a correctional facility, for a period of time not exceeding 90 days; and

B. Subchapter 2, Administrative Release, which is the current chapter 54-G:

(1) Allows a court to terminate a period of administrative release that would delay commencement of a consecutive unsuspended term of imprisonment;

(2) Requires the court, as a result of an administrative release revocation hearing, to respecify the place of imprisonment for both the portion of previously suspended sentence of imprisonment required to be served and any remaining suspended portion if necessary to carry out the intent of section 1805, subsection 1, paragraph D; and

(3) Does not retain the current provisions of law that specify a suspended sentence with administrative release commences on the date the person goes into actual execution of the sentence; and

C. Subchapter 3, Supervised Release for Sex Offenders, which is the current chapter 50, authorizes a court to terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment;

5. Chapter 71, Community Service Work, which is the current chapter 54-C:

A. Requires an individual who has been sentenced to perform a specified number of hours of community service work and who is in danger of default for failing to complete the work in the manner ordered by the court to request a modification to avoid the default. The court may modify its prior order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed; and

B. Specifies the process for a default proceeding for an individual who has been sentenced to perform community service work who fails to complete the sentence, including a reporting process to the court, a motion and hearing process to adjudicate the default, which includes the right to counsel, and specific dispositional alternatives available to the court both in the case of an unexcused default and an excused default;

6. Chapter 75, Victims' Rights, which is the current chapter 48, provides a definition of "immediate family" of the victim; and

7. Chapter 81, Administration of Imposed Sentences of Imprisonment, contains the provisions of law regarding administration of imposed sentences of imprisonment, including the place of commitment and calculations of deductions for time detained prior to and after conviction, including discretionary deductions, and:

A. Establishes definitions of "jail" and "sentence of imprisonment" for purposes of the chapter;

B. Establishes a section for provisions that apply generally to sentences of imprisonment, such as deductions and how those deductions are applied to concurrent and consecutive sentences;

C. Specifies that detention in a mental health institution is considered the same as detention in a correctional facility, jail or local lockup for purposes of calculating deductions;

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D. Does not retain the current provision of law giving the attorney for the State the right to be heard at the time of sentence and to recommend a specific sentence or other disposition and requiring the court to consider any statements made by the attorney for the State, along with all other appropriate factors, in determining the sentence. It also does not retain the references to current chapter 48, Victims' Rights;

E. Clarifies that the restoration of certain deductions requires a determination that is in the discretion of the chief administrative officer of the correctional facility or the jail administrator; and

F. Requires that a person who is being detained for the conduct for which the sentence is imposed receives credit for time detained in a mental health institute.

PART B

Part B makes changes to the current law to reflect the changes made in Part A, including:

1. Adding new definitions of "concurrent sentence," "consecutive sentence," "individual," "jail" and "split sentence" for purposes of the Maine Criminal Code;
2. Specifying that the definitions of "day," "week," "month" and "year" apply for the purposes of imposing imprisonment or probation, administrative release or supervised release;
3. Specifying that the court, but only for an individual, may suspend all or a portion of a minimum fine or impose a lesser fine other than the mandatory fine for certain drug offenses, assault and operating under the influence if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty; and
4. For purposes of imposition of a fine based on the value of a scheduled drug that is the basis for a conviction, requiring the State to plead and prove the value of the scheduled drug.

PART C

Part C provides for the correction and update of other sections of law not touched in the bill, such as cross-references in the Maine Revised Statutes to provisions of law repealed in this bill.

Enacted Law Summary

Public Law 2019, chapter 113 recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 and other portions of the Maine Criminal Code and amends other laws affected by the recodification and revision accordingly. The law reorganizes certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A.

PART A

Part A recodifies and revises the Maine Revised Statutes, Title 17-A, Part 3 as follows:

1. Chapter 61, General Sentencing Provisions, which is the current chapter 47:
 - A. Allows the court to accept a plea agreement between the attorney for the State and the defendant that provides for an agreed-upon authorized sentencing alternative, the imposition of which is deferred;
 - B. Specifies that, as with the Department of Corrections, the legal authority of jails to transfer individuals

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from one facility to another by agreement is not impaired by the provisions of chapter 61;

C. Subjects to forfeiture a firearm that constitutes the basis for a conviction of aggravated unlawful operation of a methamphetamine laboratory;

D. Clarifies that the maximum term of imprisonment for a Class D crime is less than one year; and

E. Requires that a court terminate probation, administrative release or supervised release if the court determines that the previously imposed sentence and the new sentence must be served consecutively;

2. Chapter 63, Sentences of Imprisonment, which is the current chapter 51:

A. Specifies that, in imposing a sentencing alternative that includes a term of imprisonment, the court is required to set a definite period of imprisonment;

B. Specifies the steps of the sentencing process the court must take in imposing a sentence for the crime of murder;

C. Specifies that the court must employ specific steps of the sentencing process when imposing a period of supervised release after imprisonment and determine the appropriate period of supervised release;

D. Specifies that no portion of a term of imprisonment for murder may be suspended;

E. Specifies that, unless the law that the individual is convicted of violating expressly provides that an authorized term of imprisonment may not be suspended and if the individual is eligible for probation or administrative release, a court may suspend the authorized term of imprisonment in whole or in part and accompany the suspension with a period of probation or administrative release. The period of probation may not exceed the maximum period of probation authorized for the crime, and the period of administrative release may not exceed one year;

F. Clarifies that provisions regarding a previously imposed sentence when a new sentence is to be served consecutively apply to administrative release as well as probation;

G. Clarifies that when an individual is committed to a Department of Corrections correctional facility the sentence commences on the date on which the individual is received into the correctional facility designated as the place of confinement by the Commissioner of Corrections or the commissioner's designee instead of designated solely by the commissioner;

H. Does not retain the provision in current law prohibiting the court from resentencing a defendant if the sentences are consecutive as a matter of law;

I. Includes administrative release in the provision prohibiting a court from imposing a sentence of imprisonment, not wholly suspended, to be served consecutively with any split sentence, or to any sentence including supervised release previously imposed or imposed on the same date, if the net result would be to have the individual released from physical confinement be on probation, administrative release or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence; and

J. Allows the court to rearrange the order of sentences;

3. Chapter 65, Fines, Fees, Assessments and Surcharges, gathers various provisions regarding fines, fees, assessments and surcharges from throughout Part 3 into one chapter. Specifically, chapter 65 does the following:

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A. Subchapter 1, Fines, which is the current chapter 53:

- (1) Requires the court, in imposing a sentencing alternative that includes a fine, to set a specific amount of money;
- (2) Collects the current statutory exceptions to the maximum fine amounts based on the class of the crime and requires that the State plead and prove each of them. The definition and sentence hearing procedure for the pecuniary gain exception are also changed;
- (3) Specifies that, for purposes of a default hearing, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization;
- (4) Subjects a person on administrative release to the provisions regarding reporting of default and motions to revoke based on failure to pay a fine; and
- (5) Treats the imposition of community service work for an unexcused default as a stand-alone court sanction instead of as a sentencing alternative as under current law; and

B. Subchapter 2, Fees, Assessments and Surcharges, which is the current chapters 49, 54-B, 54-F and 54-G:

- (1) Specifies that the provisions regarding failure to pay a county jail reimbursement fee apply to a person on administrative release as well as on probation;
- (2) Changes the credit that an individual committed for nonpayment of a reimbursement fee is given toward the payment of a reimbursement fee for each day of confinement that the individual is in custody to not be less than \$25 or more than \$100;
- (3) Specifies that a court may impose other surcharges and assessments that are outside the Maine Criminal Code; and
- (4) Specifies that the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule is not affected by the provisions of chapter 65;

4. Chapter 67, Conditional Release, contains the provisions of law regarding probation, administrative release, supervised release for sex offenders and deferred disposition with the following changes:

A. Subchapter 1, Probation, which is the current chapter 49:

- (1) Requires the court in imposing a sentencing alternative under section 1502 that includes a period of probation to set a definite period of probation;
- (2) Authorizes any court to rearrange the order of sentences; and
- (3) Authorizes a probation officer to offer a person who has violated probation in a noncriminal manner the option of participating in a public restitution program or treatment program administered through a correctional facility or county jail instead of commencing a probation revocation proceeding or residing at a county jail or, as under current law, a correctional facility, for a period of time not exceeding 90 days; and

B. Subchapter 2, Administrative Release, which is the current chapter 54-G:

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(1) Allows a court to terminate a period of administrative release that would delay commencement of a consecutive unsuspended term of imprisonment;

(2) Requires the court, as a result of an administrative release revocation hearing, to respecify the place of imprisonment for both the portion of previously suspended sentence of imprisonment required to be served and any remaining suspended portion if necessary to carry out the intent of section 1805, subsection 1, paragraph D; and

(3) Does not retain the current provisions of law that specify a suspended sentence with administrative release commences on the date the person goes into actual execution of the sentence; and

C. Subchapter 3, Supervised Release for Sex Offenders, which is the current chapter 50, authorizes a court to terminate a period of supervised release that would delay commencement of a consecutive unsuspended term of imprisonment;

5. Chapter 71, Community Service Work, which is the current chapter 54-C:

A. Requires an individual who has been sentenced to perform a specified number of hours of community service work and who is in danger of default for failing to complete the work in the manner ordered by the court to request a modification to avoid the default. The court may modify its prior order as to the time for completion, the nature of the work to be performed or the entity for which the work is to be performed; and

B. Specifies the process for a default proceeding for an individual who has been sentenced to perform community service work who fails to complete the sentence, including a reporting process to the court, a motion and hearing process to adjudicate the default, which includes the right to counsel, and specific dispositional alternatives available to the court both in the case of an unexcused default and an excused default;

6. Chapter 75, Victims' Rights, which is the current chapter 48, provides a definition of "immediate family" of the victim; and

7. Chapter 81, Administration of Imposed Sentences of Imprisonment, contains the provisions of law regarding administration of imposed sentences of imprisonment, including the place of commitment and calculations of deductions for time detained prior to and after conviction, including discretionary deductions, and:

A. Establishes definitions of "jail" and "sentence of imprisonment" for purposes of the chapter;

B. Establishes a section for provisions that apply generally to sentences of imprisonment, such as deductions and how those deductions are applied to concurrent and consecutive sentences;

C. Specifies that detention in a mental health institution is considered the same as detention in a correctional facility, jail or local lockup for purposes of calculating deductions;

D. Does not retain the current provision of law giving the attorney for the State the right to be heard at the time of sentence and to recommend a specific sentence or other disposition and requiring the court to consider any statements made by the attorney for the State, along with all other appropriate factors, in determining the sentence. It also does not retain the references to current chapter 48, Victims' Rights;

E. Clarifies that the restoration of certain deductions requires a determination that is in the discretion of the chief administrative officer of the correctional facility or the jail administrator; and

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F. Requires that a person who is being detained for the conduct for which the sentence is imposed receives credit for time detained in a mental health institute.

PART B

Part B makes changes to the current law to reflect the changes made in Part A, including:

1. Adding new definitions of "concurrent sentence," "consecutive sentence," "individual," "jail" and "split sentence" for purposes of the Maine Criminal Code;
2. Specifying that the definitions of "day," "week," "month" and "year" apply for the purposes of imposing imprisonment or probation, administrative release or supervised release;
3. Specifying that the court, but only for an individual, may suspend all or a portion of a minimum fine or impose a lesser fine other than the mandatory fine for certain drug offenses, assault and operating under the influence if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty; and
4. For purposes of imposition of a fine based on the value of a scheduled drug that is the basis for a conviction, requiring the State to plead and prove the value of the scheduled drug.

PART C

Part C provides for the correction and update of other sections of law not touched in the bill, such as cross-references in the Maine Revised Statutes to provisions of law repealed in this bill.

Public Law 2019, chapter 113 was enacted as an emergency measure effective May 16, 2019.

LD 1408 An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E HARRINGTON M	OTP-AM	S-115

This bill allows a law enforcement officer employed by the State, a county or a municipality to wear insignia on the law enforcement officer's uniform to indicate that the law enforcement officer is a veteran of the Armed Forces of the United States. It directs the Department of Public Safety to adopt routine technical rules to implement the change in law.

Committee Amendment "A" (S-115)

This amendment replaces the bill. The amendment authorizes a law enforcement agency to allow a law enforcement officer who is a veteran of the Armed Forces of the United States and who is employed by the agency to wear insignia on the officer's uniform to indicate that the officer is a veteran.

Enacted Law Summary

Public Law 2019, chapter 221 authorizes a law enforcement agency to allow a law enforcement officer who is a veteran of the Armed Forces of the United States and who is employed by the agency to wear insignia on the officer's uniform to indicate that the officer is a veteran.

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LD 1421 An Act To Amend the Maine Bail Code

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BREEN C		

This bill amends the Maine Bail Code in the following ways:

1. Clarifies the rebuttable presumption that, except for formerly capital offenses, a defendant must be released on personal recognizance with no conditions;
2. Increases the burden of proof for justifying not releasing a defendant on personal recognizance or upon execution of an unsecured appearance bond;
3. Removes from the list of authorized bail conditions the condition of refraining from the possession, use or excessive use of alcohol or use of illegal drugs, the condition of reporting on a regular basis to the defendant's attorney and the condition of returning to custody for specified hours after work release, schooling or other purposes;
4. Removes from bail conditions requirements that the defendant refrain from criminal conduct and that the integrity of the judicial system be ensured;
5. Makes changes to the information that must be taken into account when determining bail for the defendant;
6. Requires a judicial officer when determining bail to find by clear and convincing evidence that imposing a financial condition on a defendant will not cause excessive financial hardship on the defendant and requires that judicial officer to state on the record or in writing the findings upon which the determination is made; and
7. Adds to the list of facts a judicial officer must consider when determining bail whether the defendant is the primary person responsible for the care of another, has a health care need including a mental health care need that is being met or would be better met outside of custody or has employment that would be affected if the defendant is placed in custody.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1422 An Act Regarding Conditions in Correctional Facilities for Female Prisoners

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to ensure the fair treatment of women who are incarcerated.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1466 An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder

CARRIED OVER

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

This bill amends the Substance Use Disorder Assistance Program, which is a program that provides grants to municipalities, counties and regional jails to carry out projects designed to reduce substance use, substance use-related crimes and recidivism, to include community-based organizations as entities eligible for grants under the program. "Community-based organization" is defined as a nonprofit community organization that provides substance use disorder services to individuals, including, without limitation, substance use assessment, treatment, education or support group service.

See biennial budget, Public Law 2019, chapter 343, Parts CCCCC and DDDDD.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1479 An Act To Clarify Guardianship over Detainees under 18 Years of Age Regarding Mental Health Care

PUBLIC 155

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

This bill clarifies that the statutory guardianship power of the Commissioner of Corrections over detainees under 18 years of age extends not only to necessary medical care but also to necessary mental health care.

Enacted Law Summary

Public Law 2019, chapter 155 clarifies that the statutory guardianship power of the Commissioner of Corrections over detainees under 18 years of age extends not only to necessary medical care but also to necessary mental health care.

LD 1485 An Act To Create a Contact Person Program in the Department of Public Safety

PUBLIC 442

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COSTAIN D DESCHAMBAULT S	OTP-AM	H-373

This bill creates the at-risk persons program to provide law enforcement officers with the contact information for a person designated by an at-risk person or that person's legal guardian. The program also provides access to information that may aid in maximizing the safety of the at-risk person during an encounter with a law enforcement officer.

Committee Amendment "A" (H-373)

This amendment replaces the bill and title. The amendment requires the Department of Public Safety to develop and implement a contact person program, a voluntary program to assist a law enforcement officer with

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communications with a participating person during an encounter between the participating person and the law enforcement officer. A participating person is a person who voluntarily applies or whose legal guardian applies to the program. The program must provide the law enforcement officer with access to contact information and must interface with the State's telecommunications and radio message switching system. The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the department. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 442 requires the Department of Public Safety to develop and implement a contact person program, a voluntary program to assist a law enforcement officer with communications with a participating person during an encounter between the participating person and the law enforcement officer. A participating person is a person who voluntarily applies or whose legal guardian applies to the program. The program must provide the law enforcement officer with access to contact information and must interface with the State's telecommunications and radio message switching system. The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the department.

LD 1492 An Act To Reform Drug Sentencing Laws

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P SANBORN L		

This bill amends the Maine Criminal Code provisions regarding scheduled drugs by relaxing or eliminating provisions regarding trafficking and furnishing, unlawful possession of scheduled drugs, trafficking, furnishing or possession of hypodermic apparatuses, use of drug paraphernalia and trafficking or furnishing of imitation drugs.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1509 An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities

PUBLIC 391

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D CHIPMAN B	OTP-AM ONTP	H-592

This bill adds the executive director of the Efficiency Maine Trust to the Department of Public Safety, Office of the State Fire Marshal, Technical Building Codes and Standards Board. The bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code so as to be consistent with the most recent edition of the International Energy Conservation Code published by the International Code Council, as well as the most recent edition of the International Mechanical Code published by the International Code Council. Beginning July 1, 2020, the bill also prohibits a municipality from adopting or enforcing a building or energy code other than the Maine Uniform Building and Energy Code and requires that any municipality that has adopted a building or energy code by July 1, 2020 adopt and enforce the Maine Uniform Building and Energy Code.

Committee Amendment "A" (H-592)

This amendment, which is the majority report of the committee, strikes and replaces the bill and makes the following changes:

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1. Lists as mandatory the specific codes that must comprise the Maine Uniform Building and Energy Code;
2. Requires that each new version of a code or standard that is part of the Maine Uniform Building and Energy Code must be reviewed as it is published and that the Technical Building Codes and Standards Board must adopt either the most recent edition or the previous edition of each code or standard;
3. Makes the Maine Uniform Building and Energy Code applicable statewide but does not require municipalities under 4,000 residents to enforce the code; and
4. Provides that the Director of the Efficiency Maine Trust serves as a nonvoting member of the Technical Building Codes and Standards Board.

Enacted Law Summary

Public Law 2019, chapter 391 does the following:

1. Lists as mandatory the specific codes that must comprise the Maine Uniform Building and Energy Code;
2. Requires that each new version of a code or standard that is part of the Maine Uniform Building and Energy Code must be reviewed as it is published and that the Technical Building Codes and Standards Board must adopt either the most recent edition or the previous edition of each code or standard;
3. Makes the Maine Uniform Building and Energy Code applicable statewide but does not require municipalities under 4,000 residents to enforce the code; and
4. Provides that the Director of the Efficiency Maine Trust serves as a nonvoting member of the Technical Building Codes and Standards Board.

LD 1534 An Act To Amend Maine Fireworks Laws To Include Flame Effects

PUBLIC 249

Sponsor(s)
WARREN C

Committee Report
OTP-AM

Amendments Adopted

This bill amends fireworks laws in the following ways:

1. By adding the term "flame effects" to the definition of "display";
2. By adding flame effects to the types of displays for which a permit must be obtained; and
3. By removing the requirement that indoor pyrotechnic events be monitored by the State Fire Marshal or the State Fire Marshal's designee and instead requiring that indoor pyrotechnic and flame effects events be inspected by the State Fire Marshal or the State Fire Marshal's designee.

Committee Amendment "A" (H-286)

This amendment adds an emergency preamble and emergency clause in order for the bill to take effect when approved and provide inspections for flame effects shows during the summer and fall 2019 seasons.

This amendment was not adopted.

Enacted Law Summary

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Public Law 2019, chapter 249 amends the fireworks laws in the following ways:

1. By adding the term "flame effects" to the definition of "display;"
2. By adding flame effects to the types of displays for which a permit must be obtained; and
3. By removing the requirement that indoor pyrotechnic events be monitored by the State Fire Marshal or the State Fire Marshal's designee and instead requiring that indoor pyrotechnic and flame effects events be inspected by the State Fire Marshal or the State Fire Marshal's designee.

LD 1543 An Act To Amend the Maine Uniform Building and Energy Code

PUBLIC 392

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

This bill amends provisions regarding the Maine Uniform Building and Energy Code by requiring the Technical Building Codes and Standards Board to adopt and maintain an appendix to the Maine Uniform Building and Energy Code that contains energy conservation and efficiency requirements that exceed the requirements in the code, to make the appendix available for voluntary adoption by municipalities and to maintain a list of those municipalities on the board's publicly accessible website.

Committee Amendment "A" (S-235)

This amendment requires that as the Maine Uniform Building and Energy Code is updated the Technical Building Codes and Standards Board ensure that the appendix continues to exceed the energy conservation and efficiency standards contained in the Maine Uniform Building and Energy Code.

Enacted Law Summary

Public Law 2019, chapter 392 requires the Technical Building Codes and Standards Board to adopt a voluntary appendix to the Maine Uniform Building and Energy Code that contains energy conservation and efficiency standards that exceed those contained in the Maine Uniform Building and Energy Code. The bill also requires the Technical Building Codes and Standards Board to ensure the appendix continues to exceed the energy conservation and efficiency standards contained in the Maine Uniform Building and Energy Code as the code is updated.

LD 1550 An Act To Create a Victims' Compensation Fund for Victims of Property Crimes

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-305 S-356 LIBBY N

This bill creates the Victims' Property Compensation Fund to compensate victims of crimes in which the victims suffered property losses, patterned after the existing Victims' Compensation Fund, which compensates victims of crimes for damages resulting from personal injuries resulting from those crimes. The Victims' Property Compensation Fund is funded by an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime and may compensate a victim of a property crime up to \$5,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The bill provides that the existing Victims' Compensation Board hears claims made upon the Victims' Property Compensation Fund.

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Committee Amendment "A" (S-305)

This amendment adds two members to the Victims' Compensation Board, amends its quorum from two to three members and clarifies that the board performs the duties assigned to it under the victims' property compensation program beginning July 1, 2022. The amendment allows the board to compensate a victim of a crime up to \$1,000 for property losses or insurance deductibles paid pursuant to an insurance claim as a result of the property loss. The amendment provides July 1, 2022 as the date on which the board is authorized to begin to process or pay claims. The amendment removes from the bill the prohibition on the court's waiving the imposition of the assessment that funds the Victims' Property Compensation Fund. The amendment removes from the bill eligibility for an award for a person who is the victim of a crime that occurred in another state or a crime of terrorism that occurred outside of the country. The amendment provides for rulemaking for the Victims' Property Compensation Fund and designates rules for both this fund and the Victims' Compensation Fund as routine technical rules. The amendment amends the law on restitution for victims of a crime so that, once a victim has been compensated as allowed by law from either fund or a combination of a fund and restitution, any additional restitution payments are paid into the applicable fund. The provisions of law incorporating the Victims' Property Compensation Fund into the duties of the Victims' Compensation Board and increasing the membership of that board do not apply until July 1, 2022.

Senate Amendment "A" To Committee Amendment "A" (S-356)

This amendment authorizes the judicial branch in fiscal year 2019-20 to retain up to \$10,000 of the funds collected pursuant to the assessments imposed on convicted persons to be used by the judicial branch for technology-related upgrades.

LD 1569 An Act To Prohibit Untraceable and Undetectable Firearms

ONTP

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

This bill regulates the manufacture, distribution and possession of so-called ghost guns and so-called 3-D printed guns or 3-D guns, which are fully functioning firearms that can be made at home by unlicensed firearm manufacturers, sellers and distributors either by purchasing the necessary parts separately, or as part of mail order gun kits, and then assembling them at home or by downloading a computer code from the Internet that allows the user to manufacture the gun using a 3-D printer. This bill provides definitions of "undetectable firearm" and "untraceable firearm" and prohibits the manufacture, import, sale, transfer and possession of such firearms with certain exceptions. This bill also prohibits, with certain exceptions, the dissemination of downloadable gun code from which untraceable firearms can be manufactured.

LD 1632 An Act Regarding Criminal Procedure with Respect to Allowable Defenses

PUBLIC 462

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C CHENETTE J	OTP ONTP	

This bill prohibits the use of what is referred to as the "gay and trans panic defense."

The bill provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which

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the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The bill excludes from the affirmative defense for murder that the defendant acted on the basis of extreme anger or extreme fear based on provocation by prohibiting the alleged cause of provocation from being solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The bill provides that a person's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

Enacted Law Summary

Public Law 2019, chapter 462 prohibits the use of what is referred to as the "gay and trans panic defense."

The law provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The law excludes from the affirmative defense for murder that the defendant acted on the basis of extreme anger or extreme fear based on provocation by prohibiting the alleged cause of provocation from being solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The law provides that a person's discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

LD 1636 An Act To Increase the Efficiency of the Criminal Justice System

ONTP

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

Part A of this bill makes changes to law enforcement by Department of Inland Fisheries and Wildlife game wardens. Specifically, it does the following:

1. Requires the Commissioner of Inland Fisheries and Wildlife to designate for the warden service the Uniform Summons and Complaint as the citation form for criminal violations and the Violation Summons and Complaint for civil violations;

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2. Clarifies that the Department of Public Safety is responsible for all Uniform Summons and Complaint forms issued to the warden service;
3. Designates the Uniform Summons and Complaint as the form for use in criminal prosecutions and the Violation Summons and Complaint as the form for use in civil prosecutions and provides procedures for their use and for prosecutions under the Maine Revised Statutes, Title 12, Part 13;
4. Makes failure to sign a Violation Summons and Complaint form a Class E crime, as is failure to sign the Uniform Summons and Complaint;
5. Makes improper disposal by a warden or other public employee of a Violation Summons and Complaint form a Class E crime, as is improper disposal of a Uniform Summons and Complaint;
6. Grants jurisdiction to the Unified Criminal Docket for criminal prosecutions under Title 12, Part 13 and jurisdiction to the District Court violations bureau, established pursuant to Title 4, section 164, subsection 12, for civil prosecutions and requires a warden who issues a Violation Summons and Complaint to file the original with the violations bureau within five days of issuance; and
7. Amends the definition of "habitual violators" in the inland fisheries and wildlife laws to apply to criminal violations, civil violations and combinations of civil and criminal violations.

Part B of this bill makes the following changes to the Maine Criminal Code:

1. Regarding civil violations that designate as inadmissible evidence that is obtained pursuant to an unlawful search and seizure, eliminates language that limits that provision to civil violations involving illegal possession of marijuana and butyl nitrite and isobutyl nitrite;
2. Regarding civil violations, adds a provision authorizing a law enforcement officer who has probable cause to make application for a search warrant;
3. Regarding indictment and jurisdiction, grants jurisdiction to the Unified Criminal Docket to try Class D and E crimes, to impose sentence in Class A, B and C crimes in which the Unified Criminal Docket has accepted a plea of guilty and to prosecute an offense under Title 17, chapter 42 when the district attorney has designated the offense as a civil violation;
4. Regarding indictment and jurisdiction, provides jurisdiction to the District Court violations bureau in prosecutions for civil violations except for prosecutions pursuant to Title 17, chapter 42; and
5. Provides for the use statewide of the standardized Violation Summons and Complaint form and provides the procedures for the use of the form. It designates as Class E crimes failure to sign the Violation Summons and Complaint form and improper disposal of a Violation Summons and Complaint form by a law enforcement officer or other public employee, and it requires the issuing law enforcement officer to file the original with the violations bureau within five days of issuance.

Part C of this bill amends the motor vehicle and traffic laws to provide for the use statewide of the standardized Violation Summons and Complaint form and provides the procedures for the use of the form. It designates as Class E crimes failure to sign the Violation Summons and Complaint form and improper disposal of a Violation Summons and Complaint form by a law enforcement officer, and it requires the issuing law enforcement officer to file the original with the District Court violations bureau within five days of issuance.

Part D of this bill provides an effective date for the legislation of January 1, 2020.

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LD 1675 An Act Regarding Building Codes

ONTP

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

This bill amends laws relating to the Maine Uniform Building and Energy Code.

1. It provides that beginning July 1, 2020, the Maine Uniform Building and Energy Code must be enforced in all municipalities regardless of population.
2. It exempts a house constructed and occupied prior to January 1, 2007 or any modification of or addition to a house constructed and occupied prior to January 1, 2007 other than a complete demolition and rebuilding of the house from the requirements of the Maine Uniform Building and Energy Code. A municipality is prohibited from requiring architectural plans to be filed for such a modification or addition.
3. It removes the option for municipalities to use 3rd-party inspectors contracted and paid for by building owners and requires municipalities that use 3rd-party inspectors to contract directly with these inspectors and to select them through a competitive bidding process. It allows 3rd-party inspectors to jointly bid on a competitive solicitation by a municipality.

LD 1676 An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A	OTP-AM	H-512

This bill amends the laws governing the testing of breath, blood and urine samples for the presence of alcohol and drugs by:

1. Allowing such testing to occur at a laboratory licensed to do so under the laws of this State or any other state and also certified by the Federal Government under federal law;
2. Allowing, for the taking of blood and urine samples, the use of specimen collection tubes of the type normally used in such a laboratory; and
3. Changing the allocation in the statutes of a provision of law governing the liability of persons who draw blood at the request of a law enforcement officer.

Committee Amendment "A" (H-512)

This amendment makes the language on liability of persons who draw blood at the request of a law enforcement officer consistent with the language in Public Law 2019, chapter 189.

Enacted Law Summary

Public Law 2019, chapter 368 amends the laws governing the testing of breath, blood and urine samples for the presence of alcohol and drugs by:

1. Allowing such testing to occur at a laboratory licensed to do so under the laws of this State or any other state and

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also certified by the Federal Government under federal law;

- 2. Allowing, for the taking of blood and urine samples, the use of specimen collection tubes of the type normally used in such a laboratory; and
- 3. Changing the allocation in the statutes of a provision of law governing the liability of persons who draw blood at the request of a law enforcement officer and making that language consistent with the language in Public Law 2019, chapter 189.

See related bill LD 264.

LD 1677 An Act To Allow Reentry Houses as Part of Supervised Community Confinement PUBLIC 396

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-562

This bill allows the Department of Corrections to contract with private employers for reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement.

Committee Amendment "A" (H-562)

This amendment requires a reentry house to meet all state and local building and life safety codes for the type of building in which the reentry house is located.

Enacted Law Summary

Public Law 2019, chapter 396 allows the Department of Corrections to contract with private employers for reentry houses for the purpose of providing housing and other assistance to prisoners transferred to supervised community confinement. The law requires a reentry house to meet all state and local building and life safety codes for the type of building in which the reentry house is located.

LD 1678 An Act To Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples PUBLIC 369

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

Current law allows for the collection of biological samples that are not blood samples, such as saliva samples, from convicted adults and adjudicated juveniles by various staff of the Department of Corrections, including corrections officers and probation officers and also including other staff if they work at a department facility and are designated by the Commissioner of Corrections and are trained to collect the samples. This bill allows for collection by any staff member of the Department of Corrections who is designated by the commissioner and is trained to collect biological samples, not just a staff member of a facility.

Committee Amendment "A" (H-547)

This amendment incorporates a fiscal note.

Enacted Law Summary

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Public Law 2019, chapter 369 allows for collection of biological samples that are not blood samples, such as saliva samples, from convicted adults and adjudicated juveniles by any staff member of the Department of Corrections who is designated by the commissioner and is trained to collect biological samples, not just a staff member of a facility.

LD 1723 An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center CARRIED OVER

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

This bill allows female adult prisoners to be confined at the Long Creek Youth Development Center.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1724 An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions PUBLIC 370

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

This bill amends the Maine Emergency Medical Services Act of 1982 and related provisions. The bill:

1. Amends and repeals certain definitions;
2. Adds three positions to the Medical Direction and Practices Board: a pediatric physician, an emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support;
3. Changes the title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director";
4. Makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board;
5. Adds a representative in the field of pediatrics to the Emergency Medical Services Board; and
6. Gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license and to revoke a license.

Committee Amendment "A" (S-234)

This amendment replaces the bill and does the following;

1. The amendment amends and repeals certain definitions and changes terminology in the emergency medical services field regarding first responders and paramedics to general terminology that correlates with emergency medical services licensing;
2. The amendment adds three positions to the Medical Direction and Practices Board: a pediatric physician, an

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emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support;

3. The amendment changes the job title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director;"

4. The amendment makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board and adds to the board a representative in the field of pediatrics; and

5. The amendment gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license or revoke a license.

Enacted Law Summary

Public Law 2019, chapter 370 does the following:

1. It amends and repeals certain definitions and changes terminology in the emergency medical services field regarding first responders and paramedics to general terminology that correlates with emergency medical services licensing;

2. It adds three positions to the Medical Direction and Practices Board: a pediatric physician, an emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support;

3. It changes the job title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director;"

4. It makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board and adds to the board a representative in the field of pediatrics; and

5. It gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license or revoke a license.

LD 1727 An Act To Correct Various Statutes Related to the Department of Corrections

CARRIED OVER

Sponsor(s)

COREY P

Committee Report

Amendments Adopted

This bill makes corrections to various statutory provisions related to the Department of Corrections.

Sections 1 and 2 amend the part of the Maine Juvenile Code having to do with authorized places of detention for juveniles that, due to an oversight, was not amended when the Maine Revised Statutes, Title 34-A was amended to allow adults to be housed at the Mountain View Correctional Facility.

Section 3 amends a statutory provision having to do with the collection of restitution from former Department of Corrections clients to recognize that the time and method of payment of restitution are, in some cases, determined by the sentencing court and not the department.

Section 4 removes an inapposite reference from a statutory provision authorizing rules for work release, furlough and other rehabilitative programs.

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Section 5 corrects a grammatical error in a statutory provision relating to supervised community confinement.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1756 An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DESCHAMBAULT S	OTP-AM	H-580

This bill requires the Commissioner of Corrections to enter into agreements with other state agencies to ensure that prisoners and juvenile clients receive coordinated assistance with reentry and receive services and benefits upon release into the community. It also authorizes the commissioner to enter into similar agreements with federal agencies and community agencies. Under current law, the amount of time a prisoner must serve prior to being transferred to supervised community confinement is based on the term of imprisonment. The bill removes that distinction. The bill removes a provision of law providing that if the commissioner determines that the average statewide probation case load is no more than 90 probationers to one probation officer, a prisoner may be transferred to supervised community confinement if the prisoner has no more than two years remaining on the term of imprisonment or unsuspended portion of a split sentence. Under current law, the commissioner may transfer any client from one correctional or detention facility or program to another. The bill adds sober houses, transitional housing and reentry programs to the list of such facilities in current law.

Committee Amendment "A" (H-580)

This amendment updates the language in the bill to reflect changes made this session and adds a requirement that the Department of Corrections establish a steering committee focused on assessing and examining the supervised community confinement program and reentry policies, practices and procedures.

LD 1795 An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections

PUBLIC 338

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

This bill amends the law governing fire safety inspection for assisted living programs to require inspections using the chapter pertaining to the applicable building type of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

Enacted Law Summary

Public Law 2019, chapter 338 amends the law governing fire safety inspection for assisted living programs to require inspections using the chapter pertaining to the applicable building type of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

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LD 1834 An Act Regarding Prostitution

PUBLIC 316

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported out by the Joint Standing Committee on Criminal Justice and Public Safety pursuant to Joint Order 2019, H.P. 1278 and was not referred back to committee. Under the current law, the crime of engaging in prostitution is a Class E crime, punishable by a fine only; the penalty for a subsequent conviction that occurs within two years of a prior conviction for engaging in prostitution is a Class D crime. This bill changes the penalty for a subsequent conviction of engaging in prostitution that occurs within two years of the first conviction to a Class E crime and specifies that a deferred disposition for subsequent convictions is the preferred disposition.

Enacted Law Summary

Public Law 2019, chapter 316 was reported out by the committee pursuant to Joint Order 2019, H.P. 1278. Under the current law, the crime of engaging in prostitution is a Class E crime, punishable by a fine only; the penalty for a subsequent conviction that occurs within two years of a prior conviction for engaging in prostitution is a Class D crime. This law changes the penalty for a subsequent conviction of engaging in prostitution that occurs within two years of the first conviction to a Class E crime and specifies that a deferred disposition for subsequent convictions is the preferred disposition.

See also LD 974.

This bill was a companion bill to LD 326, which was voted Ought Not to Pass.

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SUBJECT INDEX

Animal Cruelty

Enacted

LD 64	An Act To Make Post-conviction Possession of Animals a Criminal Offense	PUBLIC 99
LD 1090	An Act To Update the Criminal Animal Welfare Laws	PUBLIC 237

Asset Forfeiture

Enacted

LD 324	An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses	PUBLIC 97
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Not Enacted

LD 677	An Act Regarding the Use of Seizure and Forfeitures by Law Enforcement	ONTP
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Building Code

Enacted

LD 855	An Act To Strengthen the Maine Uniform Building and Energy Code	PUBLIC 517
LD 1509	An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities	PUBLIC 391
LD 1543	An Act To Amend the Maine Uniform Building and Energy Code	PUBLIC 392

Not Enacted

LD 921	An Act To Allow Municipalities To Adopt Stricter Building and Energy Code Standards Than the Maine Uniform Building and Energy Code	Majority (ONTP) Report
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LD 1675 An Act Regarding Building Codes ONTP

Criminal Law

Enacted

LD 329 An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency PUBLIC 137

LD 485 An Act Regarding Actions of the Owner or Keeper of a Dog That Assaults a Person and Causes an Injury That Requires Medical Attention PUBLIC 134

LD 779 An Act To Improve the Definition of "Strangulation" in the Aggravated Assault Laws PUBLIC 91

LD 1022 An Act To Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim or Juror PUBLIC 309

LD 1632 An Act Regarding Criminal Procedure with Respect to Allowable Defenses PUBLIC 462

Not Enacted

LD 44 An Act Regarding the Maine Criminal Code CARRIED OVER

LD 134 An Act Concerning the Composition of the Criminal Law Advisory Commission Majority (ONTP) Report

LD 262 An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer Majority (ONTP) Report

LD 316 An Act To Protect Vulnerable Persons from Theft CARRIED OVER

LD 332 An Act To Remove the Statute of Limitations for Certain Sex Crimes ONTP

LD 342 An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle ONTP

LD 449 An Act To Impose a Mandatory Sentence for the Crime of Aggravated Unlawful Operation of a Methamphetamine Laboratory ONTP

LD 533 An Act To Eliminate the Statutory Duty To Retreat and Affirm the Right of Self-defense Majority (ONTP) Report

LD 700 An Act To Prevent Internet Theft CARRIED OVER

LD 871	An Act To Establish the Crime of Endangering the Welfare of a Child by Transferring Illegal Drugs through Breast Milk	Leave to Withdraw Pursuant to Joint Rule 310
LD 926	An Act To Protect Hospital Employees from Assault	ONTP
LD 1018	Resolve, To Review the Laws Governing the Enforcement of Protection from Abuse Orders	ONTP
LD 1023	An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code	CARRIED OVER
LD 1199	An Act To Protect the Safety of Health Care Workers	ONTP
LD 1215	An Act Relating to Defenses and Self-defense in the Maine Criminal Code	CARRIED OVER
LD 1249	An Act To Prohibit Infringing on the Rights of Association of Dependent Adults	HELD BY GOVERNOR
LD 1636	An Act To Increase the Efficiency of the Criminal Justice System	ONTP

Criminal Procedure/Bail/Sentencing

Enacted

LD 1407	An Act To Revise and Recodify Certain Provisions of the Maine Criminal Code	PUBLIC 113 EMERGENCY
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Not Enacted

LD 182	An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond	CARRIED OVER
LD 223	An Act Regarding Community Service Sentencing	ONTP
LD 635	An Act Related to Community Reparations Boards	ONTP
LD 828	An Act Concerning the Release of the Name of a Deceased Individual	ONTP
LD 1421	An Act To Amend the Maine Bail Code	CARRIED OVER
LD 1492	An Act To Reform Drug Sentencing Laws	CARRIED OVER

Department of Corrections

Enacted

LD 829	Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners	RESOLVE 104
LD 1677	An Act To Allow Reentry Houses as Part of Supervised Community Confinement	PUBLIC 396
LD 1678	An Act To Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples	PUBLIC 369
LD 1795	An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections	PUBLIC 338

Not Enacted

LD 128	An Act To Reopen the Downeast Correctional Facility	ONTP
LD 205	An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape	ONTP
LD 215	An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections	CARRIED OVER
LD 608	An Act To Provide Funding for a Correctional Facility in Downeast Maine	CARRIED OVER
LD 693	An Act To Create a Regional Prerelease Center	Leave to Withdraw Pursuant to Joint Rule 310
LD 802	An Act To Recruit and Retain Corrections Support Staff	CARRIED OVER
LD 1210	Resolve, To Direct the Commissioner of Corrections To Study Changes in Corrections Practices and Reinvestment in Corrections Resources To Reduce Recidivism and Control Correctional Facility Costs	CARRIED OVER
LD 1221	An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities	CARRIED OVER
LD 1346	An Act To Revise the Good Time Laws To Improve Public Safety	ONTP
LD 1422	An Act Regarding Conditions in Correctional Facilities for Female Prisoners	CARRIED OVER
LD 1723	An Act To Allow the Confinement of Female Prisoners at the Long Creek Youth Development Center	CARRIED OVER

LD 1727	An Act To Correct Various Statutes Related to the Department of Corrections	CARRIED OVER
LD 1756	An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community	HELD BY GOVERNOR

Domestic Violence

Enacted

LD 18	An Act To Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence	PUBLIC 412 EMERGENCY
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Fire Marshal

Enacted

LD 353	An Act Regarding the Safety of Recovery Residences	PUBLIC 358
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Not Enacted

LD 113	An Act To Exclude Antique Tractors from the Laws Governing Motor Vehicle Racing	ONTP
LD 430	An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares	CARRIED OVER
LD 1143	An Act To Exclude Tractor Pulling from Certain Rules Governing Motor Vehicle Racing	ONTP
LD 1293	An Act To Improve Investigative Efficiencies at the State Fire Marshal's Office	CARRIED OVER

Firearms/Concealed Firearms

Not Enacted

LD 379	An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms	Majority (ONTP) Report
LD 516	An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program	ONTP
LD 747	An Act To Promote the Safe Use and Sale of Firearms	ONTP
LD 810	An Act To Require Background Checks for All Private Firearm Sales or Transfers Except between Family Members	ONTP

LD 869	An Act Regarding Gun Control	ONTP
LD 1033	An Act To Protect Children from Accidental Injury Due to Unsafe Storage of Firearms	ONTP
LD 1071	An Act To Prohibit the Sale of High-capacity Magazines	ONTP
LD 1099	An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm	Majority (ONTP) Report
LD 1276	An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms	Minority (ONTP) Report
LD 1569	An Act To Prohibit Untraceable and Undetectable Firearms	ONTP

Firefighters

Enacted

LD 1092	An Act To Amend the Laws Governing Critical Incident Stress Management Teams	PUBLIC 89
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Not Enacted

LD 1014	An Act To Attract and Retain Firefighters	CARRIED OVER
LD 1188	An Act To Provide Preventive Counseling to Firefighters and Emergency Medical Services' Persons as Part of Their Training	ONTP

Fireworks

Enacted

LD 1534	An Act To Amend Maine Fireworks Laws To Include Flame Effects	PUBLIC 249
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Juveniles

Enacted

LD 548	An Act Regarding Charging a Person under 18 Years of Age with the Crime of Engaging in Prostitution	PUBLIC 131
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LD 1397 **An Act Regarding the Admissibility of Certain Statements of Juveniles** **PUBLIC 220**

LD 1479 **An Act To Clarify Guardianship over Detainees under 18 Years of Age
Regarding Mental Health Care** **PUBLIC 155**

Not Enacted

LD 1108 **Resolve, Establishing the Task Force on Alternatives to Incarceration for
Maine Youth** **CARRIED OVER**

Law Enforcement

Enacted

LD 1408 **An Act To Allow Law Enforcement Officers To Wear Insignia on Their
Uniforms To Indicate That They Are Veterans** **PUBLIC 221**

LD 1485 **An Act To Create a Contact Person Program in the Department of Public
Safety** **PUBLIC 442**

Not Enacted

LD 636 **Resolve, To Establish the Work Group To Study the Use of Body Cameras
by Law Enforcement Officers** **CARRIED OVER**

Maine Emergency Management Agency

Enacted

LD 1038 **Resolve, To Convene a Stakeholder Group on Funding and Training for
the State's Hazardous Materials Emergency Response Teams and the
Acquisition of Equipment** **RESOLVE 49**

OUI/OAS/Other MV Violations

Enacted

LD 264 **An Act Regarding Liability for Taking a Blood Sample from an Operator
of a Motor Vehicle Involved in a Fatal Crash** **PUBLIC 189**

LD 648 **An Act To Improve Reporting of Operating Under the Influence Offenses** **PUBLIC 121**

LD 1111 **An Act Regarding Driver's License Suspensions** **PUBLIC 467**

LD 1676 **An Act To Enhance the Ability of the State To Prosecute the Crime of
Operating Under the Influence** **PUBLIC 368**

Not Enacted

LD 141	An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Vehicle	CARRIED OVER
LD 637	An Act Regarding Motor Vehicle Operation and Drug Use	ONTP
LD 762	An Act Regarding Consent by a Motor Vehicle Operator to a Blood Test	Died Between Houses
LD 788	An Act To Authorize the Use of Handheld Narcotics Analyzers	Majority (ONTP) Report

Prison/Jail/Inmate

Enacted

LD 628	An Act To Ensure Comprehensive Access to Menstrual Products in All Maine's Jails, County Correctional Facilities and State Correctional and Detention Facilities	PUBLIC 139
LD 767	An Act To Ensure the Availability of In-person Visitation in County Jails	PUBLIC 76

Not Enacted

LD 460	An Act Requiring the State To Reimburse Counties for All Costs Exceeding the Tax Assessment for Correctional Services	ONTP
LD 678	An Act Requiring the State To Fund 20.25 Percent of the Cost of County Jails	ONTP
LD 691	An Act Regarding County Jail Funding	ONTP
LD 755	An Act To Ensure Funding Sources for County Jails	ONTP
LD 804	An Act To Ensure Programming for Long-term Incarcerations at County Jails	Leave to Withdraw Pursuant to Joint Rule 310
LD 925	An Act Requiring the Department of Corrections To Fully Fund County Jails for Individuals Sentenced to County Jails for More Than 6 Months and Individuals Held for Probation or Parole Violations	ONTP
LD 973	An Act To Stabilize County Corrections	CARRIED OVER

LD 1096	An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population	CARRIED OVER
LD 1295	An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds	CARRIED OVER
LD 1321	An Act To Amend the Laws Governing the Funding Limitation on County Jails	ONTP
LD 1466	An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder	CARRIED OVER

Public Safety/Emergency Medical Services

Enacted

LD 735	An Act To Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy	PUBLIC 103
LD 1724	An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions	PUBLIC 370

Not Enacted

LD 159	An Act To Require Cameras in Ambulances When a Patient Is Being Transported	ONTP
LD 306	Resolve, Requiring the Department of Public Safety To Study and Determine What Constitutes a Violation of Air Space by a Drone	ONTP
LD 1088	An Act Regarding the Maine Law Enforcement Memorial	Majority (ONTP) Report
LD 1169	An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies	CARRIED OVER

Sex Offender Registration

Enacted

LD 263	An Act To Prohibit Certain Sex Offenders from Establishing Residence in Certain Multiunit Residential Buildings in which Minors Reside	ONTP
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Sex Offenses - Criminal

Enacted

LD 67	An Act To Ensure Access to Justice for Victims of Sexual Assault	PUBLIC 483
LD 396	An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored	PUBLIC 94
LD 913	An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals	PUBLIC 494
LD 1140	An Act To Improve the Investigation and Prosecution of Sexual Assault Cases	PUBLIC 80
LD 1375	An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution	PUBLIC 438
LD 1834	An Act Regarding Prostitution	PUBLIC 316

Not Enacted

LD 94	An Act To Prohibit the Dissemination of Obscene Material by Public Schools	ONTP
LD 326	An Act To Decriminalize Engaging in Prostitution	ONTP
LD 974	An Act To Amend the Penalties for Engaging in Prostitution	ONTP

Victim Rights

Not Enacted

LD 1550	An Act To Create a Victims' Compensation Fund for Victims of Property Crimes	HELD BY GOVERNOR
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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON EDUCATION
AND CULTURAL AFFAIRS**

August 2019

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REP. GARY A. DRINKWATER
REP. JUSTIN FECTEAU
REP. SHELLEY RUDNICKI

Joint Standing Committee on Education and Cultural Affairs

LD 14 An Act To Improve Science and Engineering Education for Maine's Students ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M MILLETT R	ONTP	

This bill requires the Department of Education to include the so-called Next Generation Science Standards for kindergarten to grade 12 in the State's system of learning results and assessment and directs the Commissioner of Education to amend Department of Education rules on or before December 31, 2019 in order to include the science standards as part of the State's system of learning results and assessment beginning with the 2021-2022 school year.

The Next Generation Science Standards were included in LD 283, Resolve, Regarding Legislative Review of Chapter 132: Learning Results: Parameters for Essential Instructions, a Major Substantive Rule of the Department of Education, which was finally passed as Resolve 2019, chapter 12.

LD 29 Resolve, To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State by Establishing a Work Group To Develop Educational Programming for Prevention of Substance Use and Substance Use Disorders among Youth and Adolescents ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J GRATWICK G	ONTP	

This resolve is based on recommendations of the Task Force To Address the Opioid Crisis in the State, which submitted its report to the Legislature in December 2017. The resolve requires the Department of Education to establish a work group to evaluate existing substance use prevention programs targeting school-age children, investigate prevention programs that have proven effective in other areas of the United States or in other countries, identify funding resources and determine how prevention programs should be incorporated into education curricula. The work group must include representatives of educational, law enforcement and public health organizations. The department is required to submit a report of the findings of the work group no later than January 1, 2020 to the joint standing committee of the Legislature having jurisdiction over education matters.

LD 55 An Act To Return the Normal Cost of Teacher Retirement to the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P JACKSON T	ONTP	

This bill changes the method for funding teacher retirement costs. It repeals those provisions of law enacted pursuant to Public Law 2013, chapter 368 that require school administrative units and private schools to pay for teacher retirement.

Joint Standing Committee on Education and Cultural Affairs

LD 63 An Act To Improve Responsiveness of Elected School Boards to the Public

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ARATA A CYRWAY S	ONTP OTP	

This bill adds that one of the duties of a school board is to be accountable to the residents who live within the boundaries of the school board’s district, who are the school board’s constituents.

LD 92 An Act To Amend Educator Evaluation Requirements

PUBLIC 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D HERBIG E	OTP-AM OTP-AM	H-18

This bill clarifies that the use of student learning and growth data to inform instruction is included as part of the multiple measures of educator effectiveness. The bill also requires the Department of Education to submit a provisionally adopted rule to the Legislature by January 10, 2020.

Committee Amendment "A" (H-18)

This amendment, which is the majority report of the committee, clarifies that a school administrative unit is not required to use student growth measures in educator evaluation requirements and provides that the effective date of the provisions in the legislation that remove the requirement regarding student growth and learning systems is September 1, 2021. This amendment also requires that a school administrative unit's steering committee on the elements of the school administrative unit's performance evaluation and professional growth system must include a majority of teachers chosen by the school administrative unit's local union and that any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus.

Committee Amendment "B" (H-19)

This amendment is the minority report of the committee. It strikes and replaces the bill with a resolve directing the Department of Education to revise the Maine Educational Assessment so that it accurately reflects measurements of student learning and growth. The department is required to consult with teachers and administrators and local steering committees in revising the assessment. The revised assessment must be designed to provide data and performance metrics that will be used as a measure of performance of English language arts and mathematics teachers and may be designed to provide data and performance metrics to be used as a measure of performance in other content areas.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 27 clarifies that a school administrative unit is not required to use student growth measures in educator evaluation requirements beginning September 1, 2021. It also requires that a school administrative unit's steering committee on the elements of the school administrative unit's performance evaluation and professional growth system must include a majority of teachers chosen by the school administrative unit's local union and that any revisions to the performance evaluation and professional growth system made by the steering committee must be reached by consensus.

Joint Standing Committee on Education and Cultural Affairs

**LD 97 Resolve, Regarding Legislative Review of Portions of Chapter 38:
Suicide Awareness and Prevention in Maine Public Schools, a Major
Substantive Rule of the Department of Education**

**RESOLVE 14
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-45

This resolve provides for legislative review of portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-45)

This amendment provides that final adoption of portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a provisionally adopted major substantive rule of the Department of Education, is authorized only if the department incorporates certain specific amendments to the rule prior to final adoption.

Enacted Law Summary

Resolve 2019, chapter 14 provides that final adoption of portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a provisionally adopted major substantive rule of the Department of Education, is authorized only if the department incorporates certain specific amendments to the rule prior to final adoption.

Resolve 2019, chapter 14 was finally passed as an emergency measure effective April 22, 2019.

**LD 98 Resolve, Regarding Legislative Review of Portions of Chapter 122:
Grant Application and Award Procedure: Fund for the Efficient
Delivery of Educational Services, a Major Substantive Rule of the
Department of Education**

**RESOLVE 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-3

This resolve provides for legislative review of portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-3)

This amendment provides that final adoption of portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a provisionally adopted major substantive rule of the Department of Education, is authorized only if the department amends the rule regarding the scoring of applications and clarifying that the replication of a project of similar scope or service previously funded by an award from the fund is permissible by a new applicant and partners.

Enacted Law Summary

Resolve 2019, chapter 8 authorizes the final adoption of portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, which was a provisionally adopted major substantive rule of the Department of Education, with clarifying amendments regarding the scoring of applications and funding of previously funded projects with new applicants and partners.

Resolve 2019, chapter 8, was finally passed as an emergency measure effective March 25, 2019.

Joint Standing Committee on Education and Cultural Affairs

LD 103 An Act To Ensure the Integrity of For-profit Colleges and Universities

PUBLIC 157

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HEPLER A	OTP-AM ONTP	S-83

This bill requires annual review of for-profit colleges by the State Board of Education to ensure that they are meeting adequate educational standards. If the board finds that a for-profit college is not meeting the standards, the board may terminate the degree-granting authority of the for-profit college.

Committee Amendment "A" (S-83)

This amendment is the majority report of the committee and clarifies that the bill applies to for-profit universities as well as colleges and expands the definition of "for-profit college or university" to include a postsecondary institution that is regulated by the Department of Education or the State Board of Education, is eligible to participate in federal student aid programs and is operated by a private, for-profit business. The amendment requires the Commissioner of Education, instead of the State Board of Education, to review a for-profit college or university and adds a requirement that student support services, including the process by which student complaints are handled, be reviewed by the Commissioner of Education to determine whether adequate educational standards are being met by a for-profit college or university.

Enacted Law Summary

Public Law 2019, chapter 157 requires the Department of Education to conduct an annual review of for-profit colleges, which are defined as a postsecondary institutions that are regulated by the Department of Education, are eligible to participate in federal student aid programs and are operated by a private, for-profit business, to ensure that they are meeting adequate educational standards. If the department finds that a for-profit college is not meeting the standards, the department may terminate the degree-granting authority of the for-profit college.

**LD 135 An Act To Appropriate Funds To Provide Sea Protection and Public
Access to the Historic Whaleback Lighthouse in Kittery**

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D LAWRENCE M	OTP-AM ONTP	

This bill provides a one-time General Fund appropriation of \$150,000 to the Department of Administrative and Financial Services for the Whaleback Lighthouse in Kittery to construct a breakwater, dock and gangway.

Committee Amendment "A" (H-4)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

Joint Standing Committee on Education and Cultural Affairs

**LD 136 An Act To Establish a Special Education Circuit Breaker
Reimbursement Program**

CARRIED OVER

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

This bill establishes the special education circuit breaker reimbursement program, in which the Department of Education reimburses school administrative units, for a student whose eligible special education costs exceed four times the statewide EPS per-pupil rate, 75% of the amount of the special education costs that are above four times the statewide EPS per-pupil rate. The bill requires the department to distribute reimbursements to eligible school administrative units on a quarterly basis, and the reimbursements must be deposited in a separate revolving account that may be spent only on approved special education services.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 137 An Act To Make the Maine Learning Technology Initiative More
Cost-effective**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to make the Department of Education's Maine Learning Technology Initiative, or "MLTI," more cost-effective for schools and for the State, thus allowing participation by increased numbers of students. The cost-saving measures may include, but are not limited to, eliminating the ability of school administrative units to choose higher-cost technology options.

LD 150 An Act To Improve Attendance at Public Elementary Schools

PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-35

This bill provides that unless a person five years of age or older and under seven years of age who is enrolled in a public day school withdraws from the school, the person is required to attend the school during the time it is in session. It provides that students who are at least five years of age and have not completed grade six and are enrolled in a public day school are subject to the same provisions regarding truancy as students who are at least seven years of age and have not completed grade six who are required to attend a public day school. It provides that a person five years of age or older and under seven years of age is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3.

Committee Amendment "A" (S-35)

This amendment clarifies that the provisions of the bill relating to persons attending schools outside of the unorganized territory also apply to a person who resides in the unorganized territory. The amendment provides that unless a person in the unorganized territory five years of age or older and under seven years of age who is enrolled in a public day school withdraws from the school, the person is required to attend the school during the time it is in

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session. It provides that students in the unorganized territory who are at least five years of age and have not completed grade six and are enrolled in a public day school are subject to the same provisions regarding truancy as students who are at least seven years of age and have not completed grade six who are required to attend a public day school. It provides that a person in the unorganized territory five years of age or older and under seven years of age is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 3271, subsection 2.

Enacted Law Summary

Public Law 2019, chapter 235 provides that unless a person five years of age or older and under seven years of age who is enrolled in a public day school withdraws from the school, the person is required to attend the school during the time it is in session. The law also applies to a person who resides in the unorganized territory.

The law also provides that students who are at least five years of age and have not completed grade six and are enrolled in a public day school are subject to the same provisions regarding truancy as students who are at least seven years of age and have not completed grade six who are required to attend a public day school. The law provides that a person five years of age or older and under seven years of age who resides outside the unorganized territory is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 5001-A, subsection 3 and a person in the unorganized territory five years of age or older and under seven years of age is not required to meet the alternatives to attendance requirements set forth in the Maine Revised Statutes, Title 20-A, section 3271, subsection 2.

Compare LD 151, which was enacted as Public Law 2019, chapter 508.

Public Law 2019, chapter 508 amended Public Law 2019, chapter 235 to avoid the enactment of conflicting statutory provisions by changing the age at which children must begin attending school from five years of age to six years of age.

LD 151 An Act To Align State Law with Current Practice Regarding Required School Attendance

PUBLIC 508

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD V	OTP-AM ONTP	S-30 S-324 BREEN C

This bill changes the age at which children are required to begin attending school from seven years of age to six years of age.

Committee Amendment "A" (S-30)

This amendment, which is the majority report of the committee, requires the Commissioner of Education to provisionally adopt amendments to the Department of Education rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to address developmentally appropriate educational practices for kindergarten to grade two.

Senate Amendment "A" To Committee Amendment "A" (S-324)

In order to avoid the enactment of conflicting statutory provisions, this amendment amends recently chaptered law regarding the age at which children must begin attending school to be consistent with the bill's establishment of that age as six years of age.

Enacted Law Summary

Public Law 2019, chapter 508 changes the age at which children are required to begin attending school from seven years of age to six years of age. Public Law 2019, chapter 508 also amended Public Law 2019, chapter 235 (see LD

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150) to avoid the enactment of conflicting statutory provisions by changing the age at which children must begin attending school from five years of age (in Public Law 2019, chapter 235) to six years of age.

LD 155 An Act To Ensure Transparency in College Costs ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D DOUDERA V	ONTP	

This bill prohibits a postsecondary institution from assessing a student fees unless the institution uses the standardized financial aid offer form developed by the Commissioner of Education. The bill directs the Commissioner of Education to develop a standard format for written and electronic financial aid offers to students enrolled or accepted for enrollment in a postsecondary institution. The bill specifies that the standardized financial aid offer form must clearly identify each student fee to be paid to the postsecondary institution.

LD 160 An Act To Add Instruction in Personal Finance to the Statewide System of Learning Results Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M FECTEAU J	ONTP OTP-AM	

This bill requires the Department of Education to add instruction in personal finance to the statewide system of learning results and to adopt rules accordingly.

Committee Amendment "A" (S-16)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

Instruction in personal finance was included in LD 283, Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education, which was finally passed as Resolve 2019, chapter 12.

This amendment was not adopted.

LD 161 An Act To Increase Access to Career and Technical Education ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D SAMPSON H	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to increase access to career and technical education.

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LD 167 An Act To Prevent Food Shaming in Maine's Public Schools

PUBLIC 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MILLETT R	OTP-AM	H-91

This bill does the following.

1. It requires a public school that provides free and reduced-price meals or other meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals. It also requires the school to take certain actions to assist the parent or guardian of a student who requests such a meal.
2. It prohibits a public school from punishing a student in certain ways solely because of the student's inability to pay for a meal or because of any payments due for previous meals. It also prohibits a public school from refusing a meal to a student as a form of or as part of a disciplinary action.
3. It prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who has payments due for previous meals by requiring the student to wear a wristband, hand stamp or other identifying mark or sign noticeable by others.
4. It requires a public school to communicate about a student's meal debts directly to the parent or guardian of the student rather than to the student. A public school may ask a student to carry to the student's parent or guardian a letter regarding a student's meal debt.

Committee Amendment "A" (H-91)

This amendment does the following.

1. It strikes the requirement that a school take certain actions to assist the parent or guardian of a student who requests a meal.
2. It retains the prohibition that a public school may not openly identify or stigmatize a student who cannot pay for a meal or who has payments due for previous meals but strikes specific examples of ways students could be stigmatized.
3. It provides that a public school's communication about a student's meal must be made to the parent or guardian of the student rather than to the student directly except that, if the student inquires about the student's meal debt, the school may answer the student's inquiry.
4. It requires the Department of Education to develop guidance for school administrative units relating to the collection of student meal debt, including, but not limited to, best practices and information on how to create an online system for the payment of student meal debt. The amendment requires the department to post this information on its publicly accessible website.
5. It adds a mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 54 does the following.

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1. It requires a public school that provides free and reduced-price meals or other meals to students pursuant to the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 or otherwise provides to students meals eligible for reimbursement under a program administered by the United States Department of Agriculture to provide such a meal to a student who requests the meal and is otherwise eligible for the meal regardless of the student's inability to pay for the school meal or failure in the past to pay for school meals.
2. It prohibits a public school from punishing a student in certain ways solely because of the student's inability to pay for a meal or because of any payments due for previous meals. It also prohibits a public school from refusing a meal to a student as a form of or as part of a disciplinary action.
3. It prohibits a public school from openly identifying or stigmatizing a student who cannot pay for a meal or who has payments due for previous meals.
4. It provides that a public school's communication about a student's meal must be made to the parent or guardian of the student rather than to the student directly except that, if the student inquires about the student's meal debt, the school may answer the student's inquiry.
5. It requires the Department of Education to develop guidance for school administrative units relating to the collection of student meal debt, including, but not limited to, best practices and information on how to create an online system for the payment of student meal debt. It also requires the department to post this information on its publicly accessible website.

LD 176 An Act To Enhance Participation on the State Board of Education

PUBLIC 421

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J	OTP-AM	H-29

This bill eliminates the provision in current law prohibiting teachers and school administrators from serving on the State Board of Education. It also provides that a teacher or school administrator serving on the state board must be granted release time for attendance at state board meetings. Any cost related to the release time is the responsibility of the state board.

Committee Amendment "A" (H-29)

This amendment clarifies that the State Board of Education is responsible for the costs of a substitute teacher when a teacher is granted release time to serve on the State Board of Education. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 421 eliminates the provision in current law prohibiting teachers and school administrators from serving on the State Board of Education. It also provides that a teacher or school administrator serving on the state board must be granted release time for attendance at state board meetings. The State Board of Education is responsible for the costs of a substitute teacher when a teacher is granted release time to serve on the State Board of Education.

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LD 178 An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B SANBORN H		

Current law requires the State to pay 45% of a retired teacher's share of the premium for group accident and sickness or health insurance. This bill raises that percentage to 50% from July 1, 2019 to June 30, 2020; 55% from July 1, 2020 to June 30, 2021; 60% from July 1, 2021 to June 30, 2022; 65% from July 1, 2022 to June 30, 2023; 70% from July 1, 2023 to June 30, 2024; 75% from July 1, 2024 to June 30, 2025; 80% from July 1, 2025 to June 30, 2026; 85% from July 1, 2026 to June 30, 2027; and 90% after June 30, 2027. It also removes some outdated language and the cap on the increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 185 An Act To Provide a Method for a Student To Be Excused from Standardized Testing Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H DIAMOND B	ONTP OTP-AM	

This bill requires a school administrative unit to excuse a student from a standardized assessment administered pursuant to the State's assessment program at the written request of the student's parent or guardian and establishes requirements for school administrative units and the Department of Education related to excusing a student.

Committee Amendment "A" (H-268)

This amendment is the minority report of the committee and clarifies that a school administrative unit is required to excuse a student from standardized testing only if doing so would not make the school administrative unit out of compliance with the federal Every Student Succeeds Act and requires the Department of Education to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs if the opt-out provision of the federal Every Student Succeeds Act is repealed or substantially amended by federal law.

This amendment also removes from the bill the requirement that school administrative units provide students excused from the assessment with an educational activity and the requirement that the Department of Education develop a form and that the department and school administrative units post the form on their publicly accessible websites and clarifies that educators may inform students and parents of the right to opt out.

This amendment was not adopted.

LD 206 An Act To Raise the University of Maine System Debt Ceiling PUBLIC 487

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M DILL J	OTP-AM ONTP	H-26

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This bill increases the borrowing authority for the University of Maine System from \$220,000,000 to \$350,000,000.

Committee Amendment "A" (H-26)

This amendment is the majority report of the committee and it incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 487 increases the borrowing authority for the University of Maine System from \$220,000,000 to \$350,000,000.

LD 210 An Act To Increase Technology and Engineering Education for Grades 7 to 12 ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ORDWAY L DIAMOND B	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to enhance technology and engineering education for students in grades seven to 12. The measures include, but are not limited to:

1. Changing the industrial arts/technology teacher endorsement to a technology and engineering endorsement and amending the endorsement requirements. The amended endorsement requirements would grandfather all current teachers who hold an industrial arts/technology endorsement and make them technology and engineering teachers. The amended endorsement requirements would also allow a college graduate with an engineering degree to obtain a technology and engineering endorsement; and
2. Creating three categories of science endorsements: life science, physical science and technology and engineering.

LD 1478, Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Major Substantive Rule of the Department of Education, which was finally passed as Resolve 2019, chapter 101, authorizes final adoption of the Department of Education's will on teacher credentialing as long as the Department, among other things, changes the "industrial arts/technology teacher assessment to an "industrial arts/engineering and technology endorsement.

LD 225 An Act Regarding Transportation Management Software and School Bus Replacement Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS M	ONTP OTP-AM	

This bill establishes in statute the criteria for the replacement of conventional and transit-style school buses through the Department of Education and prohibits the department from requiring a school administrative unit to use a specific brand of routing and transportation management software.

Committee Amendment "A" (H-46)

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This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 236 An Act Regarding the Use of Unanticipated State Aid for Kindergarten to Grade 12 Education Accepted Majority (ONTP) Report

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

This bill requires the warrant presented to the legislative body of the regional school unit to include an article describing how unanticipated school aid will be used. In cases where the adjustment prevents the regional school unit board from raising 100% of the required local share, the Commissioner of Education must waive the required proration of the state share.

LD 237 An Act To Appropriate Funds for Coaching Services for Existing and New Prekindergarten Programs ONTP

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

This bill provides ongoing funds for coaching services to provide teaching support for new and existing prekindergarten programs throughout the State.

LD 246 An Act To Secure the Future of the Frances Perkins Homestead CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D GIDEON S	OTP-AM ONTP	S-15

This bill provides one-time funds to the Frances Perkins Center to be applied toward the acquisition of the Frances Perkins homestead in Newcastle.

Committee Amendment "A" (S-15)

This amendment, which is the majority report of the committee, directs the Maine Historic Preservation Commission to transfer \$250,000 in state fiscal year 2019-20 to be used for the acquisition of the Frances Perkins Homestead in Newcastle if certain requirements are met.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 247 An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling

PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R	OTP-AM	S-29

This bill requires each school counselor and school social worker to spend at least 80% of that counselor's or social worker's time providing direct or indirect services to students and requires the Commissioner of Education to adopt rules to implement this provision.

Committee Amendment "A" (S-29)

This amendment clarifies that direct services and indirect services must be within the scope of the duties of school counselors or school social workers as established by major substantive rules adopted by the Department of Education. The rules must include guidelines regarding the duties of school counselors, including that a school counselor deliver a comprehensive school counseling program, and guidelines regarding the duties of school social workers. The amendment also clarifies that each school counselor and school social worker must spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students.

Enacted Law Summary

Public Law 2019, chapter 45, requires each school counselor and school social worker to spend at least 80% of that counselor's or social worker's time providing direct or indirect services to students, which are defined as services that are within the scope of duties of school counselors or school social workers as established by major substantive rules adopted by the Department of Education. The Commissioner of Education is required to adopt rules to implement this provision, and the rules must include guidelines regarding the duties of school counselors, including that a school counselor deliver a comprehensive school counseling program, and guidelines regarding the duties of school social workers.

LD 259 An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D	OTP-AM ONTP	

This bill increases the target for the state share percentage of the statewide adjusted total cost of the components of essential programs and services to 55%, as required by law, beginning in fiscal year 2019-20 and continuing at that rate annually.

Committee Amendment "A" (S-130)

This amendment, which is the majority report of the committee, repeals the provision of law containing the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 that include the cost of components of essential programs and services plus the state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

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**LD 283 Resolve, Regarding Legislative Review of Portions of Chapter 132:
Learning Results: Parameters for Essential Instruction, a Major
Substantive Rule of the Department of Education**

**RESOLVE 12
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a major substantive rule of the Department of Education. This resolve authorizes the following changes to the social studies and science and technology standards:

1. Reformats the social studies and science and technology standards to divide each content area into three stages of development: childhood, pre-adolescence and adolescence;
2. Amends the social studies standards to emphasize the guiding principles and their connections to essential skills and practices of social studies and include instruction in personal finance; and
3. Amends the science and technology standards to adopt the Next Generation Science Standards, which utilize a three-dimensional approach to science.

Enacted Law Summary

Resolve 2019, chapter 12 authorized the final adoption of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education.

Resolve 2019, chapter 12 was finally passed as an emergency measure effective April 19, 2019.

LD 296 An Act Regarding Student Privacy with Respect to Video Recordings

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V MILLETT R	ONTP	

This bill requires an elementary or secondary school to keep confidential a video recording in which a student is present, including a video recording taken in a bus or other means of student transportation used by the school, and prohibits the school from disseminating or publishing the video recording without the written permission of a parent of the student. See also LD 639 in the Joint Standing Committee on Judiciary.

LD 307 An Act To Limit the Number of Charter Schools in Maine

PUBLIC 307

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M VITELLI E	OTP-AM OTP-AM	H-365

Under current law, the number of public charter schools approved by the Maine Charter School Commission that may operate at any time is capped at 10 until July 1, 2022. This bill makes that cap permanent.

Committee Amendment "A" (H-365)

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This amendment, which is the majority report of the committee, caps the total number of public charter schools in the state to 10 public charter schools, regardless of whether the public charter school is authorized by the commission or by local school boards or collaboratives of local school boards.

This amendment also directs the Maine Charter School Commission to develop a process for the revocation or nonrenewal of a public charter school's charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school's charter.

Committee Amendment "B" (H-366)

This amendment, which is the minority report of the committee, strikes and replaces the bill with a resolve directing the Department of Education to develop a process for the revocation or nonrenewal of a public charter school's charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school's charter.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 307 permanently caps the total number of public charter schools in the state to 10 public charter schools, regardless of whether the public charter school is authorized by the commission or by local school boards or collaboratives of local school boards.

The law also directs the Maine Charter School Commission to develop a process for the revocation or nonrenewal of a public charter school's charter for public charter schools that are not meeting required performance framework provisions and report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2020, on the recommended process and submit any suggested legislation to implement the process to revoke or not renew a public charter school's charter.

LD 309 Resolve, Directing the Department of Education To Direct a Study of the Regional Adjustment for School Administrative Units

**RESOLVE 70
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T	OTP-AM	H-393

This bill removes the regional adjustment in the total operating allocation for school administrative units under the Essential Programs and Services Funding Act.

Committee Amendment "A" (H-393)

This amendment changes the bill to a resolve and adds an emergency preamble. The amendment directs the Department of Education to direct the Maine Education Policy Research Institute, in the institute's review of the essential programs and services, to study and report to the department on the regional adjustment for school administrative units. The department must submit the report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020.

Enacted Law Summary

Resolve 2019, chapter 70, directs the Department of Education to direct the Maine Education Policy Research Institute, in the institute's review of the essential programs and services, to study and report to the department on the

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regional adjustment for school administrative units. The department must submit the report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020.

Resolve 2019, chapter 70 was finally passed as an emergency measure effective June 17, 2019.

LD 318 An Act To Prepare All Students for Work and Life by Requiring That Students Receive Instruction in Vocational Preparation and Practical Life Skills **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D BLACK R	ONTP OTP-AM	

This bill changes the requirement in the system of learning results from "career and education development" to "vocational preparation and practical life skills." The bill defines "vocational preparation and practical life skills" to mean experiential instruction of students, regardless of career choice or pathway, that develops their understanding of interests, aptitudes and options related to work and study; develops core workplace skills in areas such as planning, communication, problem solving, teamwork and computer applications; and includes practical workplace and home economics experiences that maximize learning through hands-on application.

Committee Amendment "A" (H-267)

This amendment, which is the minority report of the committee, strikes and replaces the bill and changes the title. The amendment requires a secondary school to provide one semester of instruction in career and technical education or practical life skills, whenever possible, as determined by the local school board.

This amendment was not adopted.

LD 345 An Act To Help New Teachers Succeed **PUBLIC 132**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D CARPENTER M	OTP-AM	H-153

This bill requires a probationary teacher to be evaluated during each year of employment as a probationary teacher and provides that if a third-year probationary teacher does not receive a summative effectiveness rating indicating ineffectiveness during the first or second year of the probationary teacher's contract, the probationary teacher's contract must be extended automatically. This bill also requires special procedures for probationary teachers in a school administrative unit's performance evaluation and professional growth system.

Committee Amendment "A" (H-153)

This amendment requires that, beginning with teachers hired for the 2020-2021 school year, the probationary period may not exceed two years. This amendment removes the sections of the bill that enacted special procedures for probationary teachers.

The amendment also restructures the Maine Revised Statutes, Title 20-A, section 13201 to bring the section into conformity with current drafting standards. The only substantive changes to section 13201 are to require the superintendent to evaluate probationary teachers during, without limitation, each year of their employment as probationary teachers and that, beginning with teachers hired for the 2020-2021 school year, the probationary period may not exceed two years.

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Enacted Law Summary

Public Law 2019, chapter 132 requires that, beginning with teachers hired for the 2020-2021 school year, the probationary period for newly-hired teachers may not exceed two years.

**LD 358 An Act To Increase Funding for Career and Technical Education for
Fiscal Year 2019-20**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D SAMPSON H	OTP-AM ONTP	S-190

This bill provides \$1,000,000 in fiscal year 2018-19 to the General Purpose Aid for Local Schools program within the Department of Education in order to fully fund the cost of career and technical education pursuant to current law. This bill also amends Public Law 2017, chapter 446 to reflect the additional funding.

Committee Amendment "A" (S-190)

This amendment, which is the majority report of the committee, strikes and replaces the bill. The amendment raises the cap on the career and technical education funding formula provision regarding the allocation for career and technical education centers or regions for which the sum of the program components is greater than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, from 5% to 15% and provides a one-time general fund appropriation of \$1,556,944 in fiscal year 2019-20. The amendment also adds an appropriations and allocations section.

**LD 359 An Act To Address Student Hunger with a "Breakfast after the Bell"
Program**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W	OTP-AM ONTP	S-78 S-100 MOORE M

This bill requires a school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year to operate an alternative breakfast delivery service that provides breakfast after the start of the school day for students at that public school. It also provides a process for a school administrative unit to opt out of the alternative breakfast delivery service. This bill requires the Department of Education to adopt rules to develop an application process and to adopt standards to address evaluation criteria based on need for funding assistance for alternative breakfast delivery services in school administrative units. It also requires the department to develop a means to track health and academic outcomes of students and schools that participate in alternative breakfast delivery services.

Committee Amendment "A" (S-78)

This amendment, which is the majority report of the committee, clarifies that the alternative breakfast delivery service provides breakfast after the start of the school day and before any lunch period in the school begins for students at that public school. The amendment also provides that a school administrative unit or a public school in which at least 70% of students who are eligible for free and reduced-price meals participate in the breakfast program is exempt from the requirement of providing an alternative breakfast delivery service. The amendment revises the process as proposed in the bill for a school administrative unit to opt out of the alternative breakfast delivery service. The amendment also provides for procedures to track health and academic outcomes of students.

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Senate Amendment "A" To Committee Amendment "A" (S-100)

This amendment provides funding for the so-called "breakfast after the bell" program for fiscal years 2019-20 and 2020-21, and removes the indication of ongoing funding. This amendment also specifies that the funds provided do not lapse but are carried forward.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 375 An Act To Promote the Forest Products Industry in School Construction PUBLIC 53
and Renovation Involving Heating Systems**

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

This bill requires consideration of modern wood heating systems, with wood biomass fuels sourced locally and in a manner that benefits the State's economy, in the construction of new or substantially renovated schools or school buildings subject to State Board of Education approval.

Committee Amendment "A" (H-60)

This amendment clarifies that, in approving school construction projects, the State Board of Education is required to ensure that school administrative units have considered heating systems that use renewable, locally sourced wood-based fuels and that benefit the State's economy and reduce carbon dioxide emissions in all planning and design for new or substantially renovated schools or school buildings subject to state board approval. The amendment strikes the requirement that the school administrative unit demonstrates a preference for modern wood heating systems.

Enacted Law Summary

Public Law 2019, chapter 53 provides that, in approving school construction projects, the State Board of Education is required to ensure that school administrative units have considered heating systems that use renewable, locally sourced wood-based fuels and that benefit the State's economy and reduce carbon dioxide emissions in all planning and design for new or substantially renovated schools or school buildings subject to state board approval.

**LD 382 An Act To Fund Services for Blind and Visually Impaired Persons at the PUBLIC 15
Maine State Library**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S CARSON B	OTP-AM	H-7

This bill establishes the Blind and Visually Impaired News Access Fund as a dedicated fund within the Maine State Library to be used to provide access to the National Federation of the Blind's news network for blind and visually impaired persons. This bill directs the Public Utilities Commission to transfer \$40,000 per year from the state universal service fund to the Blind and Visually Impaired News Access Fund to support the annual cost of providing access to the network.

Committee Amendment "A" (H-7)

This amendment incorporates a fiscal note.

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Enacted Law Summary

Public Law 2019, chapter 15 establishes the Blind and Visually Impaired News Access Fund as a dedicated fund within the Maine State Library to be used to provide access to the National Federation of the Blind's news network for blind and visually impaired persons. The law also directs the Public Utilities Commission to transfer \$40,000 per year from the state universal service fund to the Blind and Visually Impaired News Access Fund to support the annual cost of providing access to the network.

LD 385 An Act To Base School Funding on the Number of Students Sent by a ONTP
Town to a Regional School Unit

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

This bill amends the method by which the share of the total cost of education from kindergarten to grade 12 is calculated for a municipality that is within a regional school unit. Current law establishes that share as the lesser of the municipality's total cost of education as determined under the Maine Revised Statutes, Title 20-A, section 15688, subsection 1 and an amount equal to the product of the education mill rate for the municipality multiplied by the total valuation of property in the municipality. This bill instead determines the share of the total cost of education from kindergarten to grade 12 of a municipality within a regional school unit based upon the product of the statewide per-pupil rate calculated under Title 20-A, section 15671-A, subsection 2-A and the number of pupils in the municipality who reside in the municipality and who are educated at public expense. The bill phases in this method of determining a municipality's share of the total cost of education from kindergarten to grade 12 over three years: in fiscal year 2020-21, the total cost is 2/3 of the amount determined based on property values and 1/3 of the amount determined based on number of pupils; in fiscal year 2021-22, the total cost is 1/3 of the amount determined based on property values and 2/3 of the amount determined based on number of pupils; and, in fiscal year 2022-23 and subsequent years, the total cost is determined based entirely on number of pupils.

LD 387 An Act To Require Cursive Handwriting Instruction in Grade 3 to ONTP
Grade 5

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H CHENETTE J	ONTP	

This bill requires the Department of Education to provide for continual, regular instruction of and opportunities to use cursive handwriting beginning in grade three. The instruction must be designed to enable students to demonstrate competence in cursive handwriting by the end of grade five.

LD 388 An Act To Recognize Employee Background Checks Conducted for PUBLIC 114
Out-of-state Schools Eligible for Maine Tuition Assistance EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ACKLEY K	OTP ONTP	H-189 ACKLEY K

This bill provides that the tuition payment to an out-of-state high school that serves a student who resides in a school administrative unit that does not maintain a high school may not be withheld solely because persons regularly employed in that school do not meet the background check requirements in Maine law. The provisions apply as long as those persons are required to meet background check standards in that state determined by the

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Commissioner of Education to be equivalent to the requirements of Maine law.

House Amendment "A" (H-189)

This amendment provides that an out-of-state secondary school that was included on the list of approved out-of-state secondary schools maintained by the Department of Education for the 2017-2018 school year continues to receive tuition payments for any student who resides in Maine in a school administrative unit that does not maintain a secondary school and who was enrolled at that out-of-state secondary school for the 2018-2019 school year. Tuition payments must continue for such a student until that student graduates or terminates enrollment.

Enacted Law Summary

Public Law 2019, chapter 114 provides that the tuition payment to an out-of-state high school that serves a student who resides in a school administrative unit that does not maintain a high school may not be withheld solely because persons regularly employed in that school do not meet the background check requirements in Maine law. The provisions apply as long as those persons are required to meet background check standards in that state determined by the Commissioner of Education to be equivalent to the requirements of Maine law. The Commissioner of Education is required to adopt routine technical rules to implement this provision.

Public Law 2019, chapter 114 also provides that an out-of-state secondary school that was included on the list of approved out-of-state secondary schools maintained by the Department of Education for the 2017-2018 school year continues to receive tuition payments for any student who resides in Maine in a school administrative unit that does not maintain a secondary school and who was enrolled at that out-of-state secondary school for the 2018-2019 school year. Tuition payments must continue for such a student until that student graduates or terminates enrollment.

Public Law 2019, chapter 114 was enacted as an emergency measure effective May 16, 2019.

LD 395 **An Act To Protect Access to Outside-of-school Enrichment Opportunities** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LUCHINI L	ONTP	

This bill establishes that a school administrative unit may not prohibit a student from accessing outside-of-school enrichment opportunities unless the student is failing to meet academic standards and that a school administrative unit may not prohibit or otherwise restrict an authorized school employee or volunteer from involvement unless the student is failing to meet academic standards or the enrichment opportunity is part of a corporate sponsorship and the employee's or volunteer's involvement is inconsistent with the educational policy of the school administrative unit.

LD 404 **An Act To Fund the School Revolving Renovation Fund** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V CARSON B	OTP-AM ONTP	H-9

This bill provides one-time funds of \$25,000,000 to be deposited in the School Revolving Renovation Fund to be used for the purposes specified in the Maine Revised Statutes, Title 30-A, section 6006-F, subsection 3.

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Committee Amendment "A" (H-9)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

Public Law 2019, chapter 343, Part OOOO directs the State Controller to transfer \$18,000,000 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund on or before June 30, 2019.

LD 405 An Act To Increase the Statewide Minimum Salary for Teachers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V CARSON B	ONTP	

This bill increases the minimum salary for certified teachers, beginning with the 2020-2021 school year. This bill also requires the Commissioner of Education to increase the state share of the total allocation to a qualifying school administrative unit to achieve the minimum salary for certified teachers.

LD 406 An Act To Establish Regional School Leadership Academies PUBLIC 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V MILLETT R	OTP-AM ONTP	H-84

This bill allows school administrative units to enter into collaborative agreements to establish regional school leadership academies that combine state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first two years of employment in their school leadership positions.

Committee Amendment "A" (H-84)

This amendment, which is the majority report of the committee, clarifies that regional school leadership academy programs are for teachers, principals and other school leaders.

Enacted Law Summary

Public Law 2019, chapter 70 allows school administrative units to enter into collaborative agreements to establish regional school leadership academies that combine state and local programs and resources, including the preparation, licensure, certification, professional development and training for educational leadership, into a coherent system that can significantly improve the recruitment and preparation of prospective candidates for school principalship and other school leadership positions, as well as the induction, mentoring and retention of principals and school leaders during the first two years of employment in their school leadership positions.

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LD 412 An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18 PUBLIC 213

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MILLETT R	OTP-AM ONTP	H-310

Current law requires that, beginning in fiscal year 2018-19, a portion of the system administration allocation must be allocated to school administrative units that have established regionalized administrative services. This bill instead establishes the system administration allocation at \$135 per pupil, the same as it was for fiscal year 2017-18, and repeals provisions that increase for future fiscal years the per-pupil amount and restrict allocation of portions of the funds to school administrative units that have established regionalized administrative services.

Committee Amendment "A" (H-310)

This amendment, which is the majority report of the committee, delays establishing the system administration allocation at \$135 per pupil until fiscal year 2020-21.

Enacted Law Summary

Public Law 2019, chapter 213 establishes that, beginning in fiscal year 2020-21, the system administration allocation is \$135 per pupil.

LD 419 An Act To Require a Minimum Salary of \$50,000 for Public School Teachers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B JACKSON T	ONTP	

This bill requires that the minimum salary of certified teachers in public schools be established at \$50,000 for the school year starting after June 30, 2020.

LD 427 An Act To Require the State To Fund Teacher Retirement CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M SANBORN L	OTP-AM ONTP	H-20

This bill changes the method for funding teacher retirement costs. It repeals those provisions of law enacted pursuant to Public Law 2013, chapter 368 that require school administrative units and private schools to pay a portion of the costs for teacher retirement.

Committee Amendment "A" (H-20)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 438 An Act To Allow the Creation of New Innovative School Models by ONTP
Removing the Cap on the Number of Authorized Charter Schools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M DILLINGHAM K	ONTP	

This bill removes the cap on the number of charter schools the Maine Charter School Commission may authorize.

LD 441 An Act To Reduce Childhood Exposure to Harmful Ultraviolet PUBLIC 32
Radiation by Allowing Students To Use Sunscreen in Schools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C DOUDERA V	OTP-AM	S-14

This bill allows public school students to possess and use a topical sunscreen product while on school property or at a school-sponsored event without prior authorization from a parent or legal guardian or a note or prescription from a licensed health care professional.

Committee Amendment "A" (S-14)

This amendment directs the Commissioner of Education to adopt rules authorizing students who attend public school to possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional if the product is regulated by the federal Food and Drug Administration for over-the-counter use for the purpose of limiting skin damage from ultraviolet radiation.

Enacted Law Summary

Public Law 2019, chapter 32 directs the Commissioner of Education to adopt rules authorizing students who attend public school to possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional if the product is regulated by the federal Food and Drug Administration for over-the-counter use for the purpose of limiting skin damage from ultraviolet radiation.

LD 454 An Act To Encourage the Purchase of Local Produce for Public Schools PUBLIC 511

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E ACKLEY K	OTP-AM ONTP	S-108 S-327 BREEN C

This bill provides funds to the Department of Education to administer the Local Produce Fund and to provide a \$1 match for every \$3 expended by a school administrative unit for produce or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub in this State.

Committee Amendment "A" (S-108)

This amendment, which is the majority report of the committee, establishes one Education Specialist II position rather than one Education Specialist III position as in the bill. The amendment also provides that the state match is up to a maximum of \$1,000 per school administrative unit in state fiscal year 2019-20 and up to \$1,500 per school

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administrative unit in state fiscal year 2020-21 and subsequent years.

Senate Amendment "A" To Committee Amendment "A" (S-327)

This amendment provides that the state match for the purchase of produce or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub in the State is \$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500 per school administrative unit in fiscal year 2020-21 and subsequent years. This amendment also eliminates the General Fund appropriations in the bill.

Enacted Law Summary

Public Law 2019, chapter 511 provides funds to the Department of Education to administer the Local Produce Fund and to provide a \$1 match for every \$3 expended by a school administrative unit for produce or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub in this State. The law provides that the state match for the purchase of produce or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub in the State is \$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500 per school administrative unit in fiscal year 2020-21 and subsequent years.

LD 464 An Act To Change the Period To Request a Due Process Hearing for Costs Related to a Unilateral Private School Placement from a Public School ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T MILLETT R	ONTP	

This bill removes a requirement that rules adopted by the Commissioner of Education governing due process hearings include a maximum period within which due process hearings and appeals may be requested. It provides that an action against a school administrative unit to recover the costs of a unilateral special education placement in a private school may be commenced only by requesting a due process hearing within 90 days of the placement. It also provides that rules adopted by the Commissioner of Education governing the procedures for conducting due process hearings must include procedures for discovery, including rules for the production of documents.

LD 468 An Act To Require That the State Fund on an Ongoing Basis a Minimum of 50 Percent of the Costs Associated with Public Preschool Programs ONTP

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

This bill requires the State to fund a minimum of 50% of the costs of eligible public preschool programs for each year the school administrative unit operates the eligible public preschool program, other than the year in which the school administrative unit receives start-up funds.

LD 470 An Act To Provide Traffic Safety Education in Schools CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M CARSON B	OTP-AM ONTP	H-83

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The purpose of this bill is to provide students in Maine with traffic safety education from an early age with the goal of teaching students safe practices and respect for all users of the road in order to reduce the unacceptable number of pedestrian and bicyclist fatalities and make Maine's roadways safer and more enjoyable for all users.

This bill requires all school administrative units to provide at least one hour annually of age-appropriate traffic safety education to students in grades 2 to 12. The traffic safety education program must provide, at a minimum, instruction on the use of public and private ways by pedestrians, bicyclists and motor vehicle operators and on the laws and rules regarding that use. A school administrative unit may contract with a third party to provide the traffic safety education.

Committee Amendment "A" (H-83)

This amendment, which is the majority report of the committee, modifies the requirements in the bill for age-appropriate traffic safety education in school administrative units. The amendment provides that the traffic safety education must be provided annually to at least four different grade levels from kindergarten to grade eight instead of annually in grades 2 to 12. The amendment also strikes the requirement that the education be at least one hour in length.

This amendment also provides funding for 90% of the cost to school administrative units to implement the traffic safety education curriculum. The amendment also specifies that outside funding may be accepted by the Department of Education and expended for the purpose of traffic safety education annually.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 484 Resolve, To Establish a Maine State High School Diploma ONTP

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

This resolve directs the Department of Education, in consultation with the State Board of Education, to develop a Maine state high school diploma and report to the Joint Standing Committee on Education and Cultural Affairs on its findings and recommendations no later than January 15, 2020.

LD 502 An Act To Establish the Summer Success Pilot Program Fund CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T BREEN C	OTP-AM ONTP	H-200

This bill establishes the Summer Success Program Fund, a dedicated fund to be directed and administered by the Commissioner of Education and held by the Treasurer of State, to encourage the facilitation of high-quality summer success programs in school administrative units throughout the State. The bill accomplishes the following.

1. It provides that money paid into the fund may include General Fund appropriations, as well as grants, gifts and other money from any unit of federal, state or local government or from any person, firm, partnership or corporation for deposit to the fund, money received from a social impact bond and interest, dividends and other pecuniary gains. It requires that school administrative units ensure that grants provided from the fund for expanding access to summer success programs supplement and not supplant federal funding.

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2. It requires the commissioner to administer the fund within the Department of Education and to establish standards and approval for the allocation and use of fund money for summer success programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards:

- A. Guidelines similar to the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low-performing students;
- B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and
- C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success programs.

3. It provides that, beginning in fiscal year 2020-21, the department is required to provide grant funding, through a grant application process, to cover 90% of the costs of summer success programs in school administrative units with greater than 50% student participation in the federal free and reduced-price lunch program.

4. It adds the fund to the enhancing student performance and opportunity provisions of the Essential Programs and Services Funding Act.

5. It requires the commissioner to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 that outlines the proposed rules to implement the fund by the 2020-2021 school year.

Committee Amendment "A" (H-200)

This amendment strikes and replaces the title and the bill. The amendment establishes the Summer Success Pilot Program and corresponding fund to encourage the facilitation of high-quality summer success pilot programs in school administrative units throughout the State and does the following:

1. It provides that the fund is established as a General Fund carrying account within the Department of Education to be directed and administered by the Commissioner of Education and held by the Treasurer of State and that only General Fund appropriations may be paid into the fund;

2. It requires the Commissioner of Education to establish standards and approval for the allocation and use of fund money for summer success pilot programs offered at elementary and secondary schools in the State. It also allows the commissioner to include the following in the standards:

- A. Guidelines similar to those of the federal 21st Century Community Learning Centers program to close the achievement gap between high-performing and low-performing students;
- B. Effective models of summer success programs that involve networking and partnerships with community-based organizations that provide a range of high-quality services to support student learning and development; and
- C. Implementation of the formative and summative assessment methods to measure student achievement in order to monitor the progress of students participating in summer success pilot programs;

3. It provides that, beginning in fiscal year 2020-21, the department is required to provide grant funding from the fund, through a grant application process, to cover 90% of the costs of summer success pilot programs and that the department must prioritize distribution of funding to school administrative units with greater than 50% student participation in the federal free and reduced-price lunch program;

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4. It adds the fund to the enhancing student performance and opportunity provisions of the Essential Programs and Services Funding Act; and

5. It requires the Commissioner of Education to annually report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the number of school administrative units administering summer success pilot programs, the nature of the summer success pilot programs receiving money from the fund, the amount of money distributed and the number of children participating in a summer success pilot program. The report must also include a recommendation on whether the pilot program should continue as a pilot program, be modified or become a permanent program.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 503	An Act To Provide Additional Funding for the Maine Bicentennial Commission	Leave to Withdraw Pursuant to Joint Rule
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T DIAMOND B		

This bill provides funding for the Maine Bicentennial Commission, which was enacted in Resolve 2017, chapter 25. The bill provides one-time funds to the Maine State Cultural Affairs Council in fiscal year 2019-20 for the expenses associated with the planning of the State of Maine bicentennial celebration.

LD 504	An Act To Enhance the Development of Innovative Career and Technical Education Programs	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N DAVIS P	ONTP	

This bill changes the procedure for authorizing career and technical education satellite programs. Current law requires any affiliated unit that wishes to operate a career and technical education satellite program to submit a written request to operate a satellite program to the governing body of the center or region with which the unit is affiliated. The governing body of the center or region considers the request and then forwards its recommendation to the Commissioner of Education. This bill provides that the written request be submitted directly to the Commissioner of Education for approval.

LD 512	Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate and Plan for the Implementation of Maine's Early Childhood Special Education Services	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D MOORE M	OTP-AM	H-561

This resolve establishes the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services to examine the national trends and relevant models of governing and delivering early

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childhood special education systems and the short-term and long-term costs and benefits to the Department of Education's proposed plan to restructure the Child Development Services System and to make recommendations for an early childhood special education services program plan.

Committee Amendment "A" (H-561)

This amendment authorizes the Legislature, through the Joint Standing Committee on Education and Cultural Affairs, to contract with a qualified research and technical assistance entity to conduct an independent review of Maine's early childhood special education services. This amendment authorizes the Office of the Executive Director of the Legislative Council, at the direction of the Joint Standing Committee on Education and Cultural Affairs, to develop and administer a request for proposals process to award a contract for the independent review. The amendment also adds an appropriations and allocations section.

The provisions of this amendment were incorporated into LD 1001, which was enacted as Public Law 2019, chapter 423.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 513 An Act To Limit the Number of Students and Prevent the Addition of PUBLIC 253
Grade Levels at Virtual Public Charter Schools

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M SANBORN L	OTP-AM OTP-AM ONTP	H-239

This bill limits total enrollment at all virtual public charter schools authorized by the commission to the total enrollment at the end of the 2018-2019 school year. It also prohibits a virtual public charter school authorized by the commission from expanding to serve a grade level not included in the school's initial charter contract or, for a school whose charter was renewed prior to November 1, 2019, the renewed charter contract.

Committee Amendment "A" (H-239)

This amendment, which is the majority report of the committee, limits the total enrollment at all virtual public charter schools authorized by the Maine Charter School Commission to 1,000 students.

Committee Amendment "B" (H-240)

This amendment, which is one of two minority reports of the committee, limits the total enrollment at all virtual public charter schools authorized by the Maine Charter School Commission to 1,200 students. The amendment also removes the provision in the bill that prohibited a virtual public charter school from expanding to serve a grade level not included in the school's initial charter or renewed charter contract.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 253 limits total enrollment at all virtual public charter schools authorized by the commission to the total 1,000 students. The law also prohibits a virtual public charter school authorized by the commission from expanding to serve a grade level not included in the school's initial charter contract or, for a school whose charter was renewed prior to November 1, 2019, the renewed charter contract.

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LD 541 Resolve, To Reduce Food Waste in Schools

RESOLVE 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H MILLETT R	OTP-AM	H-255

This resolve directs the Department of Education to develop a school food sharing policy to encourage schools and food banks to work together to collect whole and packaged school cafeteria surplus or leftover food and share it with the community.

Committee Amendment "A" (H-255)

This amendment directs the Department of Education and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to collaborate to revise and disseminate by January 1, 2020 to public school food service programs throughout the State the Maine Center for Disease Control and Prevention's health inspection program guidance titled "Food Sharing Tables - Guidance for Schools."

Enacted Law Summary

Resolve 2019, chapter 45 directs the Department of Education to develop a school food sharing policy to encourage schools and food banks to work together to collect whole and packaged school cafeteria surplus or leftover food and share it with the community. The law also directs the Department of Education and the Department of Health and Human Services, Maine Center for Disease Control and Prevention to collaborate to revise and disseminate by January 1, 2020 to public school food service programs throughout the State the Maine Center for Disease Control and Prevention's health inspection program guidance titled "Food Sharing Tables - Guidance for Schools." See also LD 1351.

**LD 549 An Act To Promote Academic Achievement through Hunger Relief for
Maine Children**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C DOORE D	OTP-AM	S-57

This bill directs the State to fund the difference between the federal reimbursements for reduced-price and free lunches in order to provide all children from families with incomes under 185% of the federal poverty level free lunch at school.

Committee Amendment "A" (S-57)

This amendment incorporates a fiscal note.

This amendment was not adopted.

**LD 557 An Act To Create and Fund the School Revolving Maintenance Fund To
Support the Usefulness and Longevity of Public School Buildings**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W	ONTP	

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This bill establishes the School Revolving Maintenance Fund as a nonlapsing fund administered by the Department of Education to make loans to school administrative units for minor school infrastructure maintenance and construction projects. The bill requires the Department of Education to adopt major substantive rules and transfers \$30,000,000 from the General Fund unappropriated surplus to the School Revolving Maintenance Fund.

LD 576 Resolve, Directing the Department of Education To Study and Develop an Online Learning Platform for Students and Educators RESOLVE 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M MILLETT R	OTP-AM	H-125

This resolve directs the Department of Education to develop and implement an online platform to facilitate the provision of online, virtual instruction by state-certified teachers to students in every public school in the State and the provision of a variety of high-quality professional development opportunities to educators across the State. It directs the department to report to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 on the progress toward and obstacles to the development and implementation of the online platform. The joint standing committee is authorized to report out a bill to the Second Regular Session of the 129th Legislature to address any obstacles to the development and implementation of the online platform and any other concerns.

Committee Amendment "A" (H-125)

This amendment removes the requirement in the resolve that the Department of Education implement an online platform and instead requires the department to study and develop an online platform. The amendment also requires the report to the Joint Standing Committee on Education and Cultural Affairs required by the resolve to include the expected costs and a strategy for implementation of the online platform.

Enacted Law Summary

Resolve 2019, chapter 25 directs the Department of Education to establish a working group to study and develop an online platform to facilitate the provision of online, virtual instruction by state-certified teachers to students in every public school in the State and the provision of a variety of high-quality professional development opportunities to educators across the State. The Department of Education is required to report to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020 on the progress toward and obstacles to the development, expected costs and a strategy for implementation of the online platform. The joint standing committee may report out a bill to the Second Regular Session of the 129th Legislature to address any obstacles to the development and implementation of the online platform and any other concerns.

LD 577 An Act To Increase Access to Nutritious Foods in Schools by Implementing an After-school Food Program for At-risk Students PUBLIC 428

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M MILLETT R	OTP-AM ONTP	H-226

This bill provides for the participation in the federal child and adult care food program to serve at-risk students who attend after-school programming by school administrative units that choose to operate the program and have at least one public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year.

Committee Amendment "A" (H-226)

This amendment, which is the majority report of the committee, strikes the emergency preamble and the emergency

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clause from the bill.

Enacted Law Summary

Public Law 2019, chapter 428 provides for the participation in the federal child and adult care food program to serve at-risk students who attend after-school programming by school administrative units that choose to operate the program and have at least one public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year.

LD 587 An Act To Require Career Options Education for High School Students ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT E POULIOT M	ONTP	

This bill makes career and education development a required one-semester course to receive a high school diploma.

LD 589 Resolve, Directing the State Board of Education To Adopt Rules ONTP
Prohibiting Teachers in Public Schools from Engaging in Political,
Ideological or Religious Advocacy in the Classroom

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L GUERIN S	ONTP	

This resolve directs the State Board of Education to adopt major substantive rules prohibiting teachers in public schools from engaging in political, religious or ideological advocacy in the classroom or from introducing any controversial subject matter that is not germane to the topic of the course being taught, with penalties for violations up to and including termination of the teacher. This resolve requires the State Board of Education to provide written notice of the rules to all affected teachers, parents and students and for teachers to receive annually at least three hours of continuing teacher education to instruct the teachers on the rules. Finally, this resolve requests professional teacher organizations and unions to voluntarily adopt an educator's code of ethics and professional responsibility that incorporates the rules and that specifically prohibits teachers in kindergarten to grade 12 instruction from using the classroom for political indoctrination.

LD 605 An Act To Improve Antihunger Programs in Maine Schools ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M PERRY A	ONTP	

This bill requires the Department of Education on an annual basis to provide information to public schools regarding Internet-based applications for free or reduced-price meals under the National School Lunch Program.

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LD 610 An Act To Provide Funding for Maine Public

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E SANBORN L	OTP-AM ONTP	H-401

This bill provides ongoing funds to Maine Public and increases the State's contribution to funding the cost of the emergency alert system.

Committee Amendment "A" (H-401)

This amendment, which is the majority report of the committee, decreases the ongoing appropriation to Maine Public because additional funding is included in the Governor's biennial budget.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 626 An Act To Provide Funding for the Naval Museum and Gardens in Brunswick

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D CARSON B	OTP-AM ONTP	H-64

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide funding for the Brunswick Naval Museum and Memorial Gardens in Brunswick.

Committee Amendment "A" (H-64)

This amendment, which is the majority report of the committee, replaces the bill, which is a concept draft. The amendment provides one-time funds to the Brunswick Naval Museum and Memorial Gardens to support and preserve Maine's maritime patrol aviation heritage.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 632 An Act To Promote Free, Appropriate Public Education

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C LIBBY N	ONTP	

This bill eliminates the provision that requires the Child Development Services System to provide free, appropriate public education to a preschool child with disabilities who reaches five years of age between July 1st and October 15th if the child's individualized education program team determines that it is in the best interest of the child to delay enrollment in kindergarten for one year.

Joint Standing Committee on Education and Cultural Affairs

**LD 642 An Act Regarding Kindergarten Readiness for Children Who Are Deaf
and Hard of Hearing**

PUBLIC 429

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C PIERCE T	OTP-AM	S-243

This bill requires the Commissioner of Education, beginning July 31, 2020 and annually thereafter, to submit a report to the joint standing committee having jurisdiction over education and cultural affairs of the data specific to language and literacy development of children who are deaf and hard of hearing from birth to five years of age, including children who are deaf or hard of hearing and have other disabilities, that demonstrate the children's language and literacy development relative to their peers who are not deaf or hard of hearing to include any language developmental milestones or parent resources used or disseminated by the department for use in tracking or assessing the expressive and receptive language acquisition of children who are deaf or hard of hearing and to make this report publicly available.

This bill also directs the Commissioner of Education, no later than October 1, 2019, to establish a departmental task force to recommend language developmental milestones from existing resources and current standards and to develop a parent resource portfolio to monitor and track the expressive and receptive language acquisition and developmental stages toward literacy in American Sign Language and English of children who are deaf and hard of hearing and sets criteria for the task force membership.

The bill also directs the Department of Education to select tools and assessments for educators that can be used to assess the language and literacy development of children who are deaf and hard of hearing and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, by December 15, 2020, on the parent resource portfolio developed by the task force and a procedure to disseminate the parent resource portfolio to parents, a procedure to disseminate the selected tools and assessments to educators and a procedure for educators to use when a child is not progressing in expressive and receptive language skills. The report must include suggested legislation to implement its findings and recommendations, and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs is authorized to report out legislation to the First Regular Session of the 130th Legislature to implement those findings and recommendations.

Committee Amendment "A" (S-243)

This amendment removes any preferences in the bill for American Sign Language. The amendment also adjusts reporting dates throughout the bill.

The amendment also directs the Commissioner of Education no later than November 1, 2019 to establish a departmental task force to recommend language developmental milestones from existing resources and current standards and to develop a parent resource portfolio to monitor and track the expressive and receptive language acquisition and developmental stages toward literacy in American Sign Language or English, or both, of children who are deaf and hard of hearing and sets criteria for the task force membership.

The bill directs the Department of Education to select tools and assessments for educators that can be used to assess the language and literacy development of children who are deaf and hard of hearing and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The amendment requires the department to submit an interim report no later than March 1, 2020 and a final report no later than January 1, 2021 on the parent resource portfolio developed by the task force and a procedure to disseminate the parent resource portfolio to parents, a procedure to disseminate the selected tools and assessments to educators and a procedure for educators to use when a child is not progressing in expressive and receptive language skills.

The amendment also adds an appropriations and allocations section.

Joint Standing Committee on Education and Cultural Affairs

Enacted Law Summary

Public Law 2019, chapter 429 requires the Commissioner of Education, beginning July 31, 2020 and annually thereafter, to submit a report to the joint standing committee having jurisdiction over education and cultural affairs of the data specific to language and literacy development of children who are deaf and hard of hearing from birth to five years of age, including children who are deaf or hard of hearing and have other disabilities, that demonstrate the children's language and literacy development relative to their peers who are not deaf or hard of hearing to include any language developmental milestones or parent resources used or disseminated by the department for use in tracking or assessing the expressive and receptive language acquisition of children who are deaf or hard of hearing and to make this report publicly available.

The law also directs the Commissioner of Education no later than November 1, 2019 to establish a departmental task force to recommend language developmental milestones from existing resources and current standards and to develop a parent resource portfolio to monitor and track the expressive and receptive language acquisition and developmental stages toward literacy in American Sign Language or English, or both, of children who are deaf and hard of hearing and sets criteria for the task force membership.

The law directs the Department of Education to select tools and assessments for educators that can be used to assess the language and literacy development of children who are deaf and hard of hearing and to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

The law requires the department to submit an interim report no later than March 1, 2020 and a final report no later than January 1, 2021 on the parent resource portfolio developed by the task force and a procedure to disseminate the parent resource portfolio to parents, a procedure to disseminate the selected tools and assessments to educators and a procedure for educators to use when a child is not progressing in expressive and receptive language skills.

LD 651 **Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services**

RESOLVE 29

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D BELLOWS S	OTP-AM	H-154

This bill makes the following changes to the laws governing special education.

1. It adds four provisions to the laws regarding nontraditional limited purpose schools that were part of Department of Education rule Chapter 250 which has been repealed.
2. It adds response to intervention systems to the minimum requirements for basic school approval to ensure an all-encompassing, tiered system of support for general and special education students. It also clarifies that rules regarding those requirements are major substantive rules.
3. It facilitates collaboration between general education and special education, including a clarification that the Department of Education is required to facilitate a process to help schools apply for schoolwide status with respect to federal Title I funds.
4. It promotes dual certification programs by the Department of Education and the State Board of Education.
5. It requires recodification of the Maine Revised Statutes, Title 20-A, Part 4, subpart 1, concerning special education, by the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes.
6. It requires a review of the purpose of the maintenance of effort funding component of the essential programs and

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services funding formula and whether it is accomplishing this purpose and how to increase equity among all school administrative units.

7. It requires a review and improvement of MaineCare billing systems and procedures through a pilot program through the Department of Education in collaboration with the Department of Health and Human Services.

Committee Amendment "A" (H-154)

This amendment replaces the bill with a resolve. The amendment directs the Department of Education to report to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020 on progress, including recommendations and suggested legislation, on the following:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;
2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;
3. Increased use of dual certification programs for general education and special education certifications;
4. Review of the maintenance of effort funding component of the essential programs and services funding formula; and
5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 129th Legislature to implement any recommendations in the report.

Enacted Law Summary

Resolve 2019, chapter 29 directs the Department of Education to report to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020 on progress, including recommendations and suggested legislation, on the following:

1. Enhancement of response to intervention to become an all-encompassing multitiered system of support in all school administrative units and removing the regulations on general education interventions from Department of Education rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty and amending rule Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units to include regulations on general education interventions;
2. Facilitation of the process by which schools apply for schoolwide status with respect to funds under Title I of the federal Elementary and Secondary Education Act of 1965;
3. Increased use of dual certification programs for general education and special education certifications;
4. Review of the maintenance of effort funding component of the essential programs and services funding formula; and
5. Improvement of regional programs that facilitate MaineCare billing for medically necessary services for schools.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular

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Session of the 129th Legislature to implement any recommendations in the report.

LD 654 An Act Regarding Instruction in Civics in Secondary Schools

ONTP

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

This bill clarifies that instruction in civics is part of the comprehensive program of instruction in secondary schools and also adds civics to the parameters for essential instruction and graduation requirements in the system of learning results.

LD 662 An Act To Count Study Abroad toward Secondary School Credit

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J POULIOT M	OTP-AM	H-54

This bill requires school administrative units to award course credit to students who have studied abroad by awarding the student elective credit based on hours of instruction received abroad or by awarding credit hours in the relevant content area if the student receives third-party certification or if the student passes a summative assessment.

Committee Amendment "A" (H-54)

This amendment amends the bill by requiring school boards to adopt a policy on awarding credit to students who have studied abroad. The school board may include in the policy that the school administrative unit award credit as elective credit, through third-party certification or based on a summative assessment.

This amendment also requires the Department of Education to issue an administrative letter to school boards and superintendents addressing the benefits of proactive communication between the school administrative unit and parents of a student and the student regarding the credit options available to the student prior to the student's participation in the study abroad program.

This amendment also incorporates a fiscal note. The fiscal note identifies the requirement that local school boards adopt a policy on awarding credit to students who have studied abroad as a potential unfunded state mandate. The committee reviewed the fiscal note and determined that requiring a school board to adopt a policy on awarding credit to students who have studied abroad is not a mandate. Because school boards have a duty to adopt policies that govern school administrative units pursuant to the Maine Revised Statutes, Title 20-A, section 1001, subsection 1-A, and because Title 20-A requires school administrative units to provide students with opportunities for learning in multiple pathways, the requirement that local school boards adopt a policy on awarding credit to students who have studied abroad does not require an expansion or modification of activities so as to necessitate additional expenditures.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 664 An Act To Organize Biannual County Meetings for Local School Boards ONTP

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

This bill requires the State Board of Education to organize a biannual meeting in each county for the school boards in each county to engage in peer-to-peer discussions, develop new ideas and review proposed rule changes by the Department of Education and other policies and issues impacting school administrative units. Each school board may send up to three representatives, and the state board shall send at least one representative to the biannual county meeting. Costs for a biannual county meeting must be split between the state board and the school administrative units in that county.

LD 665 Resolve, Directing the Office of the Attorney General To Review Free Speech on Public College and University Campuses CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J FARRIN B	OTP-AM OTP-AM	H-395

This bill authorizes a person who wishes to engage in an expressive activity, as defined in the bill, in an outdoor area of campus of a public institution of higher education to do so freely as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the public institution of higher education. It prohibits a public institution of higher education from designating an area of campus as a free speech zone or otherwise creating policies restricting expressive activities to a particular outdoor area of campus, except that it allows public institutions of higher education to create and enforce restrictions on time, place and manner of expression that are reasonable and content-neutral. The Attorney General has the authority to enforce compliance, and a person whose rights are violated may bring an action to enjoin violations and to recover compensatory damages, reasonable court costs and attorney's fees.

Committee Amendment "A" (H-395)

This amendment, which is the majority report of the committee, directs the Office of the Attorney General to review whether there have been any instances in the State in which the University of Maine System, Maine Community College System or Maine Maritime Academy has violated or otherwise restricted a student's free speech rights protected under the United States Constitution, Amendment I and the Constitution of Maine, Article I, review whether additional protections are necessary under state law and report to the Joint Standing Committee on Judiciary no later than January 1, 2020. The Joint Standing Committee on Judiciary may report out a bill to the Second Regular Session of the 129th Legislature. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 672 An Act To Allow Local Flexibility in Teacher Assignment To Enhance Student Achievement Accepted Majority (ONTP) Report

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

This bill allows a holder of a professional teacher certificate to teach no more than 20% of the teacher's teaching assignment outside the teacher's area of endorsement. It also requires a superintendent to notify and provide certain details to the Commissioner of Education when a teacher is assigned to teach outside the teacher's area of endorsement.

LD 685 An Act To Amend the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUDDY S HERBIG E	ONTP	

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the laws governing the Maine School for Marine Science, Technology, Transportation and Engineering.

LD 701 An Act To Modernize the National School Lunch Program and the School Breakfast Program PUBLIC 480

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S KORNFIELD V	OTP-AM	S-139 S-329 BREEN C

Current law requires the Department of Education to make information available to public schools regarding Internet-based applications for free or reduced-price meals under the National School Lunch Program. This bill requires the department to develop and make available to public schools a specific Internet-based application for the National School Lunch Program as well as for the School Breakfast Program. A public school that implements the Internet-based application process is required to continue to distribute paper applications for school meals to all students.

Committee Amendment "A" (S-139)

This amendment provides that the Department of Education is required to contract for the development and implementation of an Internet-based application for free or reduced-price meals under the National School Lunch Program and the School Breakfast Program. The amendment provides that a public school implementing the Internet-based application is solely responsible for processing that school's online applications. The amendment also provides that the department may contract with a third-party vendor to develop and implement the Internet-based application for free or reduced-price school meals. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-329)

This amendment removes the emergency preamble and emergency clause. This amendment also provides ongoing General Fund appropriations of \$150,000 per year beginning in fiscal year 2019-20 for the cost to develop and

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maintain an Internet-based application for free or reduced-price meals and a one-time General Fund appropriation of \$500,000 in fiscal year 2019-20 to eligible school administrative units that start or expand alternative breakfast delivery services that provide breakfast after the start of the school day.

This amendment also requires the State Controller to transfer \$650,000 to the unappropriated surplus of the General Fund no later than June 30, 2020 and \$150,000 no later than June 30, 2021 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

Enacted Law Summary

Public Law 2019, chapter 480 requires the department to develop and make available to public schools a specific Internet-based application for the National School Lunch Program as well as for the School Breakfast Program. A public school that implements the Internet-based application process is required to continue to distribute paper applications for school meals to all students.

The law requires the Department of Education to contract for the development and implementation of an Internet-based application for free or reduced-price meals under the National School Lunch Program and the School Breakfast Program. The law provides that a public school implementing the Internet-based application is solely responsible for processing that school's online applications.

The law also provides ongoing General Fund appropriations of \$150,000 per year beginning in fiscal year 2019-20 for the cost to develop and maintain an Internet-based application for free or reduced-price meals and a one-time General Fund appropriation of \$500,000 in fiscal year 2019-20 to eligible school administrative units that start or expand alternative breakfast delivery services that provide breakfast after the start of the school day.

The law also requires the State Controller to transfer \$650,000 to the unappropriated surplus of the General Fund no later than June 30, 2020 and \$150,000 no later than June 30, 2021 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

LD 703 An Act To Help Maine Students Succeed

CARRIED OVER

Sponsor(s)
MILLETT R

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to help Maine students succeed.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 711 Resolve, To Establish a Commission To Study and Recommend a
Minimum Age for Participation in Tackle Football**

ONTP

Sponsor(s)
BRENNAN M
VITELLI E

Committee Report
ONTP

Amendments Adopted

This resolve establishes the Commission To Study and Recommend a Minimum Age for Participation in Tackle Football. The commission is required to submit a report, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

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LD 712 An Act To Increase the School Construction Debt Service Limit

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B	OTP-AM ONTP	H-290

This bill amends the school funding formula to fund after-school programs based on the state share percentage and to fund public preschool programs at 50% of the cost of the programs, or if a school administrative unit's state share percentage is greater than 50%, to fund the unit's public preschool program at the state share percentage. The bill also increases the additional weight for economically disadvantaged students from 0.15 to 1.5. The bill also raises the maximum debt service limit for school construction projects from \$126,000,000 to \$150,000,000 beginning in 2020.

Committee Amendment "A" (H-290)

This amendment, which is the majority report of the committee, changes the title and strikes all sections of the bill except the provision that raises the maximum debt service limit for school construction projects from \$126,000,000 to \$150,000,000 beginning in 2020.

This bill was reported out of committee and carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 714 An Act To Prohibit Public Charter Schools from Expending Funds for Advertising

ONTP

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

This bill prohibits a public charter school from paying for advertising in print media or on television, radio, yard signs or digital or electronic media.

LD 718 An Act To Increase Funding for Adult Basic Literacy, Workplace Education and College Preparedness

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R DOW D	ONTP	

This bill provides an increase in funding for the adult education subsidy to local school units that operate adult education programs. It also provides targeted funds to improve the capacity of local adult education programs to meet students' academic and work readiness and training needs.

LD 721 An Act To Encourage Public Participation in School Board Meetings

PUBLIC 293

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUDDY S	OTP-AM ONTP	H-394

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This bill requires school boards to hold public comment periods at the beginning of each school board meeting.

Committee Amendment "A" (H-394)

This amendment, which is the majority report of the committee, removes the provision that a school board must provide the opportunity for the public to comment at the beginning of each school board meeting and instead requires that a school board provide the opportunity for the public to comment at a school board meeting. A school board meeting is defined as a full meeting of the school board that does not include meetings of subcommittees.

Enacted Law Summary

Public Law 2019, chapter 293 requires that school boards provide the opportunity for the public to comment at a school board meetings, which are defined as a full meeting of the school board and does not include meetings of subcommittees.

LD 727 An Act Concerning Funding of Alternative Organizational Structures ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	ONTP	

This bill requires alternative organizational structures, a type of school administrative unit, to be funded at the same level as school management and leadership centers.

LD 729 An Act Regarding the Probationary Period for Teachers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J BELLOWS S	ONTP	

This bill provides that if a teacher completed a three-year probationary period in a school administrative unit and later teaches in another school administrative unit, that teacher will only have a one-year probationary period in the new school administrative unit.

LD 345, An Act to Help New Teachers Succeed, which was enacted as Public Law 2019, chapter 132, requires that, beginning with teachers hired for the 2020-2021 school year, the probationary period for all teachers may not exceed two years.

LD 736 An Act To Protect Students during Elections Held at Their Schools ONTP

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

This bill requires that when an election is held with a school as a voting place, the school must either be closed or secured according to a plan approved by the municipal law enforcement agency responsible for protecting that school. See also LD 858.

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LD 750 An Act To Allow Junior Reserve Officers' Training Corps Instructors To Instruct without State Certification Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M POULIOT M	ONTP OTP-AM	

This bill exempts from teacher certification requirements a federal Junior Reserve Officers' Training Corps instructor certified by the United States Department of Defense providing Junior Reserve Officers' Training Corps instruction to students in grade 9 to grade 12.

Committee Amendment "A" (H-142)

This amendment, which is the minority report of the committee, strikes and replaces the bill and directs the State Board of Education to adopt rules providing certification and endorsement for federal Junior Reserve Officers' Training Corps instructors to provide Junior Reserve Officers' Training Corps instruction to students in grade 9 to grade 12.

This amendment was not adopted.

In LD 1478, Resolve, Regarding Legislative Review of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education, the committee voted to include a secondary teacher endorsement for a Junior Reserve Officers' Training Corps teacher, which would allow the holder of that endorsement to serve as a Junior Reserve Officers' Training Corps teacher for students from grade 9 to grade 12, and include that an applicant for such endorsement must be required to meet applicable general credentialing requirements must be required to satisfy additional specific eligibility requirements as determined by the department and that the rule must provide that an applicant who does not meet such additional eligibility requirements is eligible for a conditional certificate upon a determination that the applicant has received a Junior Reserve Officers' Training Corps instructor certification from the United States Department of Defense in accordance with the applicable standards of the United States Department of Defense for senior military instructors and has completed a course approved by the department regarding the teaching of exceptional students in the regular classroom. LD 1478 was finally passed as Resolve 2019, chapter 101.

LD 760 An Act To Prohibit the University of Maine System, the Maine Community College System and the Maine Maritime Academy from Considering the Criminal Records of Applicants Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R BELLOWS S		

This bill prohibits the University of Maine System, the Maine Community College System and the Maine Maritime Academy from inquiring about or considering the criminal record of an applicant for admission to any postsecondary educational program.

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LD 770 An Act To Provide for a Later Starting Time for High Schools

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	ONTP OTP-AM	

This bill requires that, by September 1, 2020, each school administrative unit ensure that its secondary schools' school days start no earlier than 8:30 a.m.

Committee Amendment "A" (H-130)

This amendment, which is the minority report of the committee, allows a school administrative unit to authorize its secondary schools' school days to start no earlier than 8:30 a.m.

This amendment was not adopted.

LD 773 An Act Regarding Secondary School Education Concerning Sexual Activity and Sexual Assault

PUBLIC 196

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M ACKLEY K	OTP-AM	H-266

This bill requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, beginning in the 2019-2020 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

Committee Amendment "A" (H-266)

This amendment adds a mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 196 requires the Commissioner of Education to review the content standards and performance indicators for the content area of health, physical education and wellness, including instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent, communicate and make appropriate decisions, beginning in the 2019-2020 school year as part of the commissioner's five-year review cycle of the content standards and performance indicators required under the system of learning results.

LD 791 An Act To Provide School Districts with Full State Funding for Students with High-cost Special Education Needs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J		

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This bill requires the State, beginning July 1, 2020, to provide a school administrative unit 100% of the funding needed for high-cost special education students.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 798 An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R WOODSOME D	OTP-AM ONTP	H-120

Current law allows exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of nursery schools and health care facilities. This bill removes those exemptions.

The bill also directs the Department of Education and the Department of Health and Human Services to remove any immunization exemptions based on religious or philosophical beliefs from their rules and requires the Department of Education to adopt rules allowing a student who is covered by an individualized education plan and has elected a philosophical or religious exemption from immunization requirements to continue to attend school under the existing exemption as long as an appropriate medical professional provides a statement that the medical professional has provided information on the risks and benefits associated with the choice to immunize.

Committee Amendment "A" (H-120)

Current law allows exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of nursery schools and health care facilities. This amendment, which is the majority report, of the committee, removes those exemptions effective September 1, 2021.

Current law relating to enrollment in any public or private elementary or secondary school provides that the superintendent may not permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease except when the parent or child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable. Instead, this amendment requires the parent or child to provide a written statement from a licensed physician, nurse practitioner or physician assistant that, in that physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

Current law relating to immunization of students enrolled in any public or private postsecondary school provides that a chief administrative officer may not permit a student to be enrolled in or to attend a school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease except when the parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable. Instead, this amendment requires that the parent or the student provide a written statement from a licensed physician, nurse practitioner or physician assistant that, in that physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

This amendment keeps the directive in the unallocated section of the bill to the Department of Education and the Department of Health and Human Services to remove any immunization exemptions based on religious or

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philosophical beliefs from their rules.

This amendment places in statute the directive in the unallocated section of the bill allowing a student who is covered by an individualized education plan and has elected a philosophical or religious exemption from immunization requirements to continue to attend school under the existing exemption as long as a licensed physician, nurse practitioner or physician assistant provides a statement that the physician, nurse practitioner or physician assistant has provided information on the risks and benefits associated with the choice to immunize.

This amendment also requires the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to submit a report, by January 1st of each odd-numbered year, to the joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters concerning any new developments in the evaluation of vaccine safety and effectiveness. The joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters are each authorized to submit a bill during the legislative session in which the report was submitted.

Senate Amendment "A" To Committee Amendment "A" (S-66)

This amendment retains the elimination of the so-called philosophical exemption from immunization requirements but removes the elimination of the so-called religious exemption from immunization requirements.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-141)

This amendment retains the elimination of the so-called philosophical exemption from immunization requirements but removes the elimination of the so-called religious exemption from immunization requirements.

This amendment was not adopted.

Enacted Law Summary

Current law allows exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of nursery schools and health care facilities. Public Law 2019, chapter 154 removes those exemptions effective September 1, 2021.

Current law relating to enrollment in any public or private elementary or secondary school provides that the superintendent may not permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease except when the parent or child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable. Public Law 2019, chapter 154 requires the parent or child to provide a written statement from a licensed physician, nurse practitioner or physician assistant that, in that physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

Current law relating to immunization of students enrolled in any public or private postsecondary school provides that a chief administrative officer may not permit a student to be enrolled in or to attend a school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease except when the parent or the student provides a physician's written statement or a written statement from a school health provider that immunization against one or more of the diseases may be medically inadvisable. Public Law 2019, chapter 154 requires that the parent or the student provide a written statement from a licensed physician, nurse practitioner or physician assistant that, in that physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

Public Law 2019, chapter 154 allows a student who is covered by an individualized education plan and has elected a philosophical or religious exemption from immunization requirements to continue to attend school under the

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existing exemption as long as a licensed physician, nurse practitioner or physician assistant provides a statement that the physician, nurse practitioner or physician assistant has provided information on the risks and benefits associated with the choice to immunize.

Public Law 2019, chapter 154 requires the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services to submit a report, by January 1st of each odd-numbered year, to the joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters concerning any new developments in the evaluation of vaccine safety and effectiveness. The joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters are each authorized to submit a bill during the legislative session in which the report was submitted.

LD 843 An Act To Clarify Parental Consent Regarding the Release of Student Information Leave to Withdraw Pursuant to Joint Rule

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to clarify the laws governing parental consent regarding the release of student information.

LD 852 Resolve, To Establish the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEBORTH S LUCHINI L	OTP-AM	H-126

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a task force to study the benefits, assessments and expansion of continuing education programs for young adults with disabilities after high school. The members of the task force would include a variety of experts, providers and parents, and the task force would be charged with developing recommendations to enhance the coordination of programs and recommend targeted reforms to ensure the most efficient and effective provision of services. This bill would also implement targeted reforms that have been recommended by existing or previous task forces.

Committee Amendment "A" (H-126)

This amendment establishes the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities. The membership of the task force consists of Legislators who serve on the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, health and human services matters and labor and housing matters, the Commissioner of Education, the Commissioner of Health and Human Services and the Commissioner of Labor and members of organizations or associations knowledgeable about services for young adults with disabilities after high school. The Commissioner of Education convenes the task force, which must hold a minimum of four meetings and submit a report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs, health and human services matters and labor and housing matters on recommendations and targeted reforms to improve the efficiency and effectiveness of services provided by different agencies and continuing educational opportunities for young adults with disabilities after high school.

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Senate Amendment "A" To Committee Amendment "A" (S-350)

This amendment increases the number of Senators appointed to serve on the task force from one Senator to two Senators, changes the method of appointing the task force chairs and changes the reporting date.

This amendment was not adopted.

**LD 858 Resolve, Directing the Department of Education To Study and Make
Recommendations Relating to School Safety and Security**

RESOLVE 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P POULIOT M	OTP-AM	H-128

This resolve directs the Department of Education to study and make recommendations for the establishment of a Maine School Safety Center based on a report created by Safe Havens International, the top recommendation of which was the establishment of such a center. The department is directed to issue a report, including its recommendations for the establishment of a center and any suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs by October 15, 2019. The joint standing committee is authorized to submit a bill to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (H-128)

This amendment clarifies that the Department of Education is required to study and make recommendations relating to school safety and security, including, but not limited to, planning to mitigate the potential risks associated with opening school facilities to the public when a school is used as a polling place and the establishment of a Maine School Safety Center. The amendment requires the department to submit a preliminary report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 and a final report by December 15, 2020. The amendment authorizes the joint standing committee to submit a bill to the First Regular Session of the 130th Legislature instead of the Second Regular Session of the 129th Legislature as proposed in the bill.

Enacted Law Summary

Resolve 2019, chapter 26 requires the Department of Education to study and make recommendations relating to school safety and security, including, but not limited to, planning to mitigate the potential risks associated with opening school facilities to the public when a school is used as a polling place and the establishment of a Maine School Safety Center. The law requires the department to submit a preliminary report to the Joint Standing Committee on Education and Cultural Affairs by December 15, 2019 and a final report by December 15, 2020. The law authorizes the joint standing committee to submit a bill to the First Regular Session of the 130th Legislature.

**LD 860 An Act To Establish the Maine Community College System No-cost
Tuition Program**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M LIBBY N		

This bill establishes the Maine Community College System No-cost Tuition Program. Under the program, Maine residents who are determined to be eligible students and who are enrolled in an eligible course of study at a college within the Maine Community College System are eligible for a grant to cover the cost of tuition and mandatory fees, less any federal financial aid or other financial assistance that the student receives that is not required to be repaid. The Maine Community College System must include in its biennial budget for presentation to the Governor and the

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Legislature the estimated full funding for the Maine Community College System No-cost Tuition Program.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 866 An Act To Support College Completion by Homeless Youth in Maine

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CARSON B	OTP-AM	H-321

This bill requires institutions of higher education in the State to designate an existing staff member to serve as a liaison for homeless youth who are enrolled in that institution of higher education. The bill also requires institutions of higher education to give homeless youth priority for on-campus housing, develop a plan to provide homeless youth housing during school breaks and allow homeless youth who are enrolled part-time to access on-campus housing during the homeless youth's first year of school. The bill also expands the tuition waiver for state postsecondary educational institutions to include tuition waivers for homeless youth.

Committee Amendment "A" (H-321)

This amendment, which strikes and replaces the bill, does the following.

1. It defines a homeless student as a student under 25 years of age who has been verified, at any time during the 24 months immediately preceding the student's admission to or while enrolled in a state postsecondary educational institution, as a homeless child or youth as defined in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001.
2. It allows each state postsecondary educational institution to designate a staff member as the homeless student liaison.
3. It authorizes each state postsecondary educational institution to award a homeless student a financial assistance grant, which is limited to the amount of the cost of tuition less all other financial aid received that a student is not required to repay. The availability of the grant and the amount of the grant is also subject to the amounts appropriated by the Legislature.

LD 882 Resolve, To Require the Examination of the System of Learning Results

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H LIBBY N		

This resolve directs the Department of Education to convene a working group to study the system of learning results and to submit a report by December 4, 2019 to the Joint Standing Committee on Education and Cultural Affairs, which may submit legislation to the Second Regular Session of the 129th Legislature.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 898 An Act To Provide for Support for New Educators

PUBLIC 518

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCCREAD D	OTP-AM OTP-AM	S-59 S-332 BREEN C

This bill does the following.

1. It proposes to improve teacher quality in the State by amending the current statutes related to programs involving teacher preparation, support systems for conditionally certified teachers and educational specialists, teacher certification and teacher salaries and funding college loans for students enrolled in a program of study leading to certification as a teacher.
2. It expands the student teaching experience and academic achievement requirements for candidates for a professional teacher certificate. It specifies the number of hours of practicum an applicant must complete and clarifies the time frame during which the student teaching experience must occur. The bill enacts a grade point average requirement with respect to applicants recommended by educational institutions offering teacher preparation programs.
3. It strengthens the support and mentoring systems required to provide assistance for teachers, including teachers certified for less than five years, and requires the Commissioner of Education to pay salary supplements to teachers who are involved in the operation of such systems. The bill provides that a school administrative unit may not employ a conditionally certified teacher or educational specialist unless it has an approved, locally designed support and mentoring system or has received specific authorization from the commissioner.
4. It increases the minimum salary for certified teachers to \$40,000 beginning with the 2020-2021 school year and provides that a certified teacher's salary may not remain at the minimum level for longer than two years. The bill includes in the school funding formula state funding for the incremental costs of meeting this minimum in fiscal year 2020-21, state funding for 66% of these incremental costs in fiscal year 2021-22 and state funding for 33% of these incremental costs in fiscal year 2022-23.
5. It requires the State Board of Education to amend its rule Chapter 114: Purpose, Standards and Procedures for the Review and Approval of Preparation Programs for Education Personnel to articulate and outline clear standards for a memorandum of understanding between student teachers, teacher preparation programs and participating school administrative units.
6. It directs the Governor to appoint members to vacant positions on the Professional Standards Board by November 1, 2019 and directs the board to convene a meeting by December 1, 2019.
7. It provides additional appropriations for the Educators for Maine Program within the Finance Authority of Maine in order to double the annual investment of state loan funds awarded to eligible students.

Committee Amendment "A" (S-59)

This amendment, which is the majority report of the committee, removes the requirement that a support and mentoring system must be approved by the Commissioner of Education and it clarifies that the support and mentoring system is a peer support and mentoring system and that it must include opportunities for educators to share, learn and improve their practice in collaboration with peers, be formative in nature and be for the sole

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purpose of ongoing professional growth for educators.

This amendment also removes the provisions of the bill on teacher preparation programs and salary supplements for approved support and mentoring systems for teacher certification and the appropriations for the Educators for Maine Program under the Finance Authority of Maine.

Committee Amendment "B" (S-60)

This amendment, which is the minority report of the committee and replaces the bill, provides for statewide collective bargaining for teachers beginning January 1, 2021. The amendment directs the Department of Administrative and Financial Services to develop a plan to implement statewide collective bargaining for teachers and requires that the plan be designed to permit school administrative units to maintain local control and direction of teacher employment; to include for all public school teachers a uniform compensation system that is competitive and fair throughout the State; and to maximize opportunities for certain economies of scale through the statewide negotiation of teachers' benefits, including, but not limited to, health insurance. The department is directed to submit its plan, together with proposed implementing legislation, for introduction to the Second Regular Session of the 129th Legislature.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-332)

This amendment removes the sections of the bill relating to establishing a minimum salary of \$40,000 for certified teachers starting after June 30, 2020.

Enacted Law Summary

Public Law 2019, chapter 518 provides that a school administrative unit may not employ a conditionally certified teacher or educational specialist unless it has a locally designed support and mentoring system and provides that for at least the first two years of employment of a conditionally certified teacher, ensure that the conditionally certified teacher or education specialist receives high-quality professional development and provide a program of intensive supervision for the conditionally certified teacher.

Public Law 2019, chapter 518 also provides that the purpose of the peer support and mentoring system is to provide strong support services and mentoring programs that are sustained, intensive and classroom-focused in order to have positive and lasting effect on classroom instruction and develop good teaching and classroom management, provide assistance to and review for all individuals who are candidates for a higher level certificate, and assist all teachers in becoming better teachers. It also provides that the peer mentoring and support system must include opportunities for all educators to share, learn, and continually improve practices as educators in collaboration with peers and must be formative in nature and be for the sole purpose of ongoing professional growth for educators.

Public Law 2019, chapter 518 also requires the Governor to appoint members for all vacant positions on the Professional Standards Board no later than November 1, 2019, and that the Professional Standards Board must convene a meeting no later than December 1, 2019.

L.D. 1001, enacted as Public Law 2019, chapter 343, includes provisions for increasing the minimum teacher salary to \$40,000 by the school year starting after June 30, 2022.

LD 930 An Act To Give Maine Schools Additional Options To Make Up Missed School Days

PUBLIC 105

Sponsor(s)

PIERCE T
BREEN C

Committee Report

OTP-AM

Amendments Adopted

H-127

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This bill includes in the statutes Department of Education rules governing how school administrative units may make up school days missed due to weather or emergency closures, including rescheduling or shortening scheduled vacation periods, postponing the scheduled closing date of school and conducting classes during the weekend. It also allows school administrative units to make up school days by providing students with packets of homework the completion of which counts as completion of a regular day of school and to develop ways to make up school days not included in law as long as they are incorporated into a plan approved by the Commissioner of Education.

Committee Amendment "A" (H-127)

This amendment strikes the provisions in the bill that propose to add to the statutes provisions in Department of Education rules governing how school administrative units may make up school days missed due to weather or emergency closures, including rescheduling or shortening scheduled vacation periods, postponing the scheduled closing date of school and conducting classes during the weekend. The amendment also strikes the provision allowing school administrative units to make up school days by providing students with packets of homework the completion of which counts as completion of a regular day of school. The amendment leaves in place the provision allowing school administrative units to develop other ways to make up school days missed due to weather or emergency closures not included in law as long as they are incorporated into a plan approved by the Commissioner of Education.

Enacted Law Summary

Public Law 2019, chapter 105 allows school administrative units to develop other ways to make up school days missed due to weather or emergency closures not included in law as long as they are incorporated into a plan approved by the Commissioner of Education.

LD 944 An Act To Ban Native American Mascots in All Public Schools

PUBLIC 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B VITELLI E	OTP-AM ONTP	H-122

This bill prohibits a public school from having or adopting a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letterhead or team name of the school.

Committee Amendment "A" (H-122)

This amendment, which is the majority report of the committee, adds the University of Maine System and any college within the University of Maine System, the Maine Community College System and any college within the Maine Community College System and the Maine Maritime Academy to the prohibition in the bill on a school having or adopting a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letterhead or team name of the school.

Enacted Law Summary

Public Law 2019, chapter 123 prohibits public schools, the University of Maine System and any college within the University of Maine System, the Maine Community College System and any college within the Maine Community College System and the Maine Maritime Academy from having or adopting a name, symbol or image that depicts or refers to a Native American tribe, individual, custom or tradition and that is used as a mascot, nickname, logo, letterhead or team name of the school.

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LD 965 An Act To Restrict Cell Phone Use by Students While in School

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H DIAMOND B	ONTP OTP	

This bill requires the Department of Education to adopt major substantive rules restricting the use of cellular telephones by students.

LD 979 An Act To Provide Consistent Data Regarding Education Funding

ONTP

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

This bill directs the Commissioner of Education to annually post on the Department of Education's publicly accessible website statewide historical financial data on education funding for a period of no less than 10 years.

LD 985 An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards and Adding the Equivalent in Standards Achievement

PUBLIC 202

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	OTP-AM	H-322

This bill repeals the provisions of law that allow diplomas indicating graduation from a secondary school to be based on a student's demonstration of proficiency.

Committee Amendment "A" (H-322)

This amendment adds to the bill provisions regarding the State's high school diploma standards. It establishes as fundamental policies of the diploma standards that a diploma indicating graduation from a secondary school signifies that the graduate has completed high school diploma requirements and is ready to enter a postsecondary educational program or a career as a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an informed and integrative thinker; that school administrative units must align their instruction with the system of learning results; and that school administrative units are encouraged to develop innovative multiple pathways that allow all students to learn and demonstrate their achievement through multiple means and measures.

The amendment also provides that instruction in the required subjects may be provided through the current year-based requirements or through the equivalent in standards achievement.

The amendment also requires that a child with a disability who satisfies the local diploma requirements in the manner specified by the child's individualized education plan must be awarded a high school diploma and provides that career and technical education students, consistent with the approval of the commissioner and the local school board, may satisfy instructional requirements through separate or integrated study within the career and technical education school curriculum.

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Enacted Law Summary

Public Law 2019, chapter 202 repeals the provisions of law that allow diplomas indicating graduation from a secondary school to be based on a student's demonstration of proficiency. It amends the law regarding high school to establish as fundamental policies of the diploma standards that:

1. Establishing that a diploma indicating graduation from a secondary school signifies that the graduate has completed high school diploma requirements and is ready to enter a postsecondary educational program or a career as a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an informed and integrative thinker;
2. School administrative units must align their instruction with the system of learning results; and that school administrative units are encouraged to develop innovative multiple pathways that allow all students to learn and demonstrate their achievement through multiple means and measures.
3. Instruction in the required subjects may be provided through the current year-based requirements or through the equivalent in standards achievement; and
4. A child with a disability who satisfies the local diploma requirements in the manner specified by the child's individualized education plan must be awarded a high school diploma and provides that career and technical education students, consistent with the approval of the commissioner and the local school board, may satisfy instructional requirements through separate or integrated study within the career and technical education school curriculum.

LD 987 An Act To Provide Autonomy for Health Care Providers To Practice Patient-centered Care by Amending the Laws Governing Medical Exemptions to Immunization Requirements

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R SAMPSON H	ONTP OTP	

This bill provides that a medical exemption from immunization for the purposes of attendance at a nursery school, a child care facility, a family child care provider or an elementary, secondary or postsecondary school, or for employees at certain health care facilities, is at the sole discretion of the student's or employee's health care provider. It prohibits the adoption of rules or policies related to medical exemptions, including, but not limited to, rules or policies that establish requirements for medical exemptions and rules or policies requiring the review, acceptance or rejection of medical exemptions. The bill also removes the authority of school boards, the governing boards of private schools and municipalities to have more stringent immunization requirements than state law.

LD 997 An Act To Promote Social and Emotional Learning and Development for Young Children

PUBLIC 481

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C GATTINE D	OTP-AM ONTP	S-191 S-334 BREEN C

This bill requires the Commissioner of Education to implement, beginning September 1, 2020, a statewide voluntary early childhood consultation program to provide support, guidance and training to families, early care and education teachers and providers working in public elementary schools, child care facilities, family child care settings and Head Start programs serving infants and young children who are experiencing challenging behaviors that put them

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at risk of learning difficulties and removal from early learning settings. The bill requires the Department of Education to design and implement the program and to report to the joint standing committee of the Legislature having jurisdiction over education matters on the implementation of the statewide voluntary early childhood consultation program.

Committee Amendment "A" (S-191)

This amendment, which is the majority report of the committee, provides that any record about a child created as a result of an early childhood consultation program must be made available to the parents or guardians of that child and may not become part of the child's education record.

The amendment also stipulates that 50% of the costs of the early childhood consultation program established under the bill is to be funded using funds transferred to the Department of Education by the Department of Health and Human Services that are provided to the Department of Health and Human Services under the Temporary Assistance for Needy Families block grant that are available under Title IV-A of the United States Social Security Act or that are transferred to the Department of Health and Human Services from that block grant authorized under Title XX of the United States Social Security Act.

The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-334)

This amendment changes the responsibility for the statewide voluntary early childhood consultation program from the Department of Education to the Department of Health and Human Services and makes other minor changes to reflect the change in responsibility.

Enacted Law Summary

Public Law 2019, chapter 481 requires the Commissioner of Health and Human Services to implement, beginning September 1, 2020, a statewide voluntary early childhood consultation program to provide support, guidance and training to families, early care and education teachers and providers working in public elementary schools, child care facilities, family child care settings and Head Start programs serving infants and young children who are experiencing challenging behaviors that put them at risk of learning difficulties and removal from early learning settings. The law requires the Department of Health and Human Services to design and implement the program and to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the implementation of the statewide voluntary early childhood consultation program.

The law provides that any record about a child created as a result of an early childhood consultation program must be made available to the parents or guardians of that child and may not become part of the child's education record.

Public Law 2019, chapter 481 also stipulates that 50% of the costs of the early childhood consultation program established under the bill is to be funded by the Temporary Assistance for Needy Families block grant that are available under Title IV-A of the United States Social Security Act or that are transferred to the Department of Health and Human Services from that block grant authorized under Title XX of the United States Social Security Act.

LD 1010 Resolve, Directing the Department of Education To Develop a Model School Disciplinary Policy

RESOLVE 31

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V SANBORN L	OTP-AM ONTP	H-129

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This resolve requires the Department of Education to develop a model school disciplinary policy that focuses on positive and restorative interventions designed to strengthen relationships, improve the connection to school, promote a strong sense of accountability and close economic and racial gaps. It also requires the department to provide support to school administrative units that choose to implement the model policy.

Committee Amendment "A" (H-129)

This amendment, which is the majority report of the committee, adds a requirement that the Department of Education's model school disciplinary policy promote interventions designed to close disability-related and gender gaps and requires the department, while developing the model school disciplinary policy, to review existing law regarding disciplinary policies and report back to the Joint Standing Committee on Education and Cultural Affairs on any recommended legislation on disciplinary policies no later than January 15, 2020. The committee may report out a bill to the Second Regular Session of the 129th Legislature to implement the recommendations on school disciplinary policies.

Enacted Law Summary

Resolve 2019, chapter 31 requires the Department of Education to develop a model school disciplinary policy that focuses on positive and restorative interventions designed to strengthen relationships, improve the connection to school, promote a strong sense of accountability and close economic, disability-related, gender and racial gaps and to review existing law regarding disciplinary policies and report back to the Joint Standing Committee on Education and Cultural Affairs on any recommended legislation on disciplinary policies no later than January 15, 2020. The committee may report out a bill to the Second Regular Session of the 129th Legislature to implement the recommendations on school disciplinary policies.

LD 1024 An Act To Destigmatize Mental Illness through Health Instruction That Emphasizes the Relationship between Physical and Mental Health in Schools

PUBLIC 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM	S-58

This bill requires health education instruction in elementary, middle, junior high and high school to include instruction in mental health and the relationship between physical and mental health.

Committee Amendment "A" (S-58)

The bill requires health education instruction in elementary, middle, junior high and high school to include instruction in mental health and the relationship between physical and mental health. This amendment clarifies that health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

Enacted Law Summary

Public Law 2019, chapter 106 requires health education instruction in elementary, middle, junior high and high school to include instruction in mental health and the relationship between physical and mental health. The law also provides that health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

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LD 1029 An Act To Expand Educational Opportunities for Students Attending Public Secondary Schools with Enrollments of 300 or Fewer Students ONTP

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

This bill requires private and public secondary schools with more than 300 students to enter into contracts with secondary schools with 300 or fewer students to establish academic opportunity programs that make available to resident students of the smaller schools the courses and academic programs of the larger schools, including, but not limited to, advanced placement courses, international baccalaureate programs and early college programs. The bill also requires the secondary schools with 300 or fewer students to inform their resident students of the academic opportunity program and provides that the schools participating in an academic opportunity program are not responsible for providing transportation to participating students.

LD 1035 Resolve, To Streamline the Process by Which Schools Receive Fresh Fruit and Vegetables Leave to Withdraw Pursuant to Joint Rule

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

This resolve requires the Department of Education to assist elementary schools with the application process for the Fresh Fruit and Vegetable Program to ensure more fresh fruits and vegetables are available in eligible schools.

LD 1036 Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System and Increased Crosswalks for Academic Credit between Secondary Schools and Career and Technical Education Programs HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N HERBIG E	OTP-AM	H-506 S-311 LIBBY N

This resolve establishes the Task Force To Study the Creation of a Comprehensive Career and Technical Education System to examine the feasibility of establishing a comprehensive four-year high school career and technical education program to provide a technical high school setting for middle school students to attend at the completion of grade eight.

Committee Amendment "A" (H-506)

This amendment expands the membership of the task force to include a principal of a secondary school, a superintendent of a school administrative unit, an administrator at the University of Maine System and the Commissioner of Education or the commissioner's designee and requires that the member from a community college be an administrator.

This amendment also expands the duties of the task force to require that the task force examine the advantages and disadvantages of a comprehensive four-year career and technical education high school, obstacles to implementation

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and other models of comprehensive four-year career and technical education high schools around the State and on a national level. The task force is also required to examine increasing crosswalks and intersections between technical and occupational knowledge and curricula and academic standards in order to promote multiple pathways for awarding content area credit to students enrolled in career and technical education programs.

This amendment also requires the task force to seek funding contributions to fully fund the costs of the task force. If sufficient funding is not received within 30 days after the effective date of the resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

Senate Amendment "A" To Committee Amendment "A" (S-311)

This amendment increases the membership of the task force from 14 to 16 members by adding one additional member of the House of Representatives and one additional member of the Senate and specifies that the House and Senate appointments must include a member from each of the two parties holding the largest number of seats in the Legislature, which conforms with Joint Rule 353.

LD 1043 An Act To Establish Universal Public Preschool Programs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V MILLETT R	OTP-AM	H-256

This bill specifies that it is the goal of the State to ensure that public preschool programs for children four years of age are offered by all school administrative units by the 2020-2021 school year. In order to achieve that goal, this bill requires the Department of Education to develop recommendations and report back to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2020. Recommendations must include:

1. Standards for public preschool programs;
2. A process for approval and certification of programs not operated by a school administrative unit, including, but not limited to, a Head Start program or other program affiliated with the school administrative unit; and
3. Funding for public preschool programs.

The Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 129th Legislature to implement the recommendations in the report.

Committee Amendment "A" (H-256)

This amendment provides that it is the goal of the State to provide adequate start-up funding to ensure that public preschool programs for children four years of age are offered by all school administrative units by the 2023-2024 school year and requires the Department of Education to include in its funding recommendations funding options to encourage more public preschool programs.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The substance of this bill, as amended, was included in LD 1001, which was enacted as Public Law 2019, chapter 343.

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LD 1046 An Act To Authorize the Department of Education To Provide Flexibility in the Required Credentials for Teachers in Career and Technical Programs ONTP

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

This bill authorizes the Commissioner of Education to exempt a teacher from certain qualifications adopted by the State Board of Education to teach career and technical education. An exemption must be in accordance with rules adopted by the commissioner.

LD 1050 An Act To Require Education about African-American History and the History of Genocide CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GROHOSKI N	OTP-AM OTP-AM	S-147 H-520 TALBOT ROSS R

This bill requires instruction in the Holocaust developed by the Commissioner of Education to be provided in and required for graduation from all elementary and secondary schools, both public and private.

Committee Amendment "A" (S-147)

This amendment, which is the majority report of the committee, replaces the bill. It requires that the history of genocide, including the Holocaust, to be taught in schools, aligned with the parameters for essential instruction and graduation requirements and included in the review of content standards and performance indicators of the system of learning results. It adds an appropriations and allocations section.

The fiscal note on this amendment identifies certain requirements in the amendment as a potential state mandate. In order to be a mandate pursuant to the Constitution of Maine, a provision must require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue. The committee finds that the provision in the bill requiring the history of genocide to be taught in schools, the provision the fiscal note identifies as potentially a mandate, does not create a mandate since the history of genocide relates to topics already required to be taught in schools and so should not cause any school to expand or modify its activities so as to necessitate additional expenditures from local revenue.

Committee Amendment "B" (S-148)

This amendment, which is the minority report of the committee, replaces the bill with a resolve that directs the Commissioner of Education to expedite the consideration of the instruction in the history of genocide, including the Holocaust, in the next review of the content standards and performance indicators for the content area of social studies under the Maine Revised Statutes, Title 20-A, section 6209, subsection 4. The commissioner also shall develop resources relating to instruction in the history of genocide, including the Holocaust, and make them readily available on the Department of Education's publicly accessible website.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-485)

This amendment requires that African-American history and culture be taught in schools, aligned with the parameters for essential instruction and graduation requirements and included in the review of content standards and

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performance indicators of the system of learning results. This amendment directs the Department of Education to convene two volunteer advisory groups to collect information and prepare and make available materials for teaching African-American history and culture and the history of genocide in accordance with this legislation. This amendment also provides that the addition of African-American history and the history of genocide to the school curriculum takes effect July 1, 2020 so as to be in effect for the 2020-2021 school year.

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-520)

This amendment requires that African-American history and culture be taught in schools, aligned with the parameters for essential instruction and graduation requirements and included in the review of content standards and performance indicators of the system of learning results. This amendment directs the Department of Education to convene two volunteer advisory groups to collect information and prepare and make available materials for teaching African-American history and culture and the history of genocide in accordance with this legislation. This amendment also provides that the addition of African-American history and the history of genocide to the school curriculum takes effect July 1, 2020 so as to be in effect for the 2020-2021 school year.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1064	An Act To Address Maine's Firefighter Shortage by Offering Firefighter Training for Credit in High School Career and Technical Education Programs	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J POULIOT M	ONTP	

This bill allows career and technical education centers and regions to offer firefighter training as an approved program and requires the program to use National Fire Protection Association standards for firefighter professional qualifications as the industry standard for the firefighter training.

LD 1149	An Act To Strengthen the Maine State Library	PUBLIC 521
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C CLAXTON N	OTP-AM ONTP	H-173 S-365 BREEN C

This bill provides funds to support resource sharing services for Maine's libraries, including van delivery and interlibrary lending, the Digital Maine Library and the Maine statewide catalog known as MaineCat, and to conduct an analysis of statewide library services and resource sharing.

Committee Amendment "A" (H-173)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

Senate Amendment "A" (S-365)

Like the bill, this amendment is designed to strengthen libraries. This amendment deappropriates funding for a position provided by the General Fund, and instead allocates funds for another position funded 75% General Fund and 25% Federal Expenditures Fund.

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Enacted Law Summary

Public Law 2019, chapter 521 provides funds to support resource sharing services for Maine's libraries, including van delivery and interlibrary lending, the Digital Maine Library and the Maine statewide catalog known as MaineCat, and to conduct an analysis of statewide library services and resource sharing.

LD 1152 An Act To Make the Maine Educational Assessment Optional for Kindergarten to Grade 8 ONTP

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

This bill makes the currently mandatory state assessment program for schools optional for kindergarten to grade eight.

**LD 1168 Resolve, To Improve Maine's Response to Childhood Trauma RESOLVE 63
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD F TIMBERLAKE J	OTP-AM	H-323

This resolve directs the Commissioner of Education to convene a task force, inviting the participation of experts and interested parties, to develop guidance for kindergarten to grade 12 administrators on appropriate training and responses to childhood trauma and to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019. The committee is authorized to submit legislation related to the report to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (H-323)

This amendment adds an emergency preamble and emergency clause and directs the task force convened by the Commissioner of Education, in developing guidance for kindergarten to grade 12 administrators on appropriate training and responses to childhood trauma, to consult with any other task force or work group convened by the Department of Education whose work may inform the work of this task force. The amendment also removes the requirement that the training and social and emotional learning curriculum developed by the task force be mandated.

Enacted Law Summary

Resolve 2019, chapter 63 directs the Commissioner of Education to convene a task force, inviting the participation of experts and interested parties and in consultation with any other task force or work group convened by the Department of Education whose work may inform the work of this task force, to develop guidance for kindergarten to grade 12 administrators on appropriate training and responses to childhood trauma and to submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019. The committee is authorized to submit legislation related to the report to the Second Regular Session of the 129th Legislature.

Resolve 2019, chapter 63 was finally passed as an emergency measure effective June 10, 2019.

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LD 1170 An Act To Raise the Floor of State Education Funding

ONTP

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

This bill changes the formula for determining the minimum state allocation for a school administrative unit to be the unit's total cost of education, as adjusted, multiplied by 15% or the unit's special education costs, as adjusted, whichever is greater. This bill also guarantees a member municipality a minimum state contribution of 15% of the municipality's total cost of education, as adjusted, and requires the funds to be paid to the school administrative unit and deducted from the municipality's required contribution.

LD 1174 An Act To Facilitate Remote Learning during School Cancellations

ONTP

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

This bill allows a school to receive credit for a school day that is cancelled due to weather or another emergency reason if the students of the school receive adequate online instruction or alternative method for students without the technical capability to participate in online instruction pursuant to a plan agreed upon and adopted by the school board and the superintendent of the school administrative unit of the school. The school administrative unit is directed to forward the plan to the Department of Education, which may make recommendations on the plan. The school administrative unit is not required to implement a recommendation concerning the plan made by the department.

LD 1182 An Act To Improve School Safety by Requiring Law Enforcement Visits

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTCHINS S DOW D	ONTP OTP-AM	

This bill requires that a public school be visited at least two times per week by a law enforcement officer from the State Police, a county sheriff's office or a municipal law enforcement agency when that public school is in session. Visits by law enforcement officers must be unannounced and occur at varying times of the day and week at each public school. The county sheriff's office is responsible for coordinating these visits.

Committee Amendment "A" (H-254)

This amendment, which is the minority report of the committee, removes the requirement that a public school must be visited at least twice a week by a law enforcement officer and instead provides that a public school may be visited at least one time per week by a law enforcement officer.

This amendment was not adopted.

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LD 1216 An Act To Support Community Schools

PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R DAUGHTRY M	OTP-AM ONTP	S-128

This bill makes the Department of Education's community school pilot project permanent. The department is authorized to designate five community schools in the 2020-2021 school year and 10 additional schools biannually beginning in the 2021-2022 school year. The Commissioner of Education is required to apply for available federal funds in support of community school implementation and expansion.

Committee Amendment "A" (S-128)

The amendment, which is the majority report of the committee, adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 434 makes the Department of Education's community school pilot project permanent. The department is authorized to designate five community schools in the 2020-2021 school year and 10 additional schools biannually beginning in the 2021-2022 school year. The Commissioner of Education is required to apply for available federal funds in support of community school implementation and expansion.

LD 1227 An Act To Allow Parents To Apply to the Commissioner of Education To Enroll Their Children in a Receiving School Administrative Unit and To Remove Limitations on Which Students May Be So Enrolled

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J FARRIN B	ONTP OTP-AM	

Current law allows the superintendent of a school administrative unit that neither maintains a school nor contracts for school privileges to request the Commissioner of Education to designate a school administrative unit as the receiving school administrative unit for a student who is unable to find a school administrative unit willing to enroll the student in one of its schools.

This bill allows any student's parent or guardian to make a request for any reason to the Commissioner of Education for the student to be transferred. Upon the commissioner's approval, the student must be enrolled in the receiving school administrative unit.

Committee Amendment "A" (H-397)

This amendment, which is the minority report of the committee, excludes participation in athletic programs as a reason to request a change in enrollment.

This amendment was not adopted.

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LD 1262 An Act To Allow Funds from the Federal E-Rate Program To Be Applied to Maine Preschool Programs

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M	OTP-AM	S-173

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to ensure that preschools in Maine are eligible for federal E-rate program funding.

Committee Amendment "A" (S-173)

This amendment strikes and replaces the bill, which is a concept draft. The amendment enables public preschool programs to be eligible for the Federal E-Rate Program by amending the definition of "public preschool program" to mean a program offered by a public elementary school that provides instruction to children who are four years of age, including but not limited to a Head Start program that is approved as a component of the public preschool program.

Enacted Law Summary

Public Law 2019, chapter 241 amends the definition of "public preschool program" to mean a program offered by a public elementary school that provides instruction to children who are four years of age, including but not limited to a Head Start program that is approved as a component of the public preschool program so that public preschool programs may be eligible for the Federal E-Rate Program.

LD 1267 An Act To Allow the Awarding of Graduation Credits by Career and Technical Education Centers and Regions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M STEARNS P	ONTP	

This bill allows career and technical education centers and regions to award credit toward graduation requirements for courses and programs that are approved by the Commissioner of Education. The commissioner is required to establish the credit to be awarded and the content area toward which the school administrative unit must apply the credit. Finally, the commissioner must adopt routine technical rules that develop a procedure for career and technical education centers and regions to submit courses and programs for approval and criteria in each content area that the course or program must meet to be approved.

In the committee amendment to LD 1036, Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System To Support Workforce Development, which was adopted by the Legislature, the task force must examine increasing crosswalks and intersections between technical and occupational knowledge and curricula and academic standards in order to promote multiple pathways for awarding content area credit to students enrolled in career and technical education programs.

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LD 1283 Resolve, To Advance College Affordability by Convening a Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure

**RESOLVE 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E MILLETT R	OTP	

This resolve directs the Chancellor of the University of Maine System to convene a task force, to be named the Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure, to study how to provide adequate supplemental funding to sustain the State's public higher education infrastructure without burdening students who are residents of the State with unreasonable tuition and fee increases. The task force is directed to consider, but is not limited to considering, infrastructure improvements, health and safety repairs, technology improvements, energy efficiency and equipment upgrades and, when necessary, new construction. The task force is directed to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs by January 2, 2020. The joint standing committees are authorized to submit legislation to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 65 directs the Chancellor of the University of Maine System to convene a task force to recommend a sustainable funding model for maintaining maine's public higher education infrastructure and study how to provide adequate supplemental funding to sustain the State's public higher education infrastructure without burdening students who are residents of the State with unreasonable tuition and fee increases. The task force is directed to consider, but is not limited to considering, infrastructure improvements, health and safety repairs, technology improvements, energy efficiency and equipment upgrades and, when necessary, new construction. The task force is directed to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs by January 2, 2020. The joint standing committees are authorized to submit legislation to the Second Regular Session of the 129th Legislature.

Resolve 2019, chapter 65 was finally passed as an emergency measure effective June 12, 2019.

LD 1306 Resolve, To Examine Issues Relating to Bullying in Schools

RESOLVE 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J GRAMLICH L	OTP-AM	S-105

This bill establishes the Safe School Climate Council, which is authorized to meet twice a year and to present to the joint standing committee of the Legislature having jurisdiction over education matters every two years recommendations on model policies to address bullying, harassment and overall safety in schools.

Committee Amendment "A" (S-105)

This amendment replaces the bill with a resolve that directs the Commissioner of Education to form a stakeholder group to comprehensively examine issues associated with bullying in schools and in particular how Maine's laws relating to bullying should be improved. The stakeholder group is required to include educators, administrators, students and experts on bullying in schools. By February 1, 2020, the commissioner is required to report on the findings and recommendations of the stakeholder group as well as the commissioner's recommendations for changes to laws relating to bullying to the Joint Standing Committee on Education and Cultural Affairs. The committee may report out a bill on the subject of the report to the Second Regular Session of the 129th Legislature.

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Enacted Law Summary

Resolve 2019, chapter 44 directs the Commissioner of Education to form a stakeholder group to comprehensively examine issues associated with bullying in schools and in particular how Maine's laws relating to bullying should be improved. The stakeholder group is required to include educators, administrators, students and experts on bullying in schools. By February 1, 2020, the commissioner is required to report on the findings and recommendations of the stakeholder group as well as the commissioner's recommendations for changes to laws relating to bullying to the Joint Standing Committee on Education and Cultural Affairs. The committee may report out a bill on the subject of the report to the Second Regular Session of the 129th Legislature.

LD 1331 An Act To Amend the Student Information Privacy Act

ONTP

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

This bill amends the Student Information Privacy Act by adding to the restrictions on the release of student data certain information that may not be disclosed without explicit consent from a student's parent or a court order.

LD 1338 An Act To Protect Teachers from Unfair Evaluations

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MILLETT R	OTP-AM	H-400

This bill removes the requirement in current law that the criteria to establish the order of layoff and recall of teachers must include the teacher's effectiveness rating as a factor. It also amends the provisions in current law governing the use of teacher effectiveness ratings.

Committee Amendment "A" (H-400)

This amendment strikes and replaces the bill and provides that, in any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include the teacher's effectiveness rating as a factor.

This amendment also provides that, subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for two consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

This amendment also provides that there is no right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the employer as a basis for a disciplinary action and provides that a teacher has the opportunity to provide a written response to any summative effectiveness rating issued to the teacher.

Enacted Law Summary

Public Law 2019, chapter 297 makes the following changes the law regarding the use of a teacher's effectiveness rating.

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1. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include the teacher's effectiveness rating as a factor.
2. Subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for two consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.
3. There is no right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the employer as a basis for a disciplinary action and provides that a teacher has the opportunity to provide a written response to any summative effectiveness rating issued to the teacher.

**LD 1341 An Act To Provide Flexibility for Efficient and Effective Management of
School Management and Leadership Centers**

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V GRATWICK G	OTP-AM	H-325

This bill amends the Maine Revised Statutes, Title 20-A, chapter 123, regarding school management and leadership centers, and related laws as follows:

1. Changes the term "school management and leadership center" to the term "regional service center;"
2. Amends the law governing the geographic boundaries of centers to remove the requirement that the Commissioner of Education must determine 9 to 12 geographic areas for the establishment of centers with the requirement that the commissioner must determine the geographic areas for the establishment of centers;
3. Allows a center to contract for leadership services and hire a fiscal agent;
4. Changes the law allowing a center to borrow funds by removing language requiring debts to be repaid within one year and limiting amounts borrowed to 3/4 of a center's annual approved budget;
5. Amends the law governing the withdrawal of a member school administrative unit from a center to replace the requirement that the member school administrative unit must demonstrate there will be no increases in costs or decrease in student programs or services with the requirement that the member school administrative unit must demonstrate that the withdrawal is in the best interests of the withdrawing school administrative unit and of any of the remaining member school administrative units;
6. Amends the law governing dissolution of centers to replace the requirement that member school administrative units must demonstrate to the Commissioner of Education that there will be no increase in costs or decrease in student programs and services for any of the member school administrative units of a center with the requirement that the school administrative units must demonstrate that it is in the best interests of the member school administrative units to dissolve the center;
7. Amends the law governing application for and approval of a center to replace voter approval with school board approval; and
8. Amends the law governing state funding of a center that provides at least two different services to its members to

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include 55% funding support for contracted leadership services and financial software.

Committee Amendment "A" (H-325)

This amendment retains the substance of the bill but changes the name of regional service centers to education service centers, defines "benefits," includes public charter schools as eligible to be members of education service centers rather than associate members and caps the direct state funding for the provider of leadership services or the executive director to 55% of the statewide average superintendent's salary and benefits using the most recent data available.

Enacted Law Summary

Public Law 2019, chapter 219 amends the laws regarding school management and leadership centers as follows:

1. Changes the term "school management and leadership center" to the term "education service centers;"
2. Includes public charter schools as eligible to be members of education service centers rather than associate members;
3. Amends the law governing the geographic boundaries of centers to remove the requirement that the Commissioner of Education must determine nine to 12 geographic areas for the establishment of centers with the requirement that the commissioner must determine the geographic areas for the establishment of centers;
4. Allows a center to contract for leadership services and hire a fiscal agent;
5. Changes the law allowing a center to borrow funds by removing language requiring debts to be repaid within one year and limiting amounts borrowed to 3/4 of a center's annual approved budget;
6. Amends the law governing the withdrawal of a member school administrative unit from a center to replace the requirement that the member school administrative unit must demonstrate there will be no increases in costs or decrease in student programs or services with the requirement that the member school administrative unit must demonstrate that the withdrawal is in the best interests of the withdrawing school administrative unit and of any of the remaining member school administrative units;
7. Amends the law governing dissolution of centers to replace the requirement that member school administrative units must demonstrate to the Commissioner of Education that there will be no increase in costs or decrease in student programs and services for any of the member school administrative units of a center with the requirement that the school administrative units must demonstrate that it is in the best interests of the member school administrative units to dissolve the center;
8. Amends the law governing application for and approval of a center to replace voter approval with school board approval;
9. Amends the law governing state funding of a center that provides at least two different services to its members to include 55% funding support for contracted leadership services and financial software; and
10. Caps the direct state funding for the provider of leadership services or the executive director to 55% of the statewide average superintendent's salary and benefits, as defined, using the most recent data available.

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LD 1343 An Act To Improve Health Education and Physical Education in Schools ONTP

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

This bill requires instruction in elementary, junior high and secondary schools to include at least 1/2 hour per day of instruction in health education and one hour per day of instruction in physical education.

LD 1344 An Act To Improve Nutrition in Maine Schools ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to codify in Maine law the provisions of the federal Healthy, Hunger-Free Kids Act of 2010.

LD 1347 An Act To Promote High-quality After-school Programs in Public Schools ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P MILLETT R	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the provisions in law regarding high-quality after-school programs under the Maine Revised Statutes, Title 20-A, chapter 318. Currently, funds to provide high-quality after-school programs are provided by the After-school Program Fund, which receives a substantial amount of funding from the Federal Government that may be terminated or no longer available in the coming years. This bill proposes to seek new funding for the After-school Program Fund and to increase the quality of the after-school programs, including requiring matching funds from the schools that receive the funds and to make grants from the fund competitive. An after-school program that is a recipient of funding from the fund must have as measurable outcomes for the students academic improvement, social emotional learning and family engagement. Criteria for competitive grants would seek to improve or raise the quality of after-school programs by giving preference to schools that would collaborate with and leverage existing community resources that have demonstrated effectiveness, engage in outreach to children and youth and involve local governments, including parks and recreation departments and other schools.

LD 1351 An Act To Allow for the Recovery and Redistribution of Food in Public Schools ONTP

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

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Education, by October 1, 2019, to collaborate to revise the Department of Health and Human Services, Maine Center for Disease Control and Prevention's health inspection program guidance titled "Food

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Sharing Tables - Guidance for Schools" and disseminate the new guidance to public schools in the State.

The bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Conservation and Forestry to grant public school food service programs a variance under the departments' jointly adopted rules regulating food safety in order to allow public school food service programs to collect food that was taken from the food service line by students and placed on a share table and to redistribute that food through the food service line; to allow students to take food from a share table and consume that food in the same breakfast, lunch or snack period or at another time; to allow students to place unwanted, eligible food items on a share table at any time during their breakfast, lunch or snack period; and to allow school staff members under certain circumstances to collect and redistribute food from a share table.

The bill does not mandate the creation of share tables within schools or require schools to purchase additional food or materials.

See also LD 541.

LD 1369 An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N DIAMOND B	ONTP OTP-AM	H-473

This bill directs the State Board of Education to adopt rules to amend the credentialing of education personnel to create a pathway for a teacher to obtain an endorsement on a teaching certificate for a component of industrial arts with an experiential lab that includes, but is not limited to: automotive body repair, diagnostics and mechanics; welding; electrical; carpentry; and computer-aided design. Rules must include at least the following qualifications for a teacher to be eligible for an endorsement: a completed apprenticeship registered with a statewide or national apprenticeship and training organization; a completed two-year degree or certificate from a technical institution accredited by a national association of career and technical schools or similar organization; completion of a minimum number of hours of paid applied employment or teaching in the endorsement area being sought; and completion of a minimum number of hours of experience learning the trade or craft for which the endorsement is sought. Rules adopted pursuant to this subsection are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Committee Amendment "A" (H-473)

This amendment, which is the minority report of the committee, requires the State Board of Education to create an industrial arts pathway to a conditional certificate and requires that the industrial arts endorsement be separate from other endorsements.

LD 1370 An Act To Address Dangerous Behavior in the Classroom PUBLIC 458

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MCCREA D	OTP-AM ONTP	S-237

Current law requires the Commissioner of Education to provide technical assistance to school administrative units if they request assistance in the provision of violence prevention training. This bill requires a school administrative unit to immediately investigate allegations of violent behavior by a student against a public school employee and, if

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an allegation is substantiated, to institute an action plan to avoid future violent behavior. The action plan must be instituted prior to the student's return to school and must emphasize minimizing suspensions and expulsions of a student who demonstrated violent behavior, prioritizing counseling and guidance services for the student, restorative justice and training for public school employees who interact with the student. The bill also prohibits a school administrative unit from counting time away from work due to an injury resulting from violent behavior against a public school employee's accrued sick leave.

Committee Amendment "A" (S-237)

This amendment, which is the majority report of the committee, strikes and replaces the bill, changes the title and makes the following additional changes.

1. It changes the focus of the bill from violent behavior to dangerous behavior and defines "dangerous behavior" to mean behavior of a student that presents a risk of injury or harm to a student or others.
2. It amends the process in the bill regarding investigations. It requires review of a report of an incident of dangerous behavior and the development of an individualized response plan. It stipulates that these provisions do not limit any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities, and provides that, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law rather than under the process described in the bill, as amended.
3. It moves the provisions in the bill regarding the counting of sick leave of a public school employee injured from dangerous behavior to the Maine Revised Statutes, Title 20-A, section 13601, which contains other provisions regulating sick leave.
4. It adds a mandate preamble.

Enacted Law Summary

Public Law 2019, chapter 458 requires a school administrative unit to immediately investigate allegations of dangerous behavior by a student, defined as behavior that presents a risk of injury or harm to a student or others. During the investigation, the school administrative unit must review of a report of an incident of dangerous behavior and if substantiated, develop of an individualized response plan. The law stipulates that its provisions do not limit any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities, and provides that, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law rather than under the process described in the bill, as amended.

Public Law 2019, chapter 458 also prohibits a school administrative unit from counting time away from work due to an injury resulting from violent behavior against a public school employee's accrued sick leave.

**LD 1376 An Act To Direct the Department of Education To Amend Its Rules To
Ensure That Physical Restraint and Seclusion Policies Are Followed and
Make Biennial Reports on the Use of Physical Restraint and Seclusion**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	OTP-AM ONTP	H-617

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This bill directs the Department of Education to amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to include concepts from and references to the department's rule Chapter 33: Rule Governing Physical Restraint and Seclusion.

This bill also directs schools to make annual reports to the department regarding incidents of physical restraint and seclusion and directs the Commissioner of Education to report biennially to the Governor and the Legislature on data regarding the use of physical restraint and seclusion.

Committee Amendment "A" (H-617)

This amendment, which is the majority report of the committee, strikes and replaces the bill. It directs schools to submit annual reports to the Department of Education regarding incidents of physical restraint and seclusion including the number of uses and number of students, broken down by grade level or age group, gender, race and type of education plan, and the number of injuries to students and to staff and directs the Commissioner of Education to report biennially to the Governor and the Legislature on data regarding the use of physical restraint and seclusion. It also directs the Department of Education to, by rule, develop and implement a performance review system to define and monitor all schools' use of physical restraint and seclusion.

The amendment also requires the Department of Education to submit major substantive rules by December 5, 2019, provide guidance to schools regarding these rules and submit a plan by January 15, 2020 to the Joint Standing Committee on Education and Cultural Affairs on professional development opportunities to promote preventive practice models that will reduce dependence on physical restraint and seclusion.

It also adds an appropriations and allocations section and incorporates a fiscal note. The fiscal note identifies the requirement that school administrative units break down the aggregate data by grade level or age group, gender, race and type of plan as a potential unfunded state mandate. Because schools are already required to collect this data pursuant to department rule Chapter 33: Rule Governing Physical Restraint and Seclusion, the committee finds this additional requirement does not require an expansion or modification of activities so as to necessitate additional expenditures.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1382 **Resolve, Directing the Department of Education To Study and Develop a State Plan for Computer Science Instruction and Professional Development**

RESOLVE 78

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T POULIOT M	OTP-AM OTP-AM	H-522

This bill provides the necessary resources and support for kindergarten to grade 12 schools to adopt computer science into their courses and curriculums. The bill establishes a grant program for computer science professional development, including costs of transportation, mentoring and coaching. The bill also requires the Department of Education to develop a statewide plan as well as computer science standards for kindergarten to grade 12 schools. The bill creates a full-time Regional Education Representative position in the Department of Education to support the creation and implementation of the plan and the standards. The bill establishes a grant program for computer devices and instructional materials to provide the tools necessary for schools to implement computer science courses and content. The bill also establishes a computer science teacher certification program for students who are majoring in education in the University of Maine System. Finally, the bill authorizes the Department of Education to adopt rules as necessary to implement the provisions of the bill.

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Committee Amendment "A" (H-522)

This amendment is the majority report of the committee and replaces the bill with a resolve. The amendment directs the Department of Education to study and develop a plan for implementing computer science instruction in schools and submit a report to the Joint Standing Committee on Education and Cultural Affairs that includes an overview of how computer science courses and curricula are being implemented in schools in the State; a state plan for instruction in computer science in public preschool to grade 12, including the development of standards and clarification on how instruction in computer science may be applied toward graduation requirements, that provides equitable access to computer science instruction across the State and provides for instruction in computer science in all high schools by 2022 and in all grades by 2025; a professional development plan for educators that includes training in computer science and a component that includes peer-to-peer training in computer science; and an estimate of the funding levels necessary to implement the plans set out in the report. The amendment provides that the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature.

Committee Amendment "B" (H-523)

This amendment is the minority report of the committee and replaces the bill with a resolve. The amendment directs the Department of Education to develop a state plan for instruction in computer science in public preschool to grade 12 that provides equitable access to computer science instruction in schools across the State and offers the opportunity for instruction in computer science in all high schools by 2022 and in all grades by 2025. The department is required to provide guidelines for school administrative units on how computer science instruction may be applied toward graduation requirements in mathematics and science on the department's publicly accessible website.

This amendment was not adopted.

Enacted Law Summary

Resolve 2019, chapter 78 directs the Department of Education to study and develop a plan for implementing computer science instruction in schools and submit a report to the Joint Standing Committee on Education and Cultural Affairs that includes an overview of how computer science courses and curricula are being implemented in schools in the State; a state plan for instruction in computer science in public preschool to grade 12, including the development of standards and clarification on how instruction in computer science may be applied toward graduation requirements, that provides equitable access to computer science instruction across the State and provides for instruction in computer science in all high schools by 2022 and in all grades by 2025; a professional development plan for educators that includes training in computer science and a component that includes peer-to-peer training in computer science; and an estimate of the funding levels necessary to implement the plans set out in the report. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature.

LD 1396 An Act To Update the Laws Governing the Regional Library Systems

PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C BELLOWS S	OTP-AM	H-182

This bill makes administrative updates to the laws governing regional library systems. It promotes cooperation between library systems by replacing library districts with library regions, consolidating the district councils by establishing the Maine Library Advisory Council to serve as an advisory body to the library regions and directing staff of the Maine State Library holding the position of consultant or specialist to provide services to library regions

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as appointed by the State Librarian. The bill also revises the membership and terms of the Maine Library Commission.

Committee Amendment "A" (H-182)

This amendment revises the membership of the Maine Library Commission.

Enacted Law Summary

Public Law 2019, chapter 150 makes administrative updates to the laws governing regional library systems. It promotes cooperation between library systems by replacing library districts with library regions, consolidating the district councils by establishing the Maine Library Advisory Council to serve as an advisory body to the library regions and directing staff of the Maine State Library holding the position of consultant or specialist to provide services to library regions as appointed by the State Librarian. The law also revises the membership and terms of the Maine Library Commission.

LD 1425 An Act To Maintain the Integrity of the Department of Education by Prohibiting Its Promotion of Policies and Practices That Are Not Based on Rigorous Peer Review and Analysis, Limiting Acceptance of Private Funding in Implementing and Influencing State Policy and Retaining the Home Rule Powers to School Administrative Units

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H DOW D	ONTP OTP-AM	

This bill prohibits the Commissioner of Education and Department of Education personnel from promoting policies, programs, procedures or experiments in schools that do not adhere to rigorous standards of peer review and established statistical procedures for determining the effectiveness in producing clearly identified outcomes and from contracting with and accepting funding from private entities to implement state policies. This bill also directs the commissioner to withdraw from the New England Secondary School Consortium and prohibits the commissioner from maintaining membership in regional or national groups that are funded by private entities. The bill also directs the Department of Education, in consultation with school administrative units and the Maine Municipal Association, to study how to return home rule powers to school administrative units.

Committee Amendment "A" (H-398)

This amendment, which is the minority report of the committee, replaces the section of the bill that prohibits the Commissioner of Education from promoting certain policies, contracting with or accepting funding from private entities or maintaining a membership in certain organizations to require instead that the Department of Education limit all new initiatives relating to students to initiatives that have undergone rigorous statistical analysis on their effects in producing clearly identified student outcomes and make the results of that statistical analysis available on the department's publicly accessible website. The amendment also requires the department to critically review contracts with outside entities and publish competitive and noncompetitive contracts with outside entities on the department's publicly accessible website.

This amendment was not adopted.

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LD 1428 An Act To Require the State To Fund 50 Percent of Public Preschool Programs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MORALES V	ONTP	

This bill requires the State to fund a minimum of 50% of the costs of an approved public preschool program for each year a school administrative unit operates the program, other than the year in which the school administrative unit receives start-up funds for the program. If funds for essential programs and services do not provide the funding necessary to fund a minimum of 50% of approved public preschool programs, the State is directed to use other funding sources and the Commissioner of Education is directed to include the funding levels necessary in the Department of Education's request to the Legislature for appropriations from the General Fund.

LD 1478 Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education

RESOLVE 101

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-597 H-625 KORNFIELD V

This resolve provides for legislative review of portions of Chapter 115: The Credentialing of Education Personnel, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period.

Committee Amendment "A" (H-597)

This amendment which is the majority report of the committee, authorizes final adoption by the Department of Education of portions of Department of Education rule Chapter 115: The Credentialing of Education Personnel, a late-filed provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

This amendment also requires the Department of Education to submit annual reports to the Joint Standing Committee on Education and Cultural Affairs by March 1st of the next three years on the progress toward implementation of transitioning the grade span for the elementary endorsement from kindergarten to grade eight to kindergarten to grade six.

This amendment also adds an appropriations and allocations section.

House Amendment "A" (H-625)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2019, chapter 101 authorizes final adoption by the Department of Education of portions of Department of Education rule Chapter 115: The Credentialing of Education Personnel, a late-filed provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Included in those changes is that, beginning July 1, 2022, the elementary endorsement must allow a teacher to teach kindergarten to grade six, instead of teaching kindergarten to grade eight. In order to facilitate this transition,

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Resolve 2019, chapter 101 requires the Department of Education to submit annual reports to the Joint Standing Committee on Education and Cultural Affairs by March 1st of the next three years on the progress toward the implementation of that transition from kindergarten to grade eight to kindergarten to grade six.

LD 1497 An Act To Recognize High-performing, Efficient School Districts with Regard to the System Administration Allocation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROBERTS-LOVELL LAWRENCE M	ONTP	

Under current law, for the 2019-20 fiscal year, a system administration allocation of \$141 per pupil is established, with \$47 being allocated to each school administrative unit and an additional \$94 being allocated as a targeted amount to school administrative units that have established regionalized administrative services.

This bill maintains the \$141 allocation for fiscal year 2019-20, but provides \$94 to each school administrative unit and an additional \$47 to school administrative units that have established regionalized administrative services and to those school administrative units that have been identified as high-performing, efficient school administrative units.

LD 1508 An Act To Respect the Will of Maine Voters by Funding Education at 55 Percent Died On Adjournment

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

This bill restores provisions of Initiated Bill 2015, chapter 4. It establishes the Fund to Advance Public Kindergarten to Grade 12 Education for the purpose of improving the ability of the State to reach the annual target of 55%, as specified in statute, for the state share of the total cost of funding public education from kindergarten to grade 12 and for increasing direct support for student learning, but not for administrative costs. Revenue for the fund is generated by a 3% surcharge on Maine income tax over \$200,000, beginning with tax years beginning on or after January 1, 2020. This bill was not referred to committee.

LD 1521 An Act To Expand Skill Development Opportunities for Maine Youth CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L KORNFELD V		

This bill directs the Department of Education, in consultation with the Department of Labor, to develop an internship program for students who are 23 years of age or younger. The internship program developed by the department would authorize participants to receive compensation options, in combination with a variable hourly wage that is equal to or greater than the federal minimum wage, that may include academic credits, credentials of value and stackable credentials. The Department of Education is directed to submit a report outlining the internship program developed, together with any necessary implementing legislation, to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019.

In addition, to facilitate participation in the Maine Apprenticeship Program established under the Maine Revised Statutes, Title 26, section 3202, this bill directs the Department of Labor to calculate the amount of funding and the

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number of positions it would require in order to establish an apprenticeship coordinator at each career and technical education center in the State and report this information to the Joint Standing Committee on Education and Cultural Affairs by December 4, 2019.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1538 Resolve, Directing the Public Higher Education Systems Coordinating Committee To Study Compensation Equity among Public Higher Education Institutions

RESOLVE 52

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-324

This bill requires that the rate of compensation for comparable positions in the Maine Community College System for employees of comparable qualifications, including positions in the occupational groups of faculty and instructors, administrative staff, supervisory, support services, institutional services and police, be the same at every community college in the system. The bill directs the bargaining units of the occupational groups of the system to collectively bargain with the system, its agent or its representative to amend the agreed terms and conditions of employment for employees within the occupational groups to implement the provisions of this bill by January 1, 2020.

Committee Amendment "A" (H-324)

This amendment strikes and replaces the bill with a resolve to direct the Public Higher Education Systems Coordinating Committee to study the use of adjunct professors across the State, and examine the equity of pay rates and pay scales across the University of Maine System, the Maine Community College System and each campus of those systems. The study must include an examination of market forces on pay rates and pay scales, how each system's pay rates and pay scales compare nationally and what changes would be necessary to implement a so-called living wage. The Public Higher Education Systems Coordinating Committee is directed to report to the Joint Standing Committee on Education and Cultural Affairs no later than January 2, 2020 on the results of the study, including, but not limited to, the issues raised, best practices for compensation equity, recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

Enacted Law Summary

Resolve 2019, chapter 52 directs the Public Higher Education Systems Coordinating Committee to study the use of adjunct professors across the State, and examine the equity of pay rates and pay scales across the University of Maine System, the Maine Community College System and each campus of those systems. The study must include an examination of market forces on pay rates and pay scales, how each system's pay rates and pay scales compare nationally and what changes would be necessary to implement a so-called living wage. The Public Higher Education Systems Coordinating Committee must submit a report to the Joint Standing Committee on Education and Cultural Affairs no later than January 2, 2020 on the results of the study, including, but not limited to, the issues raised, best practices for compensation equity, recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

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LD 1549 An Act To Increase the Supplement for Certain National Board for Professional Teaching Standards Certified Teachers in Maine

PUBLIC 394

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-216

This bill increases, from \$3,000 to \$9,000, the supplement paid to a teacher who has attained certification from the National Board for Professional Teaching Standards and who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch during the year that the supplement is provided.

Committee Amendment "A" (S-216)

This amendment, which is the majority report of the committee, increases from \$3,000 in the current law to \$5,000 the supplement paid to a teacher who has attained certification from the National Board for Professional Teaching Standards and who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch during the year that the supplement is provided.

The amendment also directs the Department of Education to calculate the full funding for the national board certification salary supplement and the National Board Certification Scholarship Fund and report back to the Joint Standing Committee on Education and Cultural Affairs no later than January 1, 2020. The committee may submit a bill to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Public Law 2019, chapter 394 increases, from \$3,000 to \$5,000, the supplement paid to a teacher who has attained certification from the National Board for Professional Teaching Standards and who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch during the year that the supplement is provided.

LD 1566 Resolve, To Determine Ways To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care

RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK R STANLEY S	OTP-AM ONTP	S-138

This bill increases from 30 to 60 the number of tuition waivers for postsecondary education allowed to be granted each academic year to persons who, at the time of their graduation from high school or their successful completion of a general educational development examination, were in the custody of the Department of Health and Human Services and resided in foster care or subsidized adoptive care or were minor wards of a subsidized permanency guardian. This bill also removes the requirements that the tuition waivers be apportioned to postsecondary institutions based upon the order in which the waivers are made available.

Committee Amendment "A" (S-138)

This amendment, which is the majority report of the committee, replaces the bill with a resolve directing the Public Higher Education Systems Coordinating Committee to review the tuition waiver program for participants in foster care and to identify barriers to the program for dependent students who have been adopted and independent students who have not been adopted. The committee must report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020 with recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th

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Legislature.

Enacted Law Summary

Resolve 2019, chapter 56 directs the Public Higher Education Systems Coordinating Committee to review the tuition waiver program for participants in foster care and to identify barriers to the program for dependent students who have been adopted and independent students who have not been adopted. The committee must report to the Joint Standing Committee on Education and Cultural Affairs no later than January 15, 2020 with recommendations and any suggested legislation. The Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 129th Legislature.

LD 1592 An Act To Allow the Dissolution of Regional School Units Composed of a Single Municipality

PUBLIC 302

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L FARRIN B	OTP-AM	H-474

This bill provides the steps necessary for a regional school unit composed of only one municipality to dissolve, including petitioning to dissolve the regional school unit, holding elections in the municipality, the provision of educational services for students and the disposition of outstanding indebtedness if the vote is to dissolve the regional school unit.

Committee Amendment "A" (H-474)

This amendment clarifies the process for a municipality to withdraw from a regional school unit that is composed of a single municipality and provides that upon withdrawal of a municipality from a regional school unit that is composed of a single municipality, the regional school unit is dissolved.

Enacted Law Summary

Public Law 2019, chapter 302 clarifies the process for a municipality to withdraw from a regional school unit that is composed of a single municipality and provides that upon withdrawal of a municipality from a regional school unit that is composed of a single municipality, the regional school unit is dissolved.

LD 1593 An Act To Support Infrastructure Improvements in Schools

PUBLIC 385

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M	OTP-AM	H-399

This bill makes changes to the laws governing energy conservation improvements at school administrative unit facilities, including amending the definition of "energy services company" and removing the requirement that an agreement with an energy services company must have a total contract cost of less than \$2,500,000 in order for the agreement to be deemed a professional service and not subject to competitive bidding requirements.

Committee Amendment "A" (H-399)

This amendment amends the definition of "energy services company" to mean a company or third-party financing company that provides design, installation, operation, maintenance and financing of locally funded energy conservation improvements, air quality improvements or combined energy conservation and related air quality improvements at existing school administrative unit facilities. This amendment also increases the cap on the total contract cost, excluding private or federal grant funds, interest and operating and maintenance costs, for which an agreement is deemed to be a professional service, which is not subject to competitive bidding requirements, to

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\$10,000,000.

Enacted Law Summary

Public Law 2019, chapter 385 amends the definition of "energy services company" to mean a company or third-party financing company that provides design, installation, operation, maintenance and financing of locally funded energy conservation improvements, air quality improvements or combined energy conservation and related air quality improvements at existing school administrative unit facilities. Public Law 2019, chapter 385 also increases the cap on the total contract cost, excluding private or federal grant funds, interest and operating and maintenance costs, for which an agreement is deemed to be a professional service, which is not subject to competitive bidding requirements, to \$10,000,000 for each school building or project.

LD 1606 An Act To Increase Funding for Career and Technical Education Programs CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J STANLEY S		

This bill provides an additional \$1,500,000 per year for the cost of career and technical education pursuant to the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1. It also removes the so-called hold harmless provision that limits the amount of any decrease or increase in the total allocation for a career and technical education center or career and technical education region, effective January 1, 2020.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1607 An Act To Create the Department of Early Care and Learning CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KORNFIELD V		

This bill is a concept draft pursuant to Joint Rule 208. It proposes to create the Department of Early Care and Learning as a cabinet-level state agency within the executive branch of State Government. The department would assume primary responsibility for matters regarding children under six years of age in the State, including the care, health care and education of the children that are now the responsibility of the Department of Health and Human Services and the Department of Education.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1618 An Act To Authorize Career and Technical Education Regions To Enter into Energy Conservation Performance Contracts for School Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B GIDEON S	ONTP	

This bill adds the authority to enter into an agreement for energy conservation improvements with an energy

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services company to the powers and duties of a cooperative board of a career and technical education region, similar to the authority of a school administrative unit.

LD 1638 An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J	OTP-AM ONTP	S-171

This bill changes the appointing authority for four members of the Maine Charter School Commission from the State Board of Education to the Governor and increases the terms of those members from three years to four years.

Committee Amendment "A" (S-171)

This amendment, which is the majority report of the committee, clarifies that the Governor's appointments to the Maine Charter School Commission are subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate. This amendment also removes the provision of the bill that ends the terms on the effective date of this legislation of members of the commission who are not members of the State Board of Education and instead provides that a member of the commission serving on the effective date of this legislation may continue to serve until that member's term has expired.

Enacted Law Summary

Public Law 2019, chapter 406 changes the appointing authority for four members of the Maine Charter School Commission from the State Board of Education to the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate, and increases the terms of those members from three years to four years.

LD 1641 Resolve, To Examine Issues Relating to the School Transportation Workforce

RESOLVE 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E CUDDY S	OTP-AM	S-172

This bill allows public school bus drivers to collect unemployment benefits over the summer. It also creates a nonlapsing fund to award grants to school administrative units for training for school bus drivers between academic years.

Committee Amendment "A" (S-172)

This amendment replaces the bill with a resolve that directs the Department of Education, in collaboration with the Department of Labor, to comprehensively examine issues associated with the school transportation workforce, including, but not limited to, determining the best strategies for hiring, training and retaining school transportation personnel. The department is required to submit a report with findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor and Housing. Each committee is authorized to report out a bill on the subject matter of the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 59 directs the Department of Education, in collaboration with the Department of Labor, to comprehensively examine issues associated with the school transportation workforce, including, but not limited to,

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determining the best strategies for hiring, training and retaining school transportation personnel. The department is required to submit a report with findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor and Housing. Each committee is authorized to report out a bill on the subject matter of the report to the Second Regular Session of the 129th Legislature.

LD 1700 Resolve, Regarding African-American Student Data Analyses

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM	H-563

This resolve directs the Department of Education, with assistance from the Maine Education Policy Research Institute, the Maine Human Rights Commission and the Department of the Attorney General, Civil Rights Team Project, as well as a volunteer advisory group that includes representatives from African-American civil rights organizations in the State, African-American history and cultural organizations and the African American Collection at the University of Southern Maine, to collect information and prepare and make available materials that promote the rationale for adding African-American history and culture, including Maine African-American history and culture, to the curricular offerings of school administrative units.

Committee Amendment "A" (H-563)

This amendment removes the requirement that the Department of Education collect information and prepare and make available materials that promote the rationale for adding African-American history and culture to the curricular offerings of school administrative units. The amendment also removes the requirement that the department identify educators in the State who are implementing model approaches to teaching African-American history and culture.

LD 1715 An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B		

Beginning in fiscal year 2019-20 for early adopters and over a five-year implementation phase-in beginning in fiscal year 2020-21 for other school administrative units, this bill moves responsibility for providing special education and related services for children who are at least three years of age and under six years of age from the Department of Education, Child Development Services System, the state intermediate educational unit, to the school administrative units of residence of the children.

This bill eliminates the Child Development Services System and moves the entire responsibility for providing services to children from birth to under three years of age to the Department of Education's office of special services. The funding plan continues the present arrangement of full responsibility for costs being shared among state funds, federal funds, the MaineCare program and private insurers.

Under this bill, the State continues its current practice of funding all services for preschool children with disabilities that are not paid for with federal funds, MaineCare funds or private funds.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1765 An Act To Expand and Clarify the Prohibition of Hazing at Elementary Schools, Secondary Schools and Postsecondary Institutions

PUBLIC 372

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T POULIOT M	OTP-AM	H-529

This bill updates the prohibition of hazing in elementary, secondary and postsecondary schools and institutions as follows:

1. Expanding and clarifying the activity that constitutes hazing;
2. Making it explicit that the prohibition applies to public and private elementary, secondary and postsecondary schools;
3. Making hazing a Class E crime;
4. Disallowing defenses such as consent or willing participation of the subject of the hazing, that no injury or damage resulted from the hazing or that the hazing was not sanctioned by or part of an organization's membership requirements; and
5. Providing immunity from civil or criminal liability for reporting or attempting to prevent hazing.

Committee Amendment "A" (H-529)

This amendment strikes and replaces the bill and clarifies that the definition of hazing means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a school or postsecondary institution in the State, or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.

Enacted Law Summary

Public Law 2019, chapter 372 updates the prohibition of hazing in elementary, secondary and postsecondary schools and institutions by amending the definition of hazing to mean any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a school or postsecondary institution in the State, or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity.

LD 1773 An Act To Clarify Bonding Authority for School Management and Leadership Centers

PUBLIC 336

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

This bill amends the law governing bonding authority of school management and leadership centers. The bill provides the provisions necessary to implement existing statutory authority of school management and leadership centers to issue bonds for school construction. These provisions are comparable to existing law for school construction bonds issued by school administrative units or by career and technical education regions. The bonding provisions include a debt limit of 4% of state-adjusted valuation; a debt limit exclusion for state-subsidized debt; a

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25-year maximum bond term; a method for debt allocation, assessment and collection; and the rights of bondholders to enforce the payment of bonds to facilitate their sale.

Committee Amendment "A" (H-505)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 336 amends the law governing bonding authority of school management and leadership centers, which will be known as "education service centers." It provides the provisions necessary to implement existing statutory authority of school management and leadership centers to issue bonds for school construction. These provisions are comparable to existing law for school construction bonds issued by school administrative units or by career and technical education regions. The bonding provisions include a debt limit of 4% of state-adjusted valuation; a debt limit exclusion for state-subsidized debt; a 25-year maximum bond term; a method for debt allocation, assessment and collection; and the rights of bondholders to enforce the payment of bonds to facilitate their sale.

LD 1341, An Act to Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers, enacted pursuant to Public Law 2019, chapter 219, amended the name of school management and leadership centers to "education service centers."

LD 1778 An Act To Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R FARNSWORTH D	OTP-AM ONTP	S-267

This bill does the following:

1. Amends certain provisions governing the Children's Cabinet;
2. Eliminates the Maine Children's Growth Council;
3. Eliminates the Child Care Advisory Council; and
4. Establishes the Maine Children's Cabinet Early Childhood Advisory Council to develop and evaluate under the direction of the Children's Cabinet a plan for the healthy development of the State's young children and their families.

Committee Amendment "A" (S-267)

This amendment, which is the majority report of the committee, does the following:

1. Amends the membership of the Maine Children's Cabinet Early Childhood Advisory Council to include two members of the Senate and two members of the House of Representatives, one from each of the two political parties having the greatest number of members in the House and Senate. It also requires that the member who is the parent of a young child be appointed by the Speaker of the House and the member representing child abuse and neglect prevention be appointed by the President of the Senate and adds two members who represent public and private family child care providers nominated by their organizations and appointed by the Children's Cabinet;
2. Requires the council to submit its annual report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters in addition to the Children's

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Cabinet;

3. Adds a member of the Maine Children's Cabinet Early Childhood Advisory Council to the Education Research Institute Steering Committee in place of the member of the Maine Children's Growth Council; and
4. Adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 450 does the following:

1. Amends certain provisions governing the Children's Cabinet.
2. Eliminates the Maine Children's Growth Council.
3. Eliminates the Child Care Advisory Council.
4. Establishes the Maine Children's Cabinet Early Childhood Advisory Council to develop and evaluate under the direction of the Children's Cabinet a plan for the healthy development of the State's young children and their families and requires the council to submit its annual report to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters in addition to the Children's Cabinet.
5. Replaces the member of the Education Research Institute Steering Committee who was a member of the Maine Children's Growth Council with a member who is a member of the newly-established Maine Children's Cabinet Early Childhood Advisory Council.

LD 1785 An Act To Amend Certain Education Laws

PUBLIC 398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V	OTP-AM	H-583

This bill makes the following changes to the education laws.

1. It repeals a provision of law relating to a central information system on resources for people with disabilities.
2. It repeals a provision of law relating to hazardous chemicals in schools.
3. It repeals provisions of law relating to school construction projects approved by the State Board of Education prior to July 1, 1977.
4. It replaces the term "limited English proficiency student" with the term "English learner."
5. It repeals a provision of law relating to Alcohol Awareness Day.
6. It authorizes a school board to provide school nurse services through an agreement with an individual registered professional nurse.
7. It repeals provisions of law relating to the Department of Education activities relating to school substance use disorder services and performance-enhancing substances and the Obesity and Chronic Disease Fund.

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8. It removes the limitation on the total cost of the components of essential programs and services.
9. It changes the amount of the adjustment for economically disadvantaged students.
10. It removes a requirement that school construction project plans and specifications must be approved by certain state entities.
11. It removes the Department of Administrative and Financial Services, Bureau of General Services from the requirement to perform certain activities relating to school construction projects.
12. It includes psychometrically valid English language proficiency screening for potential English learners in the screening that local units may develop.
13. It removes a reference to Maine Merchant Marine Day in the powers and duties of the State Board of Education.
14. It amends the powers and duties of a cooperative board for a career and technical education region.
15. It amends the laws governing elementary and secondary tuition students.
16. It adds a definition of "rural school administrative unit" for purposes of allocating federal funds under the federal Every Student Succeeds Act.
17. It increases from 90 days to 150 days the period of time in which a charter school authorizer must submit an annual report.

Committee Amendment "A" (H-583)

This amendment does the following.

1. Retains the provisions in law relating to: the Department of Education activities relating to substance use disorder, the Department of Health and Human Services activities relating to performance-enhancing substances and the Obesity and Chronic Disease Fund.
2. Instead of requiring the Department of Education to maintain a central information system on resources for people with disabilities, it requires the Department of Education to develop and maintain a comprehensive database of resources for people with disabilities on the department's publicly accessible website.
3. Removes a gendered pronoun.
4. Allows an elementary school student who resides in the unorganized territory to attend as a tuition student any public or private elementary school approved for tuition purposes and a secondary school student who resides in the unorganized territory to attend as a tuition student any public or private secondary school to which that student may gain entrance that is approved for tuition purposes.
5. Clarifies that the amount of the adjustment for economically disadvantaged students is the amount computed as the school administrative unit's total allocation for economically disadvantaged students.

Enacted Law Summary

Public Law 2019, chapter 398 makes the following changes to the education laws.

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1. It amends a provision of law relating to a central information system on resources for people with disabilities to instead require the Department of Education to develop and maintain a comprehensive database of resources for people with disabilities on the department's publicly accessible website.
2. It repeals a provision of law relating to hazardous chemicals in schools.
3. It repeals provisions of law relating to school construction projects approved by the State Board of Education prior to July 1, 1977.
4. It replaces the term "limited English proficiency student" with the term "English learner."
5. It authorizes a school board to provide school nurse services through an agreement with an individual registered professional nurse.
6. It removes the limitation on the total cost of the components of essential programs and services.
7. Clarifies that the amount of the adjustment for economically disadvantaged students is the amount computed as the school administrative unit's total allocation for economically disadvantaged students.
8. It removes a requirement that school construction project plans and specifications must be approved by certain state entities.
9. It removes the Department of Administrative and Financial Services, Bureau of General Services from the requirement to perform certain activities relating to school construction projects.
10. It includes psychometrically valid English language proficiency screening for potential English learners in the screening that local units may develop.
11. It removes a reference to Maine Merchant Marine Day in the powers and duties of the State Board of Education.
12. It amends the powers and duties of a cooperative board for a career and technical education region.
13. It amends the laws governing tuition students who reside in the Unorganized Territory by allowing elementary students to attend as a tuition student any public or private elementary school approved for tuition purposes and a secondary school student to attend as a tuition student any public or private secondary school to which that student may gain entrance that is approved for tuition purposes and removes a gendered pronoun in this section.
14. It adds a definition of "rural school administrative unit" for purposes of allocating federal funds under the federal Every Student Succeeds Act.
15. It increases from 90 days to 150 days the period of time in which a charter school authorizer must submit an annual report.

LD 1813 Resolve, To Ensure Safe and Inclusive Learning Environments

CARRIED OVER

Sponsor(s)
DAUGHTRY M

Committee Report

Amendments Adopted

Joint Standing Committee on Education and Cultural Affairs

This resolve directs the Commissioner of Education to convene a working group to review and develop recommendations to ensure safe and inclusive learning environments for LGBTQ students and educators in Maine schools. The commissioner is required to submit the working group's report to the Legislature by December 1, 2019. The Joint Standing Committee on Education and Cultural Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the recommendations. For purposes of this resolve, "LGBTQ" includes but is not limited to lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1815 An Act To Provide Funds to the University of Maine System to Continue
the Statewide Online Advanced Placement Course Program**

**PUBLIC 500
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT M	OTP-AM	S-283

This bill provides ongoing funds to continue the statewide online advanced placement course program in partnership with the University of Maine at Fort Kent.

Committee Amendment "A" (S-283)

This amendment transfers the administration of the statewide online advanced placement course program from the Department of Education in partnership with the University of Maine at Fort Kent to solely the University of Maine System. Accordingly, the amendment provides ongoing funds to continue the statewide online advanced placement program to the University of Maine System, instead of the Department of Education, and directs the University of Maine System to contract with the national governing body of the advanced placement course program, the College Board, to continue the program for the 2019-2020 school year. The amendment also requires the University of Maine System to submit annual reports to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the statewide online advanced placement course program. It also adds an emergency preamble and emergency clause and adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 500 transfers the administration of the statewide online advanced placement course program from the Department of Education in partnership with the University of Maine at Fort Kent to solely the University of Maine System. Accordingly, the law provides ongoing funds to continue the statewide online advanced placement program to the University of Maine System, instead of the Department of Education, and directs the University of Maine System to contract with the national governing body of the advanced placement course program, the College Board, to continue the program for the 2019-2020 school year. In addition, the University of Maine System must submit annual reports to the joint standing committee of the Legislature having jurisdiction over education matters on the status of the statewide online advanced placement course program.

Public Law 2019, chapter 500 was enacted as an emergency measure effective June 28, 2019.

**LD 1820 An Act To Amend the Laws Governing Investigations by School Entities
into Holders of Credentials**

PUBLIC 403

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KORNFIELD V	OTP-AM ONTP	H-591

Joint Standing Committee on Education and Cultural Affairs

This bill amends the laws governing investigations by school entities, which includes approved private schools, school administrative units, public charter schools, school management and leadership centers, schools in the unorganized territory and schools operated by the State, of credential holders. This bill:

1. Removes language requiring a school entity to notify the Department of Education within 15 business days of the initiation of a covered investigation by that school entity;
2. Requires a school entity to immediately notify the Department of Education if a credential holder who is the subject of a covered investigation leaves the school entity's employment for any reason prior to the conclusion of the covered investigation;
3. Eliminates the requirement that the school entity notify the department in writing of the final outcome of the investigation within five days of its completion and provide to the department a copy of any final report and instead requires that the school entity provide to the department a copy of any final report produced in support of the school entity's decision to discipline, suspend or terminate the credential holder;
4. If a credential holder left employment prior to the completion of a covered investigation and provides consent as part of that credential holder's application for employment with a school entity, directs the department to notify the superintendent or the chief administrative officer of that school entity of the fact that the credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder; and
5. Repeals language requiring the commissioner to adopt rules governing confidentiality of information received under the provisions concerning covered investigations.

Committee Amendment "A" (H-591)

This amendment is the majority report of the committee and does the following.

1. It clarifies that "covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse, inappropriate contact between a credential holder and a student, stalking or similar behavior that endangers the health, safety or welfare of a student. It removes the phrase "violating boundaries" from the definition.
2. It provides that a credential holder who is the subject of a final report produced in support of a school entity's decision to discipline, suspend or terminate the credential holder may submit to the Department of Education a written rebuttal to the report and that the written rebuttal must be placed in the department's investigative file.
3. It requires the department to destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.
4. It directs the department to convene a work group to study and report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into credential holders.

Enacted Law Summary

Public Law 2019, chapter 403 amends the laws governing investigations by school entities of credential holders as follows.

1. It clarifies that "covered investigation" means an investigation by a school entity into the conduct of a holder of a credential that a school entity has a reasonable expectation would affect the credential holder's employment or contracted service because the alleged conduct involves alcohol, illegal drugs, physical abuse, emotional abuse,

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inappropriate contact between a credential holder and a student, stalking or similar behavior that endangers the health, safety or welfare of a student. It removes the phrase "violating boundaries" from the definition.

2. Removes language requiring a school entity to notify the Department of Education within 15 business days of the initiation of a covered investigation by that school entity.

3. Requires a school entity to immediately notify the Department of Education if a credential holder who is the subject of a covered investigation leaves the school entity's employment for any reason prior to the conclusion of the covered investigation.

4. Eliminates the requirement that the school entity notify the department in writing of the final outcome of the investigation within five days of its completion and provide to the department a copy of any final report and instead requires that the school entity provide to the department a copy of any final report produced in support of the school entity's decision to discipline, suspend or terminate the credential holder.

5. It provides that a credential holder who is the subject of a final report produced in support of a school entity's decision to discipline, suspend or terminate the credential holder may submit to the Department of Education a written rebuttal to the report and that the written rebuttal must be placed in the department's investigative file.

6. It provides that if a credential holder left employment prior to the completion of a covered investigation and provides consent as part of that credential holder's application for employment with a school entity, directs the department to notify the superintendent or the chief administrative officer of that school entity of the fact that the credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder.

7. It requires the department to destroy copies of all records and reports related to a finding resulting in discipline, suspension or termination of a credential holder if the finding resulting in that discipline, suspension or termination is reversed upon appeal at the school entity level.

8. Repeals language requiring the commissioner to adopt rules governing confidentiality of information received under the provisions concerning covered investigations.

9. It directs the department to convene a work group to study and report to the Joint Standing Committee on Education and Cultural Affairs no later than February 1, 2020 on recommendations and suggested legislation to improve the law regarding investigations into credential holders.

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SUBJECT INDEX

Adult Education

Enacted

LD 718 **An Act To Increase Funding for Adult Basic Literacy, Workplace Education and College Preparedness** **ONTP**

Attendance and School Days

Enacted

LD 150 **An Act To Improve Attendance at Public Elementary Schools** **PUBLIC 235**

LD 151 **An Act To Align State Law with Current Practice Regarding Required School Attendance** **PUBLIC 508**

LD 930 **An Act To Give Maine Schools Additional Options To Make Up Missed School Days** **PUBLIC 105**

Not Enacted

LD 770 **An Act To Provide for a Later Starting Time for High Schools** **Majority (ONTP) Report**

LD 1174 **An Act To Facilitate Remote Learning during School Cancellations** **ONTP**

Career and Technical Education

Not Enacted

LD 161 **An Act To Increase Access to Career and Technical Education** **ONTP**

LD 358 **An Act To Increase Funding for Career and Technical Education for Fiscal Year 2019-20** **Died on Adjournment**

LD 504 **An Act To Enhance the Development of Innovative Career and Technical Education Programs** **ONTP**

LD 1036 **Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System and Increased Crosswalks for Academic Credit between Secondary Schools and Career and Technical Education Programs** **HELD BY GOVERNOR**

LD 1046	An Act To Authorize the Department of Education To Provide Flexibility in the Required Credentials for Teachers in Career and Technical Programs	ONTP
LD 1064	An Act To Address Maine’s Firefighter Shortage by Offering Firefighter Training for Credit in High School Career and Technical Education Programs	ONTP
LD 1267	An Act To Allow the Awarding of Graduation Credits by Career and Technical Education Centers and Regions	ONTP
LD 1606	An Act To Increase Funding for Career and Technical Education Programs	CARRIED OVER
LD 1618	An Act To Authorize Career and Technical Education Regions To Enter into Energy Conservation Performance Contracts for School Facilities	ONTP

Cultural Affairs

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LD 1149	An Act To Strengthen the Maine State Library	PUBLIC 521
LD 1396	An Act To Update the Laws Governing the Regional Library Systems	PUBLIC 150

Not Enacted

LD 135	An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery	Died Between Houses
LD 246	An Act To Secure the Future of the Frances Perkins Homestead	CARRIED OVER
LD 503	An Act To Provide Additional Funding for the Maine Bicentennial Commission	Leave to Withdraw Pursuant to Joint Rule 310
LD 610	An Act To Provide Funding for Maine Public	CARRIED OVER
LD 626	An Act To Provide Funding for the Naval Museum and Gardens in Brunswick	CARRIED OVER

Curriculum, Instruction, and Testing

Enacted

LD 283	Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education	RESOLVE 12 EMERGENCY
LD 576	Resolve, Directing the Department of Education To Study and Develop an Online Learning Platform for Students and Educators	RESOLVE 25
LD 985	An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards and Adding the Equivalent in Standards Achievement	PUBLIC 202
LD 1024	An Act To Destigmatize Mental Illness through Health Instruction That Emphasizes the Relationship between physical and Mental Health in Schools	PUBLIC 106
LD 1382	Resolve, Directing the Department of Education To Study and Develop a State Plan for Computer Science Instruction and Professional Development	RESOLVE 78
LD 1815	An Act To Provide Funds to the University of Maine System to Continue the Statewide Online Advanced Placement Course Program	PUBLIC 500 EMERGENCY

Not Enacted

LD 14	An Act To Improve Science and Engineering Education for Maine's Students	ONTP
LD 137	An Act To Make the Maine Learning Technology Initiative More Cost-effective	ONTP
LD 160	An Act To Add Instruction in Personal Finance to the Statewide System of Learning Results	Majority (ONTP) Report
LD 185	An Act To Provide a Method for a Student To Be Excused from Standardized Testing	Majority (ONTP) Report
LD 210	An Act To Increase Technology and Engineering Education for Grades 7 to 12	ONTP
LD 318	An Act To Prepare All Students for Work and Life by Requiring That Students Receive Instruction in Vocational Preparation and Practical Life Skills	Majority (ONTP) Report
LD 387	An Act To Require Cursive Handwriting Instruction in Grade 3 to Grade 5	ONTP
LD 470	An Act To Provide Traffic Safety Education in Schools	CARRIED OVER

LD 587	An Act To Require Career Options Education for High School Students	ONTP
LD 654	An Act Regarding Instruction in Civics in Secondary Schools	ONTP
LD 662	An Act To County Study Abroad toward Secondary School Credit	CARRIED OVER
LD 750	An Act To Allow Junior Reserve Officers' Training Corps Instructors To Instruct without State Certification	Majority (ONTP) Report
LD 882	Resolve, To Require the Examination of the System of Learning Results	CARRIED OVER
LD 1050	An Act To Require Education about African-American History and the History of Genocide	CARRIED OVER
LD 1152	An Act To Make the Maine Educational Assessment Optional for Kindergarten to Grade 8	ONTP
LD 1369	An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools	Died Between Houses
LD 1700	Resolve, Regarding African-American Student Data Analyses	HELD BY GOVERNOR

Department of Education, State Board of Education

Enacted

LD 176	An Act To Enhance Participation on the State Board of Education	PUBLIC 421
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Not Enacted

LD 484	Resolve, To Establish a Maine State High School Diploma	ONTP
LD 589	Resolve, Directing the State Board of Education To Adopt Rules Prohibiting Teachers in Public Schools from Engaging in Political, Ideological or Religious Advocacy in the Classroom	ONTP
LD 1425	An Act To Maintain the Integrity of the Department of Education by Prohibiting Its Promotion of Policies and Practices That Are Not Based on Rigorous Peer Review and Analysis, Limiting Acceptance of Private Funding in Implementation and Influencing State Policy and Retaining the Home Rule Powers to School Administrative Units	Majority (ONTP) Report

Early Childhood Special Education Programs

Enacted

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| LD 642 | An Act Regarding Kindergarten Readiness for Children Who Are Deaf and Hard of Hearing | PUBLIC 429 |
| LD 997 | An Act To Promote Social and Emotional Learning and Development for Young Children | PUBLIC 481 |

Not Enacted

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| LD 512 | Resolve, To Authorize the Legislature To Contract for an Independent Review To Evaluate and Plan for the Implementation of Maine’s Early Childhood Special Education Services | CARRIED OVER |
| LD 632 | An Act To Promote Free, Appropriate Public Education | ONTP |
| LD 1715 | An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age | CARRIED OVER |

Education - Other

Enacted

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|----------------|--|---------------------------------|
| LD 103 | An Act To Ensure the Integrity of For-profit Colleges and Universities | PUBLIC 157 |
| LD 388 | An Act To Recognize Employee Background Checks Conducted for Out-of-state Schools Eligible for Maine Tuition Assistance | PUBLIC 114
EMERGENCY |
| LD 944 | An Act To Ban Native American Mascots in all Public Schools | PUBLIC 123 |
| LD 1778 | An Act To Amend the Laws Concerning the Children’s Cabinet and Its Advisory Councils | PUBLIC 450 |
| LD 1785 | An Act To Amend Certain Education Laws | PUBLIC 398 |

Not Enacted

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| LD 685 | An Act To Amend the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering | ONTP |
| LD 703 | An Act To Help Maine Students Succeed | CARRIED OVER |

LD 1607 An Act To Create the Department of Early Care and Learning CARRIED OVER

Extracurricular Programs and Activities

Not Enacted

LD 395 An Act To Protect Access to Outside-of-school Enrichment Opportunities ONTP

LD 502 An Act To Establish the Summer Success Pilot Program Fund CARRIED OVER

LD 711 Resolve, To Establish a Commission To Study and Recommend a Minimum Age for Participation in Tackle Football ONTP

LD 1347 An Act To Promote High-quality After-school Programs in Public Schools ONTP

LD 1521 An Act To Expand Skill Development Opportunities for Maine Youth CARRIED OVER

Health, Nutrition and Safety

Enacted

LD 97 Resolve, Regarding Legislative Review of Portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a Major Substantive Rule of the Department of Education RESOLVE 14 EMERGENCY

LD 167 An Act To Prevent Food Shaming in Maine's Public Schools PUBLIC 54

LD 441 An Act To Reduce Childhood Exposure to Harmful Ultraviolet Radiation by Allowing Students to Use Sunscreen in Schools PUBLIC 32

LD 454 An Act To Encourage the Purchase of Local Produce for Public Schools PUBLIC 511

LD 541 Resolve, To Reduce Food Waste in Schools RESOLVE 45

LD 577 An Act To Increase Access to Nutritious Foods in School by Implementing an After-school Food Program for At-risk Students PUBLIC 428

LD 701 An Act To Modernize the National School Lunch Program and the School Breakfast Program PUBLIC 480

LD 773 An Act Regarding Secondary School Education Concerning Sexual Activity and Sexual Assault PUBLIC 196

LD 798	An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements	PUBLIC 154
LD 858	Resolve, Directing the Department of Education To Study and Make Recommendations Relating to School Safety and Security	RESOLVE 26
LD 1168	Resolve, To Improve Maine’s Response to Childhood Trauma	RESOLVE 63 EMERGENCY
LD 1306	Resolve, To Examine Issues Relating to Bullying in Schools	RESOLVE 44

Not Enacted

LD 29	Resolve, To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State by Establishing a Work Group to Develop Educational Programming for Prevention of Substance Use and Substance Use Disorders among Youth and Adolescents	ONTP
LD 359	An Act To Address Student Hunger with a “Breakfast after the Bell” Program	CARRIED OVER
LD 549	An Act To Promote Academic Achievement through Hunger Relief for Maine Children	Died On Adjournment
LD 605	An Act To Improve Antihunger Programs in Maine Schools	ONTP
LD 736	An Act To Protect Students during Elections Held at Their Schools	ONTP
LD 987	An Act To Provide Autonomy for Health Care Providers To Practice Patient-centered Care by Amending the Laws Governing Medical Exemptions to Immunization Requirements	Majority (ONTP) Report
LD 1035	Resolve, To Streamline the Process by Which Schools Receive Fresh Fruit and Vegetables	Leave to Withdraw Pursuant to Joint Rule 310
LD 1343	An Act To Improve Health Education and Physical Education in Schools	ONTP
LD 1344	An Act To Improve Nutrition in Maine Schools	ONTP
LD 1351	An Act To Allow for the Recovery and Redistribution of Food in Public Schools	ONTP
LD 1376	An Act To Direct the Department of Education To Amend Its Rules To Ensure That Physical Restraint and Seclusion Policies Are Followed and Make Biennial Reports on the Use of Physical Restraint and Seclusion	CARRIED OVER

LD 1813 **Resolve, To Ensure Safe and Inclusive Learning Environments** **CARRIED OVER**

Postsecondary Education Finance and Student Aid

Enacted

LD 206 **An Act To Raise the University of Maine System Debt Ceiling** **PUBLIC 487**

LD 1283 **Resolve, To Advance College Affordability by Convening a Task Force To Recommend a Sustainable Funding Model for Maintaining Maine’s Public Higher Education Infrastructure** **RESOLVE 65
EMERGENCY**

LD 1538 **Resolve, Directing the Public Higher Education Systems Coordinating Committee To Study Compensation Equity among Public Higher Education Institutions** **RESOLVE 52**

LD 1566 **Resolve, To Determine Ways To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care** **RESOLVE 56**

Not Enacted

LD 155 **An Act To Ensure Transparency in College Costs** **ONTP**

LD 860 **An Act To Establish the Maine Community College System No-cost Tuition** **CARRIED OVER**

Postsecondary Education Governance and Coordination

Not Enacted

LD 665 **Resolve, Directing the Office of the Attorney General To Review Free Speech on Public College and University Campuses** **CARRIED OVER**

LD 760 **An Act To Prohibit the University of Maine System, the Maine Community College System and the Maine Maritime Academy from Considering the Criminal Records of Applicants** **Leave to Withdraw Pursuant to Joint Rule 310**

LD 866 **An Act To Support College Completion by Homeless Youth in Maine** **HELD BY GOVERNOR**

Public Charter Schools and School Choice

Enacted

LD 307	An Act To Limit the Number of Charter Schools in Maine	PUBLIC 307
LD 513	An Act To Limit the Number of Students and Prevent the Addition of Grade Levels at Virtual Public Charter Schools	PUBLIC 253
LD 1638	An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission	PUBLIC 406

Not Enacted

LD 438	An Act To Allow the Creation of New Innovative School Models by Removing the Cap on the Number of Authorized Charter Schools	ONTP
LD 714	An Act To Prohibit Public Charter Schools from Expending Funds for Advertising	ONTP
LD 1029	An Act To Expand Educational Opportunities for Students Attending Public Secondary Schools with Enrollments of 300 or Fewer Students	ONTP
LD 1227	An Act To Allow Parents To Apply to the Commissioner of Education To Enroll Their Children in a Receiving School Administrative Unit and To Remove Limitations on Which Students May Be So Enrolled	Majority (ONTP) Report

Public Preschool Programs

Enacted

LD 1262	An Act To Allow Funds from the Federal E-Rate Program To Be Applied to Maine Preschool Programs	PUBLIC 241
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Not Enacted

LD 237	An Act To Appropriate Funds for Coaching Services for Existing and New Prekindergarten Programs	ONTP
LD 468	An Act To Require That the State Fund on an Ongoing Basis a Minimum of 50 percent of the Costs Associated with Public Preschool Programs	ONTP
LD 1043	An Act to Establish Universal Public Preschool Programs	CARRIED OVER
LD 1428	An Act To Require the State To Fund 50 Percent of Public Preschool	ONTP

Safe Schools and Student Conduct

Not Enacted

LD 247	An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling	PUBLIC 45
LD 1010	Resolve, Directing the Department of Education To Develop a Model School Disciplinary Policy	RESOLVE 31
LD 1370	An Act To Address Dangerous Behavior in the Classroom	PUBLIC 458
LD 1765	An Act To Expand and Clarify the Prohibition of Hazing at Elementary Schools, Secondary Schools and Postsecondary Institutions	PUBLIC 372

Not Enacted

LD 965	An Act To Restrict Cell Phone Use by Students While in School	Majority (ONTP) Report
LD 1182	An Act To Improve School Safety by Requiring Law Enforcement Visits	Majority (ONTP) Report

School Boards and School Budgets

Enacted

LD 721	An Act To Encourage Public Participation in School Board Meetings	PUBLIC 293
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Not Enacted

LD 63	An Act To Improve Responsiveness of Elected School Boards to the Public	Majority (ONTP) Report
LD 236	An Act Regarding the Use of Unanticipated State Aid for Kindergarten to Grade 12 Education	Majority (ONTP) Report
LD 664	An Act To Organize Biannual County Meetings for Local School Boards	ONTP

School Construction, Facilities, and Transportation

Enacted

LD 375	An Act To Promote the Forest Products Industry in School Construction and Renovating Involving Heating Systems	PUBLIC 53
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LD 1593	An Act To Support Infrastructure Improvements in Schools	PUBLIC 385
LD 1641	Resolve, To Examine Issues Relating to the School Transportation Workforce	RESOLVE 59
<u>Not Enacted</u>		
LD 225	An Act Regarding Transportation Management Software and School Bus Replacement	Majority (ONTP) Report
LD 404	An Act To Fund the School Revolving Renovation Fund	Died on Adjournment
LD 557	An Act To Create and Fund the School Revolving Maintenance Fund to Support the Usefulness and Longevity of Public School Buildings	ONTP
LD 712	An Act To Increase the School Construction Debt Service Limit	CARRIED OVER

School District Organization

Enacted

LD 406	An Act To Establish Regional School Leadership Academics	PUBLIC 70
LD 1216	An Act To Support Community Schools	PUBLIC 434
LD 1341	An Act To Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers	PUBLIC 219
LD 1592	An Act To Allow the Dissolution of Regional School Units Composed of a Single Municipality	PUBLIC 302
LD 1773	An Act To Clarify Bonding Authority for School Management and Leadership Centers	PUBLIC 336

School Finance

Enacted

LD 98	Resolve, Regarding Legislative Review of Portions of Chapter 122: Grant Application and Award Procedure: Fund for the Efficient Delivery of Educational Services, a Major Substantive Rule of the Department of Education	RESOLVE 8 EMERGENCY
LD 309	Resolve, Directing the Department of Education To Direct a Study of the Regional Adjustment for School Administrative Units	RESOLVE 70 EMERGENCY

LD 412 **An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18** **PUBLIC 213**

Not Enacted

LD 259 **An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools** **Died on Adjournment**

LD 385 **An Act To Base School Funding on the Number of Students Sent by a Town to a Regional School Unit** **ONTP**

LD 727 **An Act Concerning Funding of Alternative Organizational Structures** **ONTP**

LD 979 **An Act To provide Consistent Data Regarding Educational Funding** **ONTP**

LD 1170 **An Act To Raise the Floor of State Education Funding** **ONTP**

LD 1497 **An Act To Recognize High-performing, Efficient School Districts with Regard to the System Administration Allocation** **ONTP**

LD 1508 **An Act To Respect the Will of Maine Voters by Funding Education at 55 Percent** **Died on Adjournment**

Special Education

Enacted

LD 651 **Resolve, To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services** **RESOLVE 29**

Not Enacted

LD 136 **An Act To Establish a Special Education Circuit Breaker Reimbursement Program** **CARRIED OVER**

LD 464 **An Act To Change the Period To Request a Due Process Hearing for Costs Related to a Unilateral Private School Placement from a Public School** **ONTP**

LD 791 **An Act To Provide School Districts with Full State Funding for Students with High-cost Special Education Needs** **CARRIED OVER**

LD 852 **Resolve, To Establish the Task Force To Study the Coordination of Services and Expansion of Educational Programs for Young Adults with Disabilities** **Died on Adjournment**

Student Privacy

Not Enacted

LD 296	An Act Regarding Student Privacy with Respect to Video Recordings	ONTP
LF 843	An Act To Clarify Parental Consent Regarding the Release of Student Information	Leave to Withdraw Pursuant to Joint Rule 310
LD 1331	An Act To Amend the Student Information Privacy Act	ONTP

Teachers and Administrators

Enacted

LD 92	An Act To Amend Educator Evaluation Requirements	PUBLIC 27
LD 345	An Act To Help New Teachers Succeed	PUBLIC 132
LD 898	An Act To Provide for Support for New Educators	PUBLIC 518
LD 1338	An Act To Protect Teachers from Unfair Evaluations	PUBLIC 297
LD 1478	Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education	RESOLVE 101
LD 1549	An Act To Increase the Supplement for Certain National Board for Professional Teacher Standards Certified Teachers in Maine	PUBLIC 394
LD 1820	An Act To Amend the Laws Governing Investigations by School Entities into Holders of Credentials	PUBLIC 403

Not Enacted

LD 55	An Act To Return the Normal Cost of Teacher Retirement to the State	ONTP
LD 178	An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers	CARRIED OVER
LD 405	An Act To Increase the Statewide Minimum Salary for Teachers	ONTP

LD 419	An Act To Require Minimum Salary of \$50,000 for Public School Teachers	ONTP
LD 427	An Act To Require the State To Fund Teacher Retirement	CARRIED OVER
LD 672	An Act To Allow Local Flexibility in Teacher Assignment To Enhance Student Achievement	Majority (ONTP) Report
LD 729	An Act Regarding the Probationary Period for Teachers	ONTP

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

August 2019

MEMBERS:

SEN. BROWNIE EVERETT CARSON, CHAIR
SEN. JUSTIN M. CHENETTE
SEN. ROBERT A. FOLEY

REP. RALPH L. TUCKER, CHAIR
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REP. THOMAS H. SKOLFIELD
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*Committee member for a portion of the session

Joint Standing Committee on Environment and Natural Resources

LD 61 An Act To Improve the Maine Bottle Redemption Process ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to simplify and improve the efficiency of the bottle redemption process.

LD 87 An Act To Increase the Bottle Redemption Deposit ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P JACKSON T	ONTP	

This bill increases to 25¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. This increase does not apply to wine and spirits containers.

LD 93 An Act To Amend the Laws Governing Bottle Redemption To Counterbalance for Redemption Centers the Increase in Minimum Wage ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D CARPENTER M	ONTP	

This bill increases by 1¢ per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

LD 102 An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUDERA V MIRAMANT D		

This bill prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container unless the container is composed of at least 15% postconsumer recycled plastic. Beginning January 1, 2022, this threshold for the percentage of postconsumer recycled plastic in single-use plastic beverage containers increases to 20% and, beginning January 1, 2024, the threshold increases to 25%.

The bill also prohibits, beginning January 1, 2020, a manufacturer from selling, offering for sale or distributing for sale in the State a single-use plastic beverage container with a plastic beverage cap unless the cap is composed of the same plastic as the beverage container and the cap is tethered to the container in a manner that prevents the separation of the cap from the container when the cap is removed or the cap includes an opening from which the

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beverage can be consumed while the cap remains screwed onto or otherwise affixed to the container.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 112 An Act To Implement Changes to Maine's Solid Waste Laws Pursuant to PUBLIC 291
a Review of the State Waste Management and Recycling Plan**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUCKER R	OTP-AM	H-439

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to implement changes to the laws governing the management, reduction and recycling of solid waste determined necessary based on a review of revisions to the state waste management and recycling plan prepared by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 38, section 2122 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters pursuant to Title 38, section 2124.

Committee Amendment "A" (H-439)

This amendment replaces the bill, which is a concept draft, and makes the following changes to the State's solid waste management laws.

Part A of the amendment:

1. Amends a definition in the State's solid waste management laws for the term "bypass";
2. Specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. Stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available; and
4. Authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license.

Part B of the amendment:

1. Requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
2. Clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
3. Changes the existing due date for the department's report on statewide generation of solid waste, recycling rates

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and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

Enacted Law Summary

Public Law 2019, chapter 291 makes the following changes to the State's solid waste management laws:

1. It amends a definition in the State's solid waste management laws for the term "bypass";
2. It specifies through legislative findings and statements of legislative intent that the purpose, management and operation of State-owned solid waste disposal facilities must be consistent with the solid waste management hierarchy under the Maine Revised Statutes, Title 38, section 2101;
3. It stipulates that the Department of Environmental Protection may authorize the land disposal of non-bypass, unprocessed municipal solid waste at State-owned solid waste disposal facilities only when a specific need for the disposal has been identified by the Department of Administrative and Financial Services, Bureau of General Services and the facility operator, the disposal is consistent with the solid waste management hierarchy and options for the management of the waste that represent a higher priority on the hierarchy are not otherwise reasonably available;
4. It authorizes the Department of Environmental Protection to limit the volume of municipal solid waste disposed of at a State-owned solid waste disposal facility and the duration of such disposal through imposition of such limitations under the facility's license;
5. It requires that, beginning March 1, 2020 and annually thereafter, a recycling establishment engaged in the marketing, brokering or purchasing of recyclable materials generated in the State report to the department regarding its recycling of such materials;
6. It clarifies the existing recycling reporting requirement for municipalities and changes the reporting to biennial rather than annual; and
7. It changes the existing due date for the department's report on statewide generation of solid waste, recycling rates and available disposal capacity to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters from January 1, 2020 and biennially thereafter to January 1, 2021 and biennially thereafter.

LD 197	An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill was originally referred to the Energy, Utilities and Technology Committee, which reported the bill out with a majority of its members supporting reference to the Environment and Natural Resources Committee and a minority of its members supporting an "ought not to pass" report. The bill was subsequently referred to the Environment and Natural Resources Committee.

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This bill imposes a two-year moratorium, beginning November 1, 2019, on new contracts or agreements by a consumer-owned water utility, municipality, state agency or other governmental entity involving the extraction of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons of groundwater on any day.

The bill also directs the Commissioner of Environmental Protection to convene a working group to develop the statutory and regulatory framework for the establishment of the Maine Water Trust, which must be designed to ensure a safe and plentiful drinking water supply for all residents of the State by regulating the use of groundwater for commercial purposes under laws that establish the absolute control and dominion of the State over all groundwater supplies in the State. The commissioner must, on or before January 15, 2021, report the recommendations of the working group to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters, which may report out a bill to implement those recommendations to the First Regular Session of the 130th Legislature.

LD 216 An Act To Protect Water Quality by Standardizing the Law Concerning PUBLIC 43
Septic Inspection in the Shoreland Zone

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J BLACK R	OTP ONTP	

This bill extends to inland shoreland areas the requirement that subsurface wastewater disposal systems on property located within a shoreland area be inspected prior to a sale of the property. Currently, that inspection requirement applies only to the sale of property located within a coastal shoreland area.

Enacted Law Summary

Public Law 2019, chapter 43 extends to inland shoreland areas the requirement that subsurface wastewater disposal systems on property located within a shoreland area be inspected prior to a sale of the property.

LD 221 An Act To Reduce the Cost of Automobile Repairs by Eliminating the ONTP
Aftermarket Catalytic Converter Requirement

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J CYRWAY S	ONTP	

This bill amends the Board of Environmental Protection's authority to adopt and enforce new motor vehicle emission standards by prohibiting the adoption of standards requiring that new aftermarket catalytic converters sold or installed in the State be certified to any standards adopted by the State of California or the California Air Resources Board. The bill also requires the Department of Environmental Protection, as soon as practicable, to amend its rule Chapter 127 relating to new motor vehicle emission standards in accordance with this statutory prohibition.

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**LD 248 An Act To Increase the Handling Fee for Beverage Containers
Reimbursed to Redemption Centers**

**PUBLIC 133
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T TUCKER R	OTP-AM ONTP	S-20 S-56 FOLEY R

This bill increases by 2¢ per returned container the reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

Committee Amendment "A" (S-20)

This amendment, which is the majority report of the committee, increases the reimbursement to the dealer or local redemption center for the cost of handling beverage containers by .5¢ beginning May 1, 2019 and by an additional one-half cent beginning January 1, 2020. It also adds an emergency preamble and emergency clause and an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-56)

This amendment amends Committee Amendment "A" to:

1. Increase the reimbursement to the dealer or local redemption center for the cost of handling beverage containers by .5¢ beginning January 1, 2020;
2. Eliminate a provision reducing by .5¢ the reimbursement to the dealer or local redemption center for the cost of handling beverage containers subject to a qualified commingling agreement;
3. Place a moratorium from May 1, 2019 to January 15, 2020 on the issuance by the Department of Environmental Protection of redemption center licenses to redemption centers not licensed prior to May 1, 2019 unless the department determines that a new redemption center is needed to serve an area in which an existing redemption center ceases to operate. This licensing prohibition does not apply to renewal of redemption center licenses issued prior to May 1, 2019; and
4. Direct the Commissioner of Environmental Protection to require each initiator of deposit that has entered into a commingling agreement, and its contracted agent, if any, to no later than July 1, 2019 report to the department the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. Upon receipt of this data, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers.

On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. The committee is authorized to report out legislation to implement recommendations contained in the report.

Enacted Law Summary

Public Law 2019, chapter 133 amends the State's bottle redemption laws as follows.

1. It increases the reimbursement to a dealer or local redemption center for the cost of handling beverage containers by .5¢ beginning January 1, 2020.

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- 2. It eliminates a provision of law reducing .by 5¢ the reimbursement to a dealer or local redemption center for the cost of handling beverage containers subject to a qualified commingling agreement.
- 3. It places a moratorium from May 1, 2019 to January 15, 2020 on the issuance by the Department of Environmental Protection of redemption center licenses to redemption centers not licensed prior to May 1, 2019 unless the department determines that a new redemption center is needed to serve an area in which an existing redemption center ceases to operate. This licensing prohibition does not apply to renewal of redemption center licenses issued prior to May 1, 2019.
- 4. It directs the Commissioner of Environmental Protection to require each initiator of deposit that has entered into a commingling agreement, and its contracted agent, if any, to no later than July 1, 2019 report to the department the number of beverage containers picked up from each redemption center on each pick-up date in calendar year 2018. Upon receipt of this data, the department shall assess the efficiency and convenience of the beverage container redemption system and develop recommendations to improve efficiencies in the handling and transportation of beverage containers and to ensure convenient collection of beverage containers for consumers.

On or before January 15, 2020, the commissioner shall submit a report to the Joint Standing Committee on Environment and Natural Resources detailing the department's findings and recommendations, including any proposed legislation. The committee is authorized to report out legislation to implement recommendations contained in the report.

Public Law 2019, chapter 133 was enacted as an emergency measure effective May 21, 2019.

LD 274 An Act To Allow the Sale of Ethanol-free Gasoline Statewide

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	OTP	

Since June 1, 2015, retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County have been required to sell only reformulated gasoline in those counties. This bill repeals that sales requirement effective November 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 55 repeals the requirement which has been in place since June 1, 2015, that retailers who sell gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County sell only reformulated gasoline in those counties. The repeal of that requirement is effective Nov. 1, 2020.

**LD 281 Resolve, Regarding Legislative Review of Portions of Chapter 692:
Siting of Oil Storage Facilities, a Major Substantive Rule of the
Department of Environmental Protection**

**RESOLVE 27
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 692: Siting of Oil Storage Facilities, a major substantive rule of the Department of Environmental Protection.

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Committee Amendment "A" (H-121)

This amendment authorizes final adoption by the Department of Environmental Protection of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Enacted Law Summary

Resolve 2019, chapter 27 authorizes final adoption by the Department of Environmental Protection of portions of Chapter 692: Siting of Oil Storage Facilities, a provisionally adopted major substantive rule of the department, only if a number of specified changes to the rule are made prior to final adoption.

Resolve 2019, chapter 27 was finally passed as an emergency measure effective May 16, 2019.

LD 289 An Act To Prohibit the Use of Certain Disposable Food Service Containers

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM OTP-AM	H-49 H-55 TUCKER R

Beginning January 1, 2020, this bill prohibits the sale or distribution in the State of disposable food service containers composed in whole or in part of polystyrene foam. The bill requires the Department of Environmental Protection to adopt rules to implement these statutory provisions.

Committee Amendment "A" (H-49)

This amendment, which is the majority report of the committee, replaces the bill, repeals the existing law regarding nondegradable food and beverage containers and enacts a new provision of law regarding disposable food service containers. Under the amendment, beginning January 1, 2021, a food establishment is prohibited, subject to certain exemptions, from processing, preparing, selling or providing food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. The amendment also:

1. Excludes from the definition of "disposable food service container" polystyrene foam coolers and ice chests that are used for the processing or shipping of seafood;
2. Adds sleeves and stirrers to the definition of "service ware";
3. Excludes from the definition of "food establishment" hospitals licensed under the Maine Revised Statutes, Title 22, chapter 405 and so-called meals on wheels establishments funded in whole or in part directly or indirectly by the Department of Health and Human Services; and
4. Incorporates from the existing law, which was repealed in the amendment, regarding nondegradable food and beverage containers certain definitions, a penalty provision and a prohibition on the use of plastic beverage stirrers by food establishments providing or serving beverages at a facility or function of the State or of a political subdivision.

Committee Amendment "B" (H-50)

This amendment, which is the minority report of the committee, changes the title and replaces the bill with a resolve that establishes the Plastics Recycling Task Force to be convened by the Commissioner of Environmental Protection. No later than January 15, 2020, the task force must submit to the Joint Standing Committee on

Joint Standing Committee on Environment and Natural Resources

Environment and Natural Resources a report containing its findings and recommendations, including a comprehensive plastics recycling management plan and recommendations for legislative, regulatory or local government actions necessary to increase the rate of plastics recycling in the State. After reviewing the report, the committee may report out legislation to implement the recommendations described in the report.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-55)

This amendment amends Committee Amendment "A" to replace the term "food establishment" with the term "covered establishment."

Enacted Law Summary

Public Law 2019, chapter 62 repeals the existing law regarding nondegradable food and beverage containers and enacts a new provision of law regarding disposable food service containers. Under that new provision of law, beginning January 1, 2021, a covered establishment is prohibited, subject to certain exemptions, from processing, preparing, selling or providing food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam. The new provision of law also:

1. Excludes from the definition of "disposable food service container" polystyrene foam coolers and ice chests that are used for the processing or shipping of seafood;
2. Adds sleeves and stirrers to the definition of "service ware";
3. Excludes from the definition of "covered establishment" hospitals licensed under the Maine Revised Statutes, Title 22, chapter 405 and so-called meals on wheels establishments funded in whole or in part directly or indirectly by the Department of Health and Human Services; and
4. Incorporates from the existing law regarding nondegradable food and beverage containers, which was repealed in the enacted law, certain definitions, a penalty provision and a prohibition on the use of plastic beverage stirrers by food establishments providing or serving beverages at a facility or function of the State or of a political subdivision.

**LD 319 An Act To Standardize the Laws Concerning Property Transfers and To ONTP
Protect Water Quality**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D BREEN C	ONTP	

This bill extends to inland shoreland areas the requirement that subsurface waste water disposal systems on property located within a shoreland area be inspected prior to a sale of the property. Currently, that inspection requirement applies only to the sale of property located within a coastal shoreland area.

LD 327 An Act To Revise Maine's Environmental Laws CARRIED OVER

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

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This bill, which is a concept draft pursuant to Joint Rule 208, proposes to revise laws governing environmental protection.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 338 An Act To Allow Flexibility in the Deposit Labeling of Metal Returnable Beverage Containers PUBLIC 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J FOLEY R	OTP	

Current law requires that returnable metal beverage containers be labeled with the refund value and the word "Maine" or "ME" embossed or stamped on the tops of the containers. This bill allows that information to appear anywhere except on the bottom of the container.

Enacted Law Summary

Public Law 2019, chapter 11 allows returnable metal beverage containers to be labeled with the refund value and the word "Maine" or "Me" embossed or stamped anywhere on the container except the bottom. Current law requires that information to be embossed or stamped on the top of the containers.

LD 356 An Act To Sustain Maine's Forest Products Industry by Implementing Certain Existing Solid Waste Management Policies Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to ensure that the State continues to implement certain solid waste management policies that were adopted to benefit all or part of the State's forest products industry.

LD 360 An Act To Increase the Reimbursement to Bottle Redemption Centers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J TUCKER R	ONTP	

This bill increases the reimbursement to the dealer or local redemption center for the cost of handling beverage containers by one cent beginning May 1, 2019 and by an additional one cent beginning January 1, 2020.

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LD 377 An Act To Protect Small Redemption Centers

ONTP

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

This bill amends the bottle redemption laws as follows.

1. It increases, beginning June 1, 2019, by one cent per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers.
2. It repeals the provision that authorizes the reduced handling fee for small brewers and water bottlers.
3. It requires the Commissioner of Environmental Protection, beginning in September 2021, and every two years thereafter, to convene a panel to review the adequacy of the reimbursement amount for beverage container handling costs and make any necessary recommendations regarding the reimbursement.

LD 378 An Act To Amend Maine's Bottle Deposit Law

ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to make changes designed to improve the State's laws governing deposits on beverage containers.

LD 401 An Act To Preserve State Landfill Capacity and Promote Recycling

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R GRATWICK G		

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures to ensure accurate tracking of the origin and type of waste materials disposed of in Maine, to discourage landfilling of recyclable materials, to preserve landfill capacity at state-owned facilities for Maine-generated materials, and to ensure the rights of host communities and abutters of waste disposal facilities. In order to achieve these goals, the bill proposes to:

1. Ensure there is accurate tracking and record keeping identifying the origin, amounts and types of materials disposed in waste facilities in the State;
2. Ensure waste is effectively tracked from generation point through processing to final disposal point, including the following types of facilities and disposal sites where tracking is required: landfills; landfill leachate discharge sites; incinerator ash and slag disposal sites; and biosolids disposal sites;
3. Ensure that waste materials imported from outside the State that are processed at facilities in the State are

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not classified as Maine-generated waste;

4. Ensure that waste materials that end up in a landfill, such as construction and demolition debris, which are used for daily cover in a landfill, are not counted toward the State's recycling goals;

5. Ensure adequate legal standing and strengthen protections for the health and well-being of people living in close proximity to waste disposal facilities;

6. Strengthen conflict-of-interest protections in awarding and management and oversight of state waste contracts to prevent price fixing and market manipulation; and

7. Direct the Department of Environmental Protection to amend rule Chapter 400, Maine Solid Waste Management Rules to:

A. Amend the definition of "bypass" to limit the waste that is considered bypass to solid waste that cannot be disposed of, processed or beneficially used at that facility because of malfunction, insufficient capacity, downtime or inability of the facility to process or burn;

B. Amend the definition of "recycle" and "recycling" to add a provision that any material left at a landfill is not considered recycled; and

C. Define "Maine-generated waste" as solid waste that is discarded for the first time within the physical confines of the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 413 An Act To Ensure the Rights of Citizens to Groundwater in the State ONTP

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to change the laws governing groundwater to recognize that the citizens of the State collectively own the State's groundwater. The bill establishes the State as the trustee and steward of the State's groundwater on behalf of the citizens of the State and requires the State to endeavor to ensure that the groundwater will always be available to the benefit of all the citizens of the State. It also directs the State to take all reasonable measures to ensure an adequate supply of usable groundwater for the citizens of the State and to monitor the level of sustainability of the groundwater and protect against uses of groundwater that are detrimental to aquifers, bodies of surface water or wetlands or to public health and welfare.

LD 426 An Act To Increase the Beverage Container Redemption Reimbursement To Offset Minimum Wage Increases ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE D FOLEY R	ONTP	

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This bill increases by .5¢ per returned container the handling costs to be reimbursed to the dealer or local redemption center for the cost of handling beverage containers beginning March 1, 2020.

LD 450 An Act To Increase Funding for the St. Croix International Waterway Commission CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M PERRY A	OTP-AM	S-19

This bill provides an additional \$25,000 per fiscal year to the St. Croix International Waterway Commission, provided the Province of New Brunswick, Canada commits to match the funding.

Committee Amendment "A" (S-19)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 505 An Act To Require the Use of Reusable Food Ware at Eating Establishments ONTP

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

This bill provides that a prepared food vendor may sell or provide prepared food to a customer for consumption on the vendor's premises only if the prepared food is served to the customer using reusable food ware. The bill also requires that a prepared food vendor may sell or provide prepared food to a customer for consumption off the vendor's premises using single-use disposable food ware only if the prepared food is served to the customer using single-use disposable food ware approved by the Department of Environmental Protection as recyclable or compostable.

The bill also requires that a prepared food vendor selling take-out food to a customer for consumption off the vendor's premises must require payment by the customer of a fee, retained by the prepared food vendor, of 25¢ for certain items of single-use disposable food ware in which the customer's take-out food is served or for each take-out meal served to the customer, whichever is less. The provisions of this bill also apply to a prepared food vendor or other food server providing or serving prepared food to customers at a state facility or state function.

LD 524 Resolve, Regarding the Promotion of Composting ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C FOLEY R	ONTP	

This resolve requires the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry to study the feasibility of establishing incentives or mandates to promote composting in the State. The departments are required to submit a joint report of their findings and recommendations, together with any

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necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Environment and Natural Resources, which may submit legislation relating to the report to the Second Regular Session of the 129th Legislature.

LD 543 *Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections* RESOLVE 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM ONTP	H-37

Current law requires the inspection of a subsurface wastewater disposal system on a property located within the shoreland area of the State that is to be transferred. This bill expands these requirements to apply to the transfer of any property in the State on which a subsurface wastewater disposal system is located. The bill also amends other provisions of the Maine Revised Statutes as necessary to incorporate these changes.

Committee Amendment "A" (H-37)

This amendment, which is the majority report of the committee, changes the title of the bill and changes the bill into a resolve directing the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Joint Standing Committee on Environment and Natural Resources on or before January 15, 2020 a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 13 directs the Department of Health and Human Services, in consultation with the Department of Environmental Protection, to submit to the Joint Standing Committee on Environment and Natural Resources on or before January 15, 2020 a report containing a variety of information regarding septic system inspections and the certification of septic system inspectors. After reviewing the report, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

LD 544 *An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products* CARRIED OVER

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to establish a system under which producers of tobacco products develop, finance and implement stewardship programs to collect, transport, process and safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the environmental effects of the disposal of that waste in the State. The bill proposes to:

1. Prohibit tobacco producers or retailers from selling or offering for sale tobacco products in the State unless they are participating in an approved tobacco waste stewardship program;
2. Require a tobacco producer to provide retailers that sell tobacco products information about the producer's tobacco waste stewardship program and information regarding available collection opportunities for post-consumer tobacco product waste. Under the bill, a retailer that sells tobacco products would be required to provide that information to its consumers at the time of sale;

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3. Require each tobacco producer to submit a plan for its tobacco waste stewardship program to the State for approval. The plan must:
 - A. Specify educational and outreach activities and materials that promote and increase awareness of the tobacco waste stewardship program, including but not limited to a website and written materials. The outreach materials must identify options for establishing an effective collection system, promote a reduction in the generation of post-consumer tobacco product waste, identify each tobacco producer participating in the program, identify participating brands of tobacco products sold and identify the processors that manage the post-consumer tobacco product waste that is collected;
 - B. Establish and provide for the implementation of goals to reduce the generation of post-consumer tobacco product waste;
 - C. Outline the responsibility for negotiating and executing contracts to collect, transport and process post-consumer tobacco product waste for end-of-product management;
 - D. Describe how the end-of-product management of post-consumer tobacco product waste that is collected under the tobacco waste stewardship program will use environmentally sound management practices that are consistent with state laws and other relevant environmental rules and practices for ultimate disposal;
 - E. Establish a timeline for carrying out an annual assessment of the effectiveness of actions taken under the tobacco waste stewardship program;
 - F. Include an anticipated annual operating budget for the tobacco waste stewardship program; and
 - G. Identify an effective, convenient system for the collection of post-consumer tobacco product waste that ensures sufficient permanent collection sites and provides for collection events in geographically underserved areas;
4. Establish a process for tobacco producers to amend their tobacco waste stewardship programs;
5. Require tobacco producers to submit annual reports, which must include the volume of post-consumer tobacco product waste collected, an independent financial audit, an evaluation of the tobacco waste stewardship program's funding mechanism, an updated budget, samples of educational and outreach materials, documentation of compliance with collection requirements, and a description of activities undertaken to achieve the program's goals as provided for in the program plan and identification of proposed changes to the program;
6. Allow the state agency charged with overseeing tobacco waste stewardship programs to develop a pilot project for a tobacco waste stewardship program;
7. Require the state agency charged with overseeing tobacco waste stewardship programs to establish a schedule of fees;
8. Make financial cost, production or sales data and records confidential and establish a process for disclosure of aggregate information;
9. Require the state agency charged with overseeing tobacco waste stewardship programs to publish by municipality, city or county the total weight of post-consumer tobacco product waste collected; and
10. Establish civil penalties for violations.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 550 An Act To Amend the Definition of "Subdivision" in the Laws PUBLIC 174
Governing Planning and Land Use Regulation for Subdivisions and a
Provision Excepting the Division of a New or Existing Structure from
Those Laws Beginning July 1, 2018

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N CAMPBELL D	OTP-AM	S-97

This bill changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law. It also extends the time municipalities have to register an ordinance with a conflicting definition with the registry of deeds. The bill also removes cross-references to the site location of development laws in an exemption to municipal subdivision review and adds a cross-reference to the law governing municipal site plan review ordinances.

Committee Amendment "A" (S-97)

This amendment includes a definition for the term "municipal site plan review" as used in an exemption to municipal subdivision review requirements. It also makes the changes to the subdivision law that are included in the bill retroactive to June 30, 2018.

Enacted Law Summary

Public Law 2019, chapter 174 amends the State's subdivision laws as follows.

1. It changes the date by which definitions of "subdivision" that are in municipal ordinances and that conflict with state law must comply with the definition of "subdivision" in state law.
2. It extends the time municipalities have to register an ordinance with a conflicting definition of "subdivision" with the registry of deeds.
3. It removes cross-references to the site location of development laws in an exemption to municipal subdivision review, instead requiring that projects eligible for that exemption be subject to "municipal site plan review," a term which is also defined in the enacted law.
4. It specifies that the changes to the subdivision laws that are included in the enacted law are retroactive to June 30, 2018.

LD 559 An Act To Restore Regular Mapping of Eelgrass Beds in the State CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J CARSON B	OTP-AM	H-48

This bill directs the Department of Environmental Protection, in consultation with the Department of Marine Resources, to establish and administer a program to regularly produce and update maps regarding the distribution of eelgrass beds in the State. Data collected and maps produced under this program must be made available on the Department of Environmental Protection's publicly accessible website. The Department of Environmental

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Protection is directed to submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters on or before January 1, 2021, and biennially thereafter, a report on the data collected and maps produced under this program.

Committee Amendment "A" (H-48)

This amendment creates the Eelgrass Mapping Fund to support the establishment and administration of the eelgrass mapping program required under the bill and authorizes the fund to accept grants, bequests, gifts or contributions from any source, public or private. The amendment also revises the mapping schedule for the mapping of eelgrass beds as proposed in the bill and adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 562 An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities

PUBLIC 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BREEN C	OTP-AM ONTP	H-38

This bill amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It requires the Department of Economic and Community Development, Office of Community Development to provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement. Current law only requires that the office provide basic training to code enforcement officers.
2. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000.
3. It provides that a municipal shoreland zoning ordinance must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

Committee Amendment "A" (H-38)

This amendment, which is the majority report of the committee, amends the bill by removing the requirement that the Department of Economic and Community Development, Office of Community Development provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement and instead removes from existing law the designation that the training program required by statute be basic.

Enacted Law Summary

Public Law 2019, chapter 40 amends the laws relating to the State's regulation of the shoreland zone as follows.

1. It removes from existing law the designation that the required training program for code enforcement officers in the technical and legal aspects of code enforcement, as implemented by the Department of Economic and Community Development, Office of Community Development, be basic.
2. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000.

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3. It provides that a municipal shoreland zoning ordinance must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and postconstruction photographs of the shoreline vegetation and development site.

LD 565 An Act To Establish the Maine Coastal Risks and Hazards Commission ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L BREEN C	ONTP	

This bill establishes the Maine Coastal Risks and Hazards Commission, the purpose of which is to develop and submit legislative recommendations regarding the actions to be taken by the State to address and prepare for coastal and coastal watershed hazards identified by the commission, including, but not limited to, increased storm surges, extreme precipitation and other extreme weather events, projected sea level rise and increased river flooding and storm water runoff. On or before November 1, 2022, and every four years thereafter, the commission must submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters containing its recommendations, including any draft legislation, to address and prepare for identified coastal and coastal watershed hazards.

LD 575 An Act To Increase the Bottle Redemption Deposit and the Amount Retained by Bottle Redemption Centers ONTP

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

This bill amends the State's bottle redemption laws as follows.

1. It increases to 10¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. This increase does not apply to wine and spirits containers.
2. It repeals the provision that authorizes the reduced handling fee for small brewers and water bottlers.
3. It increases by 3¢ per returned container the reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning January 1, 2020.

LD 579 An Act To Update Beverage Container Deposits and Redemption Values ONTP

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

This bill amends the State's bottle redemption laws as follows.

1. It increases to 15¢ the deposit and refund value on refillable and nonrefillable beverage containers whose deposit and refund value is currently 5¢. The bill also increases from 5¢ to 15¢ the deposit and refund value of wine and spirits containers of 50 milliliters or less, and from 15¢ to 45¢ the deposit and refund value of wine and spirits

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containers of greater than 50 milliliters.

2. It triples the amount per returned container of reimbursement to the dealer or local redemption center for the cost of handling beverage containers beginning January 1, 2020.

LD 582 An Act To Increase Vegetative Buffers in the Shoreland Zone

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)

FAY J

Committee Report

Amendments Adopted

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the laws governing shoreland zoning to increase the vegetative buffer requirement from 75 feet to 150 feet for certain areas in the shoreland zone. The bill also proposes to remove provisions in law that grandfather certain parcels of land and that allow smaller vegetative buffers on those parcels.

LD 590 An Act To Promote Climate Resiliency Measures To Protect Beaches and Near-shore Infrastructure

ONTP

Sponsor(s)

BLUME L

Committee Report

ONTP

Amendments Adopted

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to provide flexibility in the regulation of development near the shore. The purpose of the bill is to encourage the development of creative approaches to protect beaches and critical near-shore infrastructure threatened by sea level rise and storm damage.

LD 603 An Act To Amend the Laws Governing Funding for Landfill Closure Costs

PUBLIC 93

Sponsor(s)

DILL J
DUNPHY M

Committee Report

OTP-AM

Amendments Adopted

S-55

This bill extends the eligibility period for closure costs for a landfill that currently applies only to a landfill licensed on or before September 1, 1989. The bill provides that if a license application for a landfill was accepted for processing on or before September 1, 1989 and the application was approved by the Commissioner of Environmental Protection within one year of accepting the application for processing, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

Committee Amendment "A" (S-55)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 93 extends the eligibility period for closure costs for a landfill that currently applies only

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to a landfill licensed on or before September 1, 1989. It provides that if a license application for a landfill was accepted for processing on or before September 1, 1989 and the application was approved by the Commissioner of Environmental Protection within one year of accepting the application for processing, the landfill is eligible for payment of 75% of certain closure costs by the Department of Environmental Protection.

LD 621 An Act To Prohibit Extruded Polystyrene Food Service Containers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETT R	ONTP	

This bill prohibits food establishments from processing, preparing, selling or providing food in or on an extruded polystyrene foam food service container with certain exceptions.

**LD 640 Resolve, To Require a Study of Greenhouse Gas Emissions Reductions Died Between
from the Proposed Central Maine Power Company Transmission Houses
Corridor**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B RYKERSON D	OTP-AM ONTP	S-82 H-345 HANDY J

This resolve requires the Department of Environmental Protection to review all relevant, verifiable evidence on the total net effect on greenhouse gas emissions from Central Maine Power Company's New England Clean Energy Connect project and submit a report to the Legislature, make the report available to the public and provide a copy of the report to the Massachusetts Department of Public Utilities by June 1, 2019. The resolve prohibits the department from issuing a permit for the project without taking into account the results of the department's review.

Committee Amendment "A" (S-82)

This amendment, which is the majority report of the committee, replaces the resolve and directs the Department of Environmental Protection to commission a study regarding the potential effect of the New England Clean Energy Connect, or NECEC, project, as proposed by Central Maine Power Company, on total greenhouse gas emissions across all jurisdictions interconnected with electricity generation and distribution systems operated by the Hydro-Quebec company. The findings of the study regarding greenhouse gas emissions effects, with and without construction of the NECEC project, must be presented in relation to a benchmark of reducing greenhouse gas emissions in New England by 3.6 million metric tons per year. The study, which is to be prepared by a consultant that is an independent, nongovernmental organization with expertise in energy and environmental policy and analysis, must be based on a modeling analysis that incorporates appropriate assumptions regarding load growth, fuel costs, variation in dispatch of electricity among electricity markets, rainfall, electricity transmission constraints, addition and retirement of electric generation facilities and technology development.

On or before August 15, 2019, the department is required to submit the final report prepared by the consultant to the Joint Standing Committee on Environment and Natural Resources. The department may not issue a permit, license or other approval relating to the NECEC project until at least 45 days after it submits to the committee the final report prepared by the consultant, except that this 45-day prohibition does not apply if the department fails to submit the final report to the committee on or before August 15, 2019.

The department may accept funds from any source, public or private, to fund the costs of the study and report and may only fund the costs of the study and report using outside funding received for those purposes. If the

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department, by August 15, 2019, fails to receive sufficient outside funding for the study, the department is not required to enter into an agreement with the consultant to complete the study or to submit a final report to the committee and the 45-day prohibition does not apply.

Senate Amendment "A" To Committee Amendment "A" (S-91)

This amendment amends Committee Amendment "A" to:

1. Add requirements that the Department of Environmental Protection review and approve entities the selected consultants seek to engage for assistance with the study and review and approve the consultant's proposed scope of work and modeling assumptions;
2. Prohibit the department from accepting funding for the study that creates an apparent or actual conflict of interest;
3. Narrow the geographic scope of the study to Maine and other New England states, New York, Ontario and New Brunswick;
4. Specify that the department may not consider the study or the results of the study in the department's decisions on applications for permits from the New England Clean Energy Connect project under the laws governing site location of development or the Natural Resources Protection Act; and
5. Require the department to consult with the Public Utilities Commission staff on issues that are typically within the jurisdiction of the commission and not the department.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-345)

This amendment amends Committee Amendment "A" to remove the requirement that the Department of Environmental Protection obtain outside funding to complete a study regarding the potential effect of the New England Clean Energy Connect project, instead transferring \$150,000 from the Public Utilities Commission Reimbursement Fund within the Public Utilities Commission to the Maine Environmental Protection Fund within the department to fund the cost of the study. The amendment includes a one-time \$150,000 allocation in fiscal year 2019-20 to allow for the expenditure of the transferred funds.

LD 710	Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses	RESOLVE 36
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S BREEN C	OTP	

This resolve requires the Department of Environmental Protection to study the establishment of a new stewardship program in the State for mattresses and report the results of its study to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019. The department is required to include recommended legislation to implement its recommendations related to the report, and the joint standing committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 36 requires the Department of Environmental Protection to study the establishment of a new

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stewardship program in the State for mattresses and report the results of its study to the Joint Standing Committee on Environment and Natural Resources by December 4, 2019. The department is required to include recommended legislation to implement its recommendations related to the report, and the joint standing committee is authorized to report out a bill relating to the subject matter of the report to the Second Regular Session of the 129th Legislature.

LD 774 An Act To Protect Maine's Beaches and Shoreline

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L FOLEY R		

This bill amends the State's coastal management policies laws to ensure that those policies address the effects of coastal erosion on the State's beaches and shoreline and ensure the health of the State's beaches and shoreline for habitat protection for coastal wildlife species and for protection against storms.

The bill also creates an advisory group on beach management, to be convened by the Commissioner of Environmental Protection for the purpose of developing and recommending objectives, strategies, legislation and other actions to mitigate coastal erosion in the State and to keep beaches healthy for storm protection, habitat protection for coastal wildlife species and for recreational use. The group is directed to review the report titled "Integrated Beach Management Program Working Group Report," dated January 2017 and submitted to the Joint Standing Committee on Environment and Natural Resources in the First Regular Session of the 128th Legislature, update the data and findings contained in that report, if necessary, and review and update the specific recommendations for legislative, regulatory or other actions contained in that report, if necessary. No later than February 15, 2020, the commissioner is required to submit a report to the Joint Standing Committee on Environment and Natural Resources containing the findings and recommendations of the group following its review of the 2017 report, including any proposed legislation necessary to implement those recommendations. After reviewing the report, the committee may report out legislation to implement those recommendations.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 797 An Act To Limit Greenhouse Gas Pollution and Effectively Use Maine's Natural Resources

ONTP

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

This bill provides that by January 1, 2050 the State must reduce net annual greenhouse gas emissions to at least 80% below the 1990 net annual greenhouse gas emissions level. It directs the Department of Environmental Protection to establish interim net annual emissions levels and to monitor and report on gross and net annual greenhouse gas emissions. It directs the department to update the State's climate action plan and evaluate the State's progress toward meeting the reduction levels.

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LD 817 An Act To Advance the Restoration of the Penobscot River

PUBLIC 72

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	OTP-AM	S-34

This bill extends north to Milford Dam between Milford and Old Town on the Penobscot River, with the exception of the Stillwater Branch, the protections under the Maine Revised Statutes, Title 38, section 418-A currently provided to the lower Penobscot River. It requires the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection, in consultation with the Penobscot Indian Nation and interested federal agencies, to conduct a comprehensive assessment of fish passage barriers, water quality and habitat conditions affecting the full restoration of fisheries within the Penobscot River watershed and the feasibility and costs of mitigating problems and report to the Joint Standing Committee on Marine Resources, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Environment and Natural Resources. It authorizes the joint standing committees to report out legislation to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (S-34)

This amendment removes from the bill the directed comprehensive assessment of the Penobscot River Watershed by the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection. It also makes a technical correction to a section headnote.

Enacted Law Summary

Public Law 2019, chapter 72 extends north to Milford Dam between Milford and Old Town on the Penobscot River, with the exception of the Stillwater Branch, the protections under the Maine Revised Statutes, Title 38, section 418-A currently provided to the lower Penobscot River.

LD 818 An Act To Reduce Greenhouse Gas Emissions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L FAY J	ONTP	

This bill provides that by January 1, 2030 the State must reduce net annual greenhouse gas emissions to at least 80% below the 1990 net annual greenhouse gas emissions level. It directs the Department of Environmental Protection to establish interim net annual emissions levels and to monitor and report on gross and net annual greenhouse gas emissions. It directs the department to update the State's climate action plan and evaluate the State's progress toward meeting the reduction levels. It requires the Board of Environmental Protection to establish greenhouse gas emission standards for individual sources or categories of sources.

LD 822 An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B TIMBERLAKE J	OTP	

Joint Standing Committee on Environment and Natural Resources

This bill prohibits a distributor, blender or retail dealer from selling, consigning or distributing motor fuel containing more than 10% ethanol by volume unless the motor fuel is sold, consigned or distributed in a sealed container that contains one quart or less of the motor fuel. It also repeals a contingent prohibition on the sale of motor fuel containing more than 10% ethanol by volume.

LD 893 An Act To Create an Updated Unified Maine Climate Action Plan ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL J DUNPHY M	ONTP	

This bill requires the Department of Environmental Protection, working with the Maine Interagency Climate Adaptation Work Group, or MICA Work Group, and the University of Maine, to update the Maine Climate Action Plan developed in 2004 by the department. It requires the updated plan to address both mitigation and adaptation strategies. It requires the department and the MICA Work Group to convene a group of stakeholders to evaluate the mitigation and adaptation strategies in order to update the plan and it provides for internships for University of Maine students to work on the development and implementation of the updated plan. It authorizes the department to hire consultants. It requires the University of Maine System to develop and implement procedures for providing climate data to residents of the State. It also includes an appropriations and allocations section.

LD 906 An Act Concerning Pavement Sealing Products PUBLIC 493

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM ONTP	H-166 H-225 DAUGHTRY M

This bill prohibits the sale of coal tar sealant products beginning October 1, 2020 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2021. The Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

Committee Amendment "A" (H-166)

This amendment, which is the majority report of the committee, amends the bill as follows.

1. It amends the definition of "polycyclic aromatic hydrocarbons" to include a reference to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
2. It clarifies the scope of the bill's sales and application prohibitions or coal tar sealant products.
3. It removes an unnecessary cross-reference.

House Amendment "A" (H-225)

This amendment amends Committee Amendment "A" to delay for three years the prohibitions regarding coal tar sealant products.

Enacted Law Summary

Public Law 2019, chapter 493 prohibits the sale of coal tar sealant products beginning October 1, 2023 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2024. The

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Commissioner of Environmental Protection may grant an exemption from the prohibitions for research or development purposes.

LD 937 An Act Regarding the Sale and Release or Abandonment of Balloons

**Died Between
Houses**

Sponsor(s)

DEVIN M

Committee Report

OTP-AM
ONTP

Amendments Adopted

This bill amends the State's litter law to provide that a person who releases or abandons a balloon outdoors is subject to penalties under that law regarding the waste materials resulting from that release or abandonment. It also requires a seller of balloons to register with the Department of Environmental Protection and to display in a conspicuous place at each purchase counter warning information developed by the department concerning the risks to the environment and to wildlife posed by waste materials resulting from the outdoor release of balloons; the choking and suffocation risks to children posed by the unsupervised use of balloons; the risks to individuals with latex allergies posed by exposure to balloons made wholly or partly from latex; and the penalties for littering resulting from the outdoor release of balloons that may be imposed by the State's litter laws.

Committee Amendment "A" (H-167)

This amendment, which is the majority report of the committee, changes the title and replaces the bill. It amends the State's litter law to clarify that waste materials resulting from the outdoor release or abandonment of a balloon constitute litter under that law. The amendment also provides that it is a violation of the litter law for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except for a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching. It applies a civil penalty of not less than \$100 and not more than \$500 for the illegal intentional release of up to 10 balloons and a civil penalty of not less than \$500 for the illegal intentional release of more than 10 balloons.

This amendment was not adopted.

LD 951 An Act To Improve the Research Capabilities of State Agencies

CARRIED OVER

Sponsor(s)

DEVIN M

Committee Report

Amendments Adopted

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to enact measures designed to improve the research capabilities of state agencies.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 952 An Act To Coordinate and Standardize Data Collection Protocols

CARRIED OVER

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to amend the laws to coordinate and standardize data collection protocols.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 955 An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M FOLEY R	OTP-AM ONTP	H-425

This bill prohibits a person from performing or causing to be performed any oil or natural gas exploration, development or production in, on or under the waters of the State or that may adversely affect the waters of the State.

The bill also prohibits the Department of Environmental Protection and the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry from permitting, approving or otherwise authorizing any oil or natural gas exploration, development or production in, on or under the submerged and intertidal land owned by the State.

Committee Amendment "A" (H-425)

This amendment, which is the majority report of the committee, amends the bill to clarify the prohibition on oil or natural gas exploration, development or production activities as follows.

1. It amends certain definitions to more clearly delineate the activities regulated and to specify that the transfer of oil or natural gas resources to or from the waters of the State, including both onloading and offloading of oil or natural gas resources between an oil terminal facility and a vessel or between vessels, is not prohibited under the bill.
2. It removes language specifically prohibiting exploration, development or production activities that may adversely affect the waters of the State.

Enacted Law Summary

Public Law 2019, chapter 294 prohibits a person from performing or causing to be performed any oil or natural gas exploration, development or production in, on or under the waters of the State.

The enacted law also prohibits the Department of Environmental Protection from permitting, approving or otherwise authorizing any oil or natural gas exploration, development or production in, on or under the waters of the State and prohibits the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry from permitting, approving or otherwise authorizing any oil or natural gas exploration,

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development or production in, on or under the submerged and intertidal land owned by the State.

LD 959 An Act To Increase Funding for the Maine Lakes Society "LakeSmart" Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program PUBLIC 519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D	OTP-AM	H-102 S-333 BREEN C

This bill provides increased funding to allow the Department of Environmental Protection to make grants to the Lake Stewards of Maine for the volunteer lake monitoring program and the Maine Lakes Society for the "LakeSmart" education program. This bill also provides funds to the New England Interstate Water Pollution Control Commission for pollution control training programs.

Committee Amendment "A" (H-102)

This amendment increases the annual funding increase proposed in the bill for New England Interstate Water Pollution Control Commission from \$25,000 to \$50,000.

Senate Amendment "A" To Committee Amendment "A" (S-333)

This amendment amends Committee Amendment "A" to reduce by \$75,000 per fiscal year the appropriations in the amended bill.

Enacted Law Summary

Public Law 2019, chapter 519 provides increased funding to allow the Department of Environmental Protection to make grants to the Lake Stewards of Maine for the volunteer lake monitoring program and the Maine Lakes Society for the "LakeSmart" education program. It also provides funds to the New England Interstate Water Pollution Control Commission for pollution control training programs.

LD 975 Resolve, Directing the Department of Environmental Protection To Review and Update Its Report on Emissions from Marine Vessels ONTP

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

This resolve requires the Department of Environmental Protection to review and update its report submitted to the Legislature dated January 15, 2005 and concerning issues related to air emissions from marine vessels. The department is required to present its findings and the updated report by January 15, 2020 to the Joint Standing Committee on Environment and Natural Resources and the Joint Standing Committee on Marine Resources. The committees are authorized to submit legislation to the Second Regular Session of the 129th Legislature.

LD 983 An Act To Exempt from Natural Resources Protection Act Permit Requirements Certain Maintenance and Repairs of Nonhydropower Dams PUBLIC 124

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

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This bill exempts low-head dams from the permitting requirements for repair under the Natural Resources Protection Act.

Committee Amendment "A" (H-174)

This amendment clarifies that certain maintenance and repairs of nonhydropower dams are exempt from permitting requirements under the Natural Resources Protection Act if certain specified requirements are met.

Enacted Law Summary

Public Law 2019, chapter 124 clarifies that certain maintenance and repairs of nonhydropower dams are exempt from permitting requirements under the Natural Resources Protection Act if certain specified requirements are met.

LD 988 An Act To Reduce the Landfilling of Municipal Solid Waste CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B CAMPBELL D		

This bill removes the exemption to the municipal solid waste disposal surcharge for municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than nine months for disposal of municipal solid waste in that landfill facility. The bill also directs the proceeds from the surcharge to the Maine Solid Waste Diversion Grant Program.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1055 An Act To Reduce Fraud in the Redemption of Beverage Containers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD B BELLOWS S	ONTP	

This bill amends the State's bottle redemption laws to authorize initiators of deposit subject to a commingling agreement to include in the agreement authorization to conduct audits of beverage containers presented by a dealer or local redemption center for pickup or payment of refund value and to take certain actions against the dealer or local redemption center in the case of a failed audit. The bill also provides for a grievance process whereby a dealer or local redemption center may file a grievance with the Department of Environmental Protection to challenge an action taken by an initiator of deposit in the case of a failed audit.

LD 1080 Resolve, Regarding Biofuel in Heating Oil CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP-AM	H-148

This resolve directs the Executive Department, Governor's Energy Office to oversee a study of and report to the Joint Standing Committee on Environment and Natural Resources on the feasibility of setting a requirement for the

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percentage of biofuel to be used in No. 2 heating oil.

Committee Amendment "A" (H-148)

This amendment changes the title of the resolve and makes the following additional changes.

1. It broadens the scope of the study to include No. 6 heating oil and kerosene in addition to No. 2 heating oil.
2. It requires consultation with additional state agencies in the development of the study report.
3. It authorizes the Joint Standing Committee on Environment and Natural Resources to report out legislation to implement recommendations contained in the report.
4. It adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1101 An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone ONTP

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

This bill amends the shoreland zoning laws to authorize a municipality to adopt an ordinance that exempts pedestrian walkways or trails within the shoreland zone from otherwise applicable setback requirements so long as use of motorized vehicles, other than motorized assistive devices, is prohibited on the walkway or trail and the ordinance maintains certain other protective standards. Any allowed walkway or trail must meet all other state and local permit requirements and comply with all other applicable rules.

LD 1115 An Act To Create Fairness in the Redemption of Beverage Containers ONTP

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

This bill amends the bottle redemption laws to require a dealer to accept from a consumer or other person and to pay the refund value on any beverage container that was sold by the dealer if no approved bottle redemption centers are located within five miles from the property line of the dealer. Subject to prior approval of the Department of Environmental Protection, a dealer shall affix to the beverage containers it sells a sticker or similar device indicating that the beverage container is sold by the dealer and may refuse to accept from a consumer or other person and to pay the refund value on any beverage container that does not have the sticker or similar device affixed to it. A dealer may also limit the hours or days on which it accepts beverage containers for redemption.

Under the bottle redemption laws, a dealer is a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, and a dealer may, but is not currently required to, accept from a consumer or other person and pay the refund value on any beverage container.

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LD 1121 An Act To Acknowledge Potable Water as a Necessity

PUBLIC 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J GRAMLICH L	OTP	

This bill adds potable water to lists of necessities in the Maine Revised Statutes in laws governing profiteering in necessities, municipal general assistance and supplies for jails.

Enacted Law Summary

Public Law 2019, chapter 126 adds potable water to lists of necessities in the Maine Revised Statutes in laws governing profiteering in necessities, municipal general assistance and supplies for jails.

LD 1287 An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MIRAMANT D	ONTP	

This bill requires dredging in the Penobscot River south of the former HoltraChem Manufacturing Company site in the Town of Orrington and in Penobscot Bay north of the southern tip of Islesboro Island to comply with certain sampling requirements prior to being permitted under the Natural Resources Protection Act.

LD 1320 An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J	OTP-AM	H-238

This bill requires that when the Department of Environmental Protection issues a permit under the Natural Resources Protection Act the department must provide a copy of the entire permit to each municipality in which the proposed activity is to occur.

Committee Amendment "A" (H-238)

This amendment clarifies that the Department of Environmental Protection must provide to each municipality in which a proposed activity is to occur a copy of the permitting decision or other authorization or denial when a Natural Resources Protection Act permit is issued or denied or a Natural Resources Protection Act permit by rule is approved or denied. The bill requires the department to provide a copy of the entire permit.

Enacted Law Summary

Public Law 2019, chapter 181 clarifies that the Department of Environmental Protection must provide to each municipality in which a proposed activity is to occur a copy of the permitting decision or other authorization or denial when a Natural Resources Protection Act permit is issued or denied or a Natural Resources Protection Act permit by rule is approved or denied.

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LD 1336 Resolve, Directing the Governor To Renominate Penobscot Bay for Inclusion in the United States Environmental Protection Agency National Estuary Program **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J MIRAMANT D	ONTP	

This resolve directs the Governor to renominate Penobscot Bay for inclusion in the United States Environmental Protection Agency National Estuary Program.

LD 1358 An Act To Further the Public Interest in All Maine Waters **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L CHIPMAN B	ONTP	

This bill explicitly states the State's authority and responsibility over all waters in the State, whether above or below ground, and directs the State to protect, conserve and manage the water in the interest of present and future generations.

LD 1431 Resolve, To Support Municipal Recycling Programs **RESOLVE 42**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M CARSON B	OTP-AM	H-237

This resolve requires the Department of Environmental Protection to develop proposed legislation to establish a new product stewardship program requiring producers of packaging to assist Maine municipalities in managing and financing packaging waste disposal and recycling programs in the State. The proposed legislation is also required to incentivize producers of packaging to design packaging to be recycled or made of recycled content to strengthen the recycling markets. The resolve requires the department to submit the proposed legislation to the Joint Standing Committee on Environment and Natural Resources no later than December 16, 2019.

Committee Amendment "A" (H-237)

This amendment removes from the resolve the emergency preamble and emergency clause and clarifies the scope of the new packaging stewardship program to be developed by the Department of Environmental Protection under the resolve.

Enacted Law Summary

Resolve 2019, chapter 42 requires the Department of Environmental Protection to develop proposed legislation to establish a new product stewardship program requiring producers of packaging to assist Maine municipalities in managing and financing packaging waste disposal and recycling programs in the State. The proposed legislation is also required to incentivize producers of packaging to design packaging to be recycled or made of recycled content to strengthen the recycling markets. The resolve requires the department to submit the proposed legislation to the Joint Standing Committee on Environment and Natural Resources no later than December 16, 2019.

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**LD 1433 An Act To Protect the Environment and Public Health by Further
Reducing Toxic Chemicals in Packaging**

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J FOLEY R	OTP-AM ONTP	H-362

This bill amends the laws regarding the reduction of toxics in packaging to prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by rule prohibit the sale of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or two years following the department's determination that a safer alternative is available, whichever is later.

The bill provides an exemption from these prohibitions for a manufacturer of a food or beverage product that has annual national sales of all food and beverage products produced by the manufacturer of less than one billion dollars. It also authorizes the department to designate additional chemicals of concern in food packaging; to require manufacturers of food packaging that use such designated chemicals to report regarding its use of the chemical and the availability of safer alternatives; and to prohibit the sale of food packaging to which a designated chemical of concern has been intentionally introduced if safer alternatives are reasonably available, effective and affordable to the consumer.

Committee Amendment "A" (H-362)

This amendment, which is the majority report of the committee, amends the bill as follows.

1. It clarifies that the sales prohibitions on food packaging containing intentionally introduced perfluoroalkyl and polyfluoroalkyl substances, or PFAS, and phthalates in any amount greater than an incidental presence applies only to sales occurring in the State and clarifies the scope of the exemption to those prohibitions for certain manufacturers of food or beverage products.
2. It provides that any rulemaking by the Department of Environmental Protection to prohibit the sale of food packaging containing intentionally introduced PFAS is major substantive rulemaking and requires the department to adopt by rule such a prohibition upon a determination that a safer alternative to the use of PFAS in a specific application of PFAS to a food package is available.
3. It removes from the bill the provisions authorizing the department to designate by rule additional chemicals of concern in food packaging and instead enacts a new chapter to regulate the use of additional toxic chemicals in food packaging. That new chapter is modeled after the toxic chemicals in children's products law in the Maine Revised Statutes, Title 38, chapter 16-D and incorporates the definitions and criteria from that law into the new chapter, as adapted for application to food packaging.
4. It includes a number of technical changes to the bill as necessary to incorporate the other amendments to the bill included in the amendment.

Enacted Law Summary

Public Law 2019, chapter 277 amends the laws regarding the reduction of toxics in packaging to prohibit the sale of food packaging to which phthalates have been intentionally introduced, effective January 1, 2022. It also authorizes the Department of Environmental Protection to by major substantive rulemaking prohibit the sale of food packaging

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to which perfluoroalkyl and polyfluoroalkyl substances, or PFAS, have been intentionally introduced upon a determination by the department that a safer alternative to the intentionally introduced PFAS is available, except that such prohibition may not take effect until January 1, 2022 or two years following the department's determination that a safer alternative is available, whichever is later. It also provides an exemption from these prohibitions for certain smaller manufacturers.

The enacted law also enacts a new chapter of law to regulate the use of additional toxic chemicals in food packaging. That new chapter is modeled after the toxic chemicals in children's products law in the Maine Revised Statutes, Title 38, chapter 16-D and incorporates the definitions and criteria from that law into the new chapter, as adapted for application to food packaging.

LD 1460 An Act To Support Collection and Proper Disposal of Unwanted Drugs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P		

This bill provides for the establishment of drug take-back stewardship programs. It requires certain drug manufacturers, as defined in the bill, to operate a drug take-back stewardship program to collect and dispose of certain drugs.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1467 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law

PUBLIC 151

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

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, House Paper 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's cellular telephone recycling law as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the department regarding the collection and disposal, reuse or recycling of used cellular telephones.

Enacted Law Summary

Public Law 2019, chapter 151 amends the State's cellular telephone recycling law to remove the requirement that cellular telephone service providers submit annual reports to the Department of Environmental Protection regarding the collection and disposal, reuse or recycling of used cellular telephones.

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LD 1474 An Act To Ensure Water Equity and Accountability for the People of the State

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C MIRAMANT D	ONTP OTP-AM	

This bill requires certain governmental entities when issuing permits or licenses and setting rates to evaluate the negative externalities resulting from unique uses of water, such as the bulk exportation of water out of a region.

Committee Amendment "A" (H-390)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 1532 An Act To Eliminate Single-use Plastic Carry-out Bags

PUBLIC 346

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

This bill prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

Committee Amendment "A" (H-378)

This amendment, which is the majority report of the committee, requires a retail establishment to charge at least a 5¢ fee for each reusable bag made of plastic and for each recycled paper bag used to bag products at the point of sale. It also clarifies provisions in the bill regarding the implementation of the statewide preemption on single-use carry-out bag regulation and the provision regarding violations of the bag prohibition and bag fees requirements. It makes additional technical changes to clarify the application of existing state law regarding plastic bags and removes language in the bill regarding the application of bag fees to purchasers using the federal supplemental nutrition assistance program or the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996.

Committee Amendment "B" (H-379)

This amendment, which is the minority report of the committee, provides that the prohibitions and requirements in the bill, as amended, apply only in a participating municipality, which is a municipality that has approved at referendum an article subjecting the municipality to the prohibitions and requirements. The amendment requires a retail establishment in a participating municipality to charge at least a 5¢ fee for each reusable bag made of plastic and for each recycled paper bag used to bag products at the point of sale. It also clarifies provisions in the bill regarding the implementation of the statewide preemption on single-use carry-out bag regulation and the provision regarding violations of the bag prohibition and bag fees requirements. It makes additional technical changes to clarify the application of existing state law regarding plastic bags and removes language in the bill regarding the application of bag fees to purchasers using the federal supplemental nutrition assistance program or the Women,

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Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1996.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-392)

This amendment amends Committee Amendment "A" to change from 4 mils to 2.25 mils the thickness of the plastic bags that qualify as reusable. It also provides that the revenue collected by retail establishments for providing recyclable or reusable bags must be distributed to a conservation organization identified in major substantive rules adopted by the Department of Environmental Protection.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 346 prohibits a retail establishment from using single-use carry-out bags to bag products at the point of sale or otherwise make single-use carry-out bags available to customers, with exemptions for certain types and uses of plastic and paper bags. Retail establishments may provide recyclable paper bags or reusable bags made of plastic to bag products at the point of sale for at least 5¢ per bag, with exceptions to the fee requirement for certain types of retail establishments. The prohibition is effective April 22, 2020.

LD 1594 An Act To Establish a Stewardship Program for Consumer Batteries CARRIED OVER

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

This bill provides for the establishment of a stewardship program for consumer batteries, including both single-use and rechargeable batteries and certain products containing these batteries. Under the bill, a producer of consumer batteries or an organization composed of one or more producers of such batteries must submit a plan for the establishment of a battery stewardship program to the Commissioner of Environmental Protection for approval. Once approved, the program must operate to provide convenient, free statewide collection opportunities for discarded batteries, and the batteries collected through the program must be recycled or otherwise responsibly managed. The bill also amends and repeals existing laws relating to certain battery types to avoid statutory conflict with the stewardship program for consumer batteries.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1628 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws PUBLIC 526

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-461 S-347 BREEN C

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's container redemption laws as included in the department's annual report on the State's product stewardship programs.

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Specifically, the bill makes a number of changes to the State's container redemption laws including the following.

1. It amends the laws to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, as measured along public roadways, to provide redemption services on the dealer's behalf.
2. It establishes an annual license fee for redemption centers of \$100. The current annual license fee is \$50.
3. It clarifies the ability of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to manage its returned containers as a qualified commingling program.
4. It eliminates the special handling fee for small brewers and bottlers of water.
5. It clarifies the obligation of initiators of deposit to recycle returned beverage containers that the initiator of deposit has picked up or that a third party has picked up on the initiator of deposit's behalf.
6. It clarifies the requirements for qualified commingling agreements under the law, provides for the creation of an additional commingling group to be operated by a third party or stewardship organization and requires all initiators of deposit to enter into a commingling agreement by January 1, 2023.
7. It clarifies licensing standards and other requirements for redemption centers.
8. It clarifies the Department of Environmental Protection's rule-making and administrative authority under the law.
9. It establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.
10. It makes a number of terminology changes and other technical changes to the law.

Committee Amendment "A" (H-461)

This amendment amends the bill as follows.

1. It includes a definition for the term "recycling" or "recycle" as applicable to the container redemption laws.
2. It authorizes the Department of Environmental Protection to conduct audits of beverage containers prepared for pickup by pick-up agents at redemption centers and to adopt rules regarding such audits.
3. It amends the bill to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, or with the redemption center in closest proximity to the dealer, to provide redemption services on the dealer's behalf.
4. It retains in the law the exception from the population requirements for licensing of redemption centers by distributors, but removes the exception for food establishments. The bill removed the exception for both food establishments and distributors.
5. It provides that no later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit must report to the department information regarding its beverage container sales and redemptions for calendar year 2018, which the department must use in developing findings and recommendations for inclusion in

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a report, due January 15, 2020, to the Joint Standing Committee on Environment and Natural Resources. The committee is authorized to report out legislation to implement those recommendations.

Senate Amendment "A" To Committee Amendment "A" (S-347)

This amendment amends Committee Amendment "A" to remove the requirement that each initiator of deposit enter into a commingling agreement no later than January 1, 2023.

Enacted Law Summary

Public Law 2019, chapter 526 makes the following changes to the State's container redemption laws.

1. It amends the laws to provide that a dealer of beverage containers with 5,000 or more square feet of retail space must accept beverage container returns unless the dealer has a written agreement with a redemption center located within 10 miles of the dealer, or with the redemption center in closest proximity to the dealer, to provide redemption services on the dealer's behalf.
2. It establishes an annual license fee for redemption centers of \$100.
3. It clarifies the ability of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to manage its returned containers as a qualified commingling program.
4. It eliminates the special handling fee for small brewers and bottlers of water.
5. It clarifies the obligation of initiators of deposit to recycle returned beverage containers that the initiator of deposit has picked up or that a third party has picked up on the initiator of deposit's behalf.
6. It clarifies the requirements for qualified commingling agreements under the law and provides for the creation of an additional commingling group to be operated by a third party or stewardship organization.
7. It authorizes the Department of Environmental Protection to conduct audits of beverage containers prepared for pickup by pick-up agents at redemption centers and to adopt rules regarding such audits.
8. It clarifies licensing standards and other requirements for redemption centers.
9. It clarifies the Department of Environmental Protection's rule-making and administrative authority under the law.
10. It establishes annual reporting requirements for initiators of deposit and for pick-up agents that are not initiators of deposit.
11. It requires that no later than November 1, 2019, each initiator of deposit and each pick-up agent that is not an initiator of deposit must report to the Department of Environmental Protection information regarding its beverage container sales and redemptions for calendar year 2018, which the department must use in developing findings and recommendations for inclusion in a report, due January 15, 2020, to the Joint Standing Committee on Environment and Natural Resources. The committee is authorized to report out legislation to implement those recommendations.
12. It makes a number of terminology changes and other technical changes to the law.

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LD 1644 An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection

PUBLIC 180

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

This bill clarifies when a member of the Board of Environmental Protection may not participate in a review of a permitting or enforcement decision under the federal Clean Air Act.

Enacted Law Summary

Public Law 2019, chapter 180 clarifies when a member of the Board of Environmental Protection may not participate in a review of a permitting or enforcement decision under the federal Clean Air Act.

LD 1649 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws

PUBLIC 227

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-361

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's product stewardship program framework laws, as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill makes a number of changes to the State's product stewardship program framework laws including the following.

1. It revises program parameters with respect to the establishment of a product collection system, program staffing requirements for producers or stewardship organizations and program costs.
2. It revises the requirements for information to be included in a proposed product stewardship plan, including information on program performance goals and program assessment, collection sites and consumer participation and program financing.
3. It authorizes the department to initiate changes to an approved product stewardship plan upon a determination that the program has failed to make adequate progress toward achieving program goals.
4. It revises annual program reporting requirements for producers and stewardship organizations and amends the authority for legislation of the joint standing committee of the Legislature having jurisdiction over natural resources matters relating to the department's annual product stewardship report.

Committee Amendment "A" (H-361)

This amendment, which is the majority report of the committee, amends the bill as follows.

1. It amends program staffing requirements to allow the Commissioner of Environmental Protection to approve a lesser staffing requirement than the minimum half-time employee required under the bill.

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2. It authorizes the Department of Environmental Protection to recommend in its annual report to the Legislature that a program be required to provide financial incentives or a deposit and refund system.
3. It makes a number of other technical changes to the bill.

Enacted Law Summary

Public Law 2019, chapter 227 makes a number of changes to the State's product stewardship program framework laws including the following.

1. It revises program parameters with respect to the establishment of a product collection system, program staffing requirements for producers or stewardship organizations and program costs.
2. It revises the requirements for information to be included in a proposed product stewardship plan, including information on program performance goals and program assessment, collection sites and consumer participation and program financing.
3. It authorizes the Department of Environmental Protection to initiate changes to an approved product stewardship plan upon a determination that the program has failed to make adequate progress toward achieving program goals.
4. It revises annual program reporting requirements for producers and stewardship organizations and amends the authority for legislation of the joint standing committee of the Legislature having jurisdiction over natural resources matters relating to the department's annual product stewardship report.

**LD 1668 An Act To Implement Recommendations of the Department of
Environmental Protection Regarding the State's Mercury-added Lamp
Law**

PUBLIC 286

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-389

This bill, which was reported by the Joint Standing Committee on Environment and Natural Resources pursuant to Joint Order 2019, H.P. 883 and then referred back to the committee for processing in the normal course, implements the Department of Environmental Protection's recommendations regarding the State's mercury-added lamp law as included in the department's annual report on the State's product stewardship programs.

Specifically, the bill makes a number of changes to the State's mercury-added lamp law, including the following.

1. It amends the scope of mercury-added lamp recycling programs to require acceptance by such programs of mercury-added lamps from covered entities, which are defined in the bill as households, elementary schools or secondary schools located in the State; businesses located in the State that employ 100 or fewer individuals; and nonprofit organizations located in the State that are exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3) and employ 100 or fewer individuals. Under current law, such recycling programs are required to accept mercury-added lamps only from households.
2. It revises the requirements for mercury-added lamp recycling programs, including provisions regarding collection sites and education and outreach efforts, and adds program performance goals.
3. It clarifies the information required to be reported annually to the department by manufacturers of

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mercury-added lamps.

Committee Amendment "A" (H-389)

This amendment, which is the majority report of the committee, amends the bill as follows.

1. It amends the definition in the bill for the term "covered entity" to mean a person who at any one time presents for drop off at a collection location participating in a department-approved program for the recycling of mercury-added lamps any number of compact fluorescent mercury-added lamps or 10 or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.
2. It amends the collection system requirements under the bill to require that no later than January 1, 2020, the collection system must provide at least 90% of residents with a permanent collection location or nonpermanent collection location available on a periodic basis within 15 miles of their residence.
3. It removes specific consumer awareness requirements in the bill and instead requires that a mercury-lamp recycling program annually increase consumer awareness.
4. It removes from the bill the requirement for a mercury-lamp recycling program to provide a minimum half-time employee dedicated to implementing the program.
5. It provides for payment of a flat program participation fee by manufacturers that have stopped offering for sale or distributing in the State mercury-added lamps.
6. It establishes a threshold for development by the Department of Environmental Protection, with input from manufacturers of mercury-added lamps, of a process to reduce the scope of the manufacturer recycling program and to terminate all program requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for reducing and terminating the program, and the committee is authorized to report out a bill to implement those recommendations.
7. It makes other technical corrections to the bill.

Enacted Law Summary

Public Law 2019, chapter 286 makes a number of changes to the State's mercury-added lamp law, including the following.

1. It amends the scope of mercury-added lamp recycling programs to require acceptance by such programs of mercury-added lamps from covered entities, which are defined in the enacted law bill as persons who at any one time present for drop off at a collection location participating in a Department of Environmental Protection-approved program for the recycling of mercury-added lamps any number of compact fluorescent mercury-added lamps or 10 or fewer mercury-added lamps that are not compact fluorescent mercury-added lamps.
2. It revises the requirements for mercury-added lamp recycling programs, including provisions regarding collection sites and education and outreach efforts, and adds program performance goals.
3. It requires that no later than January 1, 2020, a collection system under a mercury-added lamp recycling program must provide at least 90% of residents with a permanent collection location or nonpermanent collection location available on a periodic basis within 15 miles of their residence.
4. It requires that a mercury-lamp recycling program annually increase consumer awareness.
5. It provides for payment of a flat program participation fee by manufacturers that have stopped offering for sale or

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distributing in the State mercury-added lamps.

6. It clarifies the information required to be reported annually to the department by manufacturers of mercury-added lamps.

7. It establishes a threshold for development by the department, with input from manufacturers of mercury-added lamps, of a process to reduce the scope of the manufacturer recycling program and to terminate all program requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding its findings and recommendations for reducing and terminating the program, and the committee is authorized to report out a bill to implement those recommendations.

LD 1679 An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council

**PUBLIC 476
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D TUCKER R	OTP-AM	S-221

This bill establishes the Maine Climate Change Council to assist Maine to mitigate, prepare for and adapt to climate change. It also provides that by January 1, 2030, 80% of electricity consumed in the State must come from renewable resources and by January 1, 2050, 100% of electricity consumed in the State must come from renewable resources. It also updates the greenhouse gas emissions reductions required in statute and requires that the state climate action plan be updated by December 1, 2020 and every four years thereafter.

Committee Amendment "A" (S-221)

This amendment changes the title of the bill, adds an emergency preamble and emergency clause and makes the following additional changes to the bill.

1. It removes from the bill provisions regarding requirements for the consumption of electricity from renewable resources.
2. It stipulates an interim greenhouse gas emissions reductions level to be achieved by January 1, 2040, requiring by such date that the greenhouse gas emissions reductions be on a trajectory sufficient to achieve the 2050 annual emissions reductions level in the bill.
3. It clarifies the rule-making authority concerning compliance rules for the greenhouse gas emissions reductions levels required under the bill, specifying that the rules are to be adopted by the Board of Environmental Protection rather than the Department of Environmental Protection and that the rules must be consistent with the updated climate action plan and must be fair and equitable and account for and give significant weight to greenhouse gas emissions reductions already achieved by various sectors.
4. It requires the State's climate action plan update to include development of a clean energy economy transition plan.
5. It amends the Maine Climate Change Council, which is proposed in the bill, as follows.
 - A. It changes the name of the council to the Maine Climate Council.
 - B. It adds as a member of the council the Commissioner of Labor, increasing the total membership to 39.

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C. It clarifies member compensation and terms of membership, increasing the term for public members from two years to three years.

D. It clarifies the purpose and makeup of the council's steering committee as well as the designation of the members of the Scientific and Technical Subcommittee and the working groups.

E. It clarifies the duties and responsibilities of the council, the subcommittee and the working groups.

F. It removes language from the bill authorizing the subcommittee and the working groups to solicit and accept funding, and instead authorizes the council to conduct all funding solicitation and acceptance.

G. It requires, beginning January 15, 2021, and annually thereafter, that the council submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters describing the activities of the council, the subcommittee and its working groups over the prior calendar year and including any findings and recommendations of the council, including any proposed legislation. After reviewing the report, the committee may report out legislation to implement any recommendations contained in the report.

It requires that the report also include a list of the amounts and sources of any funds accepted by the council in the prior calendar year, excluding those funds appropriated or allocated by the Legislature, and an indication of whether such outside funds were expended in the prior calendar year and, if expended, the purpose or purposes of the expenditure.

6. It makes a number of other clarifications and technical changes to the bill.

Enacted Law Summary

Public Law 2019, chapter 476 updates the State's greenhouse gas emissions reductions requirements and provides that the state climate action plan be updated by December 1, 2020 and every four years thereafter. It also establishes the Maine Climate Council to assist Maine to mitigate, prepare for and adapt to climate change.

Public Law 2019, chapter 476 was enacted as an emergency measure effective June 26, 2019.

LD 1687 An Act Regarding the Water Quality Certification of Graham Lake on the Union River CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GROHOSKI N		

This bill provides that for the purposes of water quality certification under the Federal Water Pollution Control Act

1. Graham Lake located in the Union River in the City of Ellsworth may be subject to drawdowns of lake levels of up to 4 feet and still be deemed to meet state water classification standards;
2. The Department of Environmental Protection may not waive water quality certification under the Federal Water Pollution Control Act for the Federal Energy Regulatory Commission license for the Ellsworth Hydroelectric Project and failure of the department to file timely a water quality certification is deemed to be a denial of water quality certification; and
3. The Ellsworth Hydroelectric Project is subject to an involuntary water quality decertification if the project does not provide for a volitional upstream fish passage over both the Graham Lake Dam and Ellsworth Lake Dam within

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10 years of the project's relicensure.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1706 An Act To Ensure Public Notification of Air Quality Violations

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KESSLER C	OTP-AM ONTP	S-189

This bill requires the Department of Environmental Protection to notify an affected municipality when the department issues a notice of violation or initiates an enforcement action relating to an air quality violation.

Committee Amendment "A" (S-189)

This amendment, which is the majority report of the committee, amends the bill as follows.

1. It removes language from the bill requiring the Department of Environmental Protection to notify affected municipalities regarding the department's initiation of an air quality-related enforcement action.
2. It adds language requiring the department to notify affected municipalities regarding the department's receipt of an air quality-related notice of violation from the United States Environmental Protection Agency.
3. It provides that the department may provide the required information to affected municipalities electronically.

Enacted Law Summary

Public Law 2019, chapter 321 requires the Department of Environmental Protection to notify an affected municipality when the department issues a notice of violation or receives an air quality-related notice of violation from the United States Environmental Protection Agency. Such notification may be provided electronically.

LD 1707 An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R KESSLER C	ONTP	

This bill requires the Department of Environmental Protection to include in each license issued by the department a requirement that an independent entity perform testing to determine compliance with the license.

LD 1743 An Act To Reclassify Certain Waters of the State

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ZEIGLER S	OTP-AM	H-462

This bill updates classifications for certain waters based on water quality data.

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Committee Amendment "A" (H-462)

This amendment clarifies the description under the State's water classification program of the portion of the Penobscot River, main stem, from the West Enfield Dam to the Milford Dam and the Stillwater Branch.

Enacted Law Summary

Public Law 2019, chapter 333 updates classifications for certain waters based on water quality data.

LD 1750 An Act To Establish Appliance Energy and Water Standards CARRIED OVER

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

This bill enacts the Appliance Energy and Water Standards Act to be implemented, administered and enforced by the Department of Environmental Protection. The Act generally provides that, beginning January 1, 2021, a person is prohibited from selling or offering for sale in the State certain appliances and products unless they meet or exceed applicable energy and water standards adopted by rule by the department. Beginning January 1, 2022, a person is prohibited from installing for compensation in the State any of those appliances or products.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1775 An Act To Protect Sustenance Fishing PUBLIC 463

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S JACKSON T	OTP-AM	H-490

This bill creates a sustenance fishing designated use as a subcategory of the applicable fishing designated use for certain specified water body segments within Maine's water classification program where there is or may be sustenance fishing or increased fish consumption by members of the Indian tribes in Maine or other Maine citizens. This bill also requires that the Department of Environmental Protection adopt routine technical rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established by this bill. This bill limits the scope of the sustenance fishing designated use created by this bill by providing that, for all purposes, the sustenance fishing designated use created by this bill is deemed protected through water quality criteria for human health calculated and established for the identified water body segments.

Committee Amendment "A" (H-490)

To ensure proper application of the sustenance fishing designated use proposed in the bill, this amendment amends the bill by updating the classifications for certain waters based on water quality data and by clarifying the description of certain water body segments.

This bill as amended creates a sustenance fishing designated use as a subcategory of the applicable fishing designated use for certain specified water body segments within Maine's water classification program where there is or may be sustenance fishing or increased fish consumption by members of the Indian tribes in Maine or other

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Maine citizens. This bill as amended also requires that the Department of Environmental Protection adopt routine technical rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established by this bill. This bill as amended limits the scope of the sustenance fishing designated use created by this bill by providing that, for all purposes, including for the purposes of the State's water classification program, the federal Clean Water Act and related rules, regulations and guidance, the sustenance fishing designated use created by this bill as amended is deemed protected through water quality criteria for human health calculated and established for the identified water body segments using, in addition to the other assumptions used in developing human health criteria generally under the Maine Revised Statutes, Title 38, section 420, subsection 2 and rules adopted by the department, a fish consumption rate of 200 grams per day and a cancer risk level of one in 1,000,000, except for inorganic arsenic, the risk level for which is governed by Title 38, section 420, subsection 2, paragraph J. The designation in this bill as amended of specific waters subject to a sustenance fishing designated use is not intended to preclude a future designation of other such waters through a similar legislative process or as otherwise provided by law.

All aspects of this bill as amended, including the sustenance fishing designated use and the identification of specific water body segments subject to that use, are intended to have meaning and effect within the State's water classification program only and for purposes of calculating and establishing water quality criteria for human health sufficient to protect the sustenance fishing designated use only. Nothing in this bill as amended or the sustenance fishing designated use it establishes is intended to apply to or affect discharges of mercury, which are governed exclusively by separate provisions of law, including Title 38, section 420, subsection 1-B and section 413, subsection 11. This bill as amended changes the human health ambient criterion specified in Title 38, section 420, subsection 1-B, paragraph A, subparagraph (2) to reflect the 200 grams per day fish consumption rate that the Department of Environmental Protection is directed to use when deriving human health criteria for toxic pollutants to protect the sustenance fishing designated use; however, this change is not intended to affect the mercury discharge limits set forth in Title 38, section 420, subsection 1-B and section 413, subsection 11. Nothing in this bill as amended is intended to alter or affect in any way any provision of any of the State's state and federal Indian settlement acts, including the state Indian settlement acts in Title 30, chapters 601 and 603. No part of this bill as amended is intended to relate to or affect in any way any claims or disputes regarding any definition of Indian country, territory, lands, waters, reservations or rights of any kind under any other provision of state or federal law. No part of this bill as amended is intended to create or limit any right or protection under any other state or federal law, including the federal Clean Water Act, except as described in this summary, or any state or federal Indian settlement law or act, or create in any way a right to any particular quantity or quality of fish. The sole intent of this bill as amended is to establish a sustenance fishing designated use that is deemed protected for all purposes through water quality criteria for human health calculated and established through routine technical rulemaking using a specific minimum fish consumption rate and specified cancer risk levels for the waters expressly identified in the State's water classification program, which criteria are applicable for the purposes of the State's water classification program and the federal Clean Water Act.

Enacted Law Summary

Public Law 2019, chapter 463 creates a sustenance fishing designated use as a subcategory of the applicable fishing designated use for certain specified water body segments within Maine's water classification program where there is or may be sustenance fishing or increased fish consumption by members of the Indian tribes in Maine or other Maine citizens. The law also requires that the Department of Environmental Protection adopt routine technical rules no later than March 1, 2020 that calculate and establish water quality criteria protective of human health for toxic pollutants and the sustenance fishing designated use as established by this bill. The law limits the scope of the sustenance fishing designated use created by this bill by providing that, for all purposes, the sustenance fishing designated use created by this bill is deemed protected through water quality criteria for human health calculated and established for the identified water body segments.

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LD 1780 An Act To Support Replacement of At-risk Home Heating Oil Tanks

CARRIED OVER

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

This bill increases opportunities for property owners to replace at-risk home heating oil tanks by authorizing money in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1781 An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste

CARRIED OVER

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

This bill allows the Board of Environmental Protection to make changes to its rules regarding federally based screening levels for the beneficial use of solid waste as routine technical rulemaking pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1784 An Act To Increase Land Permit by Rule Application Fees

PUBLIC 374

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM	H-502 H-542 TUCKER R

This bill increases the processing fee for a Board of Environmental Protection permit by rule application from \$50 to \$250.

Committee Amendment "A" (H-502)

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

House Amendment "A" To Committee Amendment "A" (H-542)

This amendment removes the emergency preamble and the emergency clause. It also amends the appropriations and allocations section.

Enacted Law Summary

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Public Law 2019, chapter 374 increases the processing fee for a Board of Environmental Protection permit by rule application from \$50 to \$250.

LD 1786 An Act To Update Maine's Sales Prohibition on Upholstered Furniture CARRIED OVER
Treated with Flame-retardant Chemicals

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

This bill amends the law restricting the sale of residential upholstered furniture treated with flame-retardant chemicals to align Maine's requirements with standards recently enacted in California. The bill also specifies that the Department of Environmental Protection is authorized, rather than required, to adopt rules to implement the section of law governing residential upholstered furniture.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1789 An Act To Restore the Authority of the Board of Environmental PUBLIC 315
Protection

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

This bill amends the responsibilities and duties of the Board of Environmental Protection as follows.

1. It moves all rulemaking authority of the Department of Environmental Protection to the board.
2. It adds to the board's enforcement responsibilities the duty to approve administrative consent agreements and to advise the commissioner on enforcement priorities and activities and on the adequacy of penalties and enforcement activities.
3. It includes transition language to provide for the orderly transition of the rulemaking authority and for procedures pending before the department on the effective date of this legislation.

Enacted Law Summary

Public Law 2019, chapter 315 amends the responsibilities and duties of the Board of Environmental Protection as follows.

1. It moves all rulemaking authority of the Department of Environmental Protection to the board.
2. It adds to the board's enforcement responsibilities the duty to approve administrative consent agreements and to advise the commissioner on enforcement priorities and activities and on the adequacy of penalties and enforcement activities.
3. It includes transition language to provide for the orderly transition of the rulemaking authority and for procedures pending before the department on the effective date of the law.

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LD 1802 An Act To Make Minor Changes and Corrections to Statutes Administered by or Concerning the Department of Environmental Protection **ONTP**

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

This bill makes minor adjustments to laws administered by or that affect the Department of Environmental Protection. The bill authorizes laboratories operated by a waste discharge facility to analyze waste discharges for Enterococcus without being certified under a state laboratory certification or accreditation program. It changes the timelines regarding appeals under the laws governing uncontrolled hazardous substance sites. It changes the rule-making authority from the Board of Environmental Protection to the Commissioner of Environmental Protection for certain rules regarding waste management.

LD 1823 An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks **CARRIED OVER**

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

This bill provides that a float haul-out or marine way is a functionally water-dependent use allowed in the shoreland zone.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1832 An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program **CARRIED OVER**

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

This bill increases the annual waste discharge license fee for certain categories of existing discharges by 40% from the 2018 bill amount, and the annual discharge license fee for certain categories of new discharges by 40% from the amount indicated in the Department of Environmental Protection fee schedule effective November 1, 2018 to October 31, 2019.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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SUBJECT INDEX

Air Quality

Enacted

LD 1706 An Act To Ensure Public Notification of Air Quality Violations PUBLIC 321

Not enacted

LD 221 An Act To Reduce the Cost of Automobile Repairs by Eliminating the Aftermarket Catalytic Converter Requirement ONTP

LD 975 Resolve, Directing the Department of Environmental Protection To Review and Update Its Report on Emissions from Marine Vessels ONTP

Beverage Containers

Enacted

LD 248 An Act To Increase the Handling Fee for Beverage Containers Reimbursed to Redemption Centers PUBLIC 133
EMERGENCY

LD 338 An Act To Allow Flexibility in the Deposit Labeling of Metal Returnable Beverage Containers PUBLIC 11

LD 1628 An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws PUBLIC 526

Not Enacted

LD 61 An Act To Improve the Maine Bottle Redemption Process ONTP

LD 87 An Act To Increase the Bottle Redemption Deposit ONTP

LD 93 An Act To Amend the Laws Governing Bottle Redemption To Counterbalance for Redemption Centers the Increase in Minimum Wage ONTP

LD 360 An Act To Increase the Reimbursement to Bottle Redemption Centers ONTP

LD 377	An Act To Protect Small Redemption Centers	ONTP
LD 378	An Act To Amend Maine's Bottle Deposit Law	ONTP
LD 426	An Act To Increase the Beverage Container Redemption Reimbursement To Offset Minimum Wage Increases	ONTP
LD 575	An Act To Increase the Bottle Redemption Deposit and the Amount Retained by Bottle Redemption Centers	ONTP
LD 579	An Act To Update Beverage Container Deposits and Redemption Values	ONTP
LD 1055	An Act To Reduce Fraud in the Redemption of Beverage Containers	ONTP
LD 1115	An Act To Create Fairness in the Redemption of Beverage Containers	ONTP

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Enacted

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LD 1789	An Act To Restore the Authority of the Board of Environmental Protection	PUBLIC 315

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Enacted

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Not Enacted

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LD 590	An Act To Promote Climate Resiliency Measures To Protect Beaches and Near-shore Infrastructure	ONTP

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Not Enacted

LD 559	An Act To Restore Regular Mapping of Eelgrass Beds in the State	CARRIED OVER
LD 774	An Act To Protect Maine's Beaches and Shoreline	CARRIED OVER
LD 1336	Resolve, Directing the Governor To Renominate Penobscot Bay for Inclusion in the United States Environmental Protection Agency National Estuary Program	ONTP

Dams

Not Enacted

LD 1687	An Act Regarding the Water Quality Certification of Graham Lake on the Union River	CARRIED OVER
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Department of Environmental Protection

Not Enacted

LD 1802	An Act To Make Minor Changes and Corrections to Statutes Administered by or Concerning the Department of Environmental Protection	ONTP
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Drinking Water

Enacted

LD 1121	An Act To Acknowledge Potable Water as a Necessity	PUBLIC 126
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Environmental Regulation

Not Enacted

LD 327	An Act To Revise Maine's Environmental Laws	CARRIED OVER
LD 951	An Act To Improve the Research Capabilities of State Agencies	CARRIED OVER
LD 952	An Act To Coordinate and Standardize Data Collection Protocols	CARRIED OVER
LD 1750	An Act To Establish Appliance Energy and Water Standards	CARRIED OVER

Greenhouse Gases

Not Enacted

LD 640	Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor	Died Between Houses
LD 797	An Act To Limit Greenhouse Gas Pollution and Effectively Use Maine's Natural Resources	ONTP
LD 818	An Act To Reduce Greenhouse Gas Emissions	ONTP
LD 893	An Act To Create an Updated Unified Maine Climate Action Plan	ONTP

Groundwater

Not Enacted

LD 197	An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction	ONTP
LD 413	An Act To Ensure the Rights of Citizens to Groundwater in the State	ONTP
LD 1358	An Act To Further the Public Interest in All Maine Waters	ONTP
LD 1474	An Act To Ensure Water Equity and Accountability for the People of the State	Majority (ONTP) Report

Licensing/Permitting

Enacted

LD 1784	An Act To Increase Land Permit by Rule Application Fees	PUBLIC 374
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Not Enacted

LD 1707	An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties	ONTP
LD 1832	An Act To Ensure Adequate Funding for the Maine Pollutant Discharge Elimination System and Waste Discharge Licensing Program	CARRIED OVER

Natural Resources Protection Act

Enacted

LD 983	An Act To Exempt from Natural Resources Protection Act Permit Requirements Certain Maintenance and Repairs of Nonhydropower Dams	PUBLIC 124
LD 1320	An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities	PUBLIC 81

Not Enacted

LD 1287	An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination	ONTP
LD 1777	An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program	CARRIED OVER

Oil/Fuel

Enacted

LD 274	An Act To Allow the Sale of Ethanol-free Gasoline Statewide	PUBLIC 55
LD 281	Resolve, Regarding Legislative Review of Portions of Chapter 692: Siting of Oil Storage Facilities, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 27 EMERGENCY
LD 955	An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration	PUBLIC 294
LD 1776	An Act To Reduce the Membership of the Clean-up and Response Fund Review Board	PUBLIC 314

Not Enacted

LD 822	An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol	Veto Sustained
LD 1080	Resolve, Regarding Biofuel in Heating Oil	CARRIED OVER
LD 1780	An Act To Support Replacement of At-risk Home Heating Oil Tanks	CARRIED OVER

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Enacted

LD 710	Resolve, To Require the Department of Environmental Protection To Study the Establishment of a Product Stewardship Program for Mattresses	RESOLVE 36
LD 1431	Resolve, To Support Municipal Recycling Programs	RESOLVE 42
LD 1467	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law	PUBLIC 151
LD 1649	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws	PUBLIC 227
LD 1668	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Mercury-added Lamp Law	PUBLIC 286

Not Enacted

LD 544	An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products	CARRIED OVER
LD 1460	An Act To Support Collection and Proper Disposal of Unwanted Drugs	CARRIED OVER
LD 1594	An Act To Establish a Stewardship Program for Consumer Batteries	CARRIED OVER

Shoreland Zoning

Enacted

LD 562	An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities	PUBLIC 40
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Not Enacted

LD 582	An Act To Increase Vegetative Buffers in the Shoreland Zone	Leave to Withdraw Pursuant to Joint Rule 310
LD 1101	An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone	ONTP
LD 1823	An Act To Allow a Float Haul-out or Marine Way within Shoreland Zone Setbacks	CARRIED OVER

Solid Waste

Enacted

- LD 112 **An Act To Implement Changes to Maine's Solid Waste Laws Pursuant to a Review of the State Waste Management and Recycling Plan** **PUBLIC 291**
- LD 603 **An Act To Amend the Laws Governing Funding for Landfill Closure Costs** **PUBLIC 93**

Not Enacted

- LD 356 **An Act To Sustain Maine's Forest Products Industry by Implementing Certain Existing Solid Waste Management Policies** **Leave to Withdraw Pursuant to Joint Rule 310**
- LD 401 **An Act To Preserve State Landfill Capacity and Promote Recycling** **CARRIED OVER**
- LD 524 **Resolve, Regarding the Promotion of Composting** **ONTP**
- LD 988 **An Act To Reduce the Landfilling of Municipal Solid Waste** **CARRIED OVER**
- LD 1781 **An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste** **CARRIED OVER**

Subdivisions

Enacted

- LD 550 **An Act To Amend the Definition of "Subdivision" in the Laws Governing Planning and Land Use Regulation for Subdivisions and a Provision Excepting the Division of a New or Existing Structure from Those Laws Beginning July 1, 2018** **PUBLIC 174**

Toxic Chemicals

Enacted

- LD 906 **An Act Concerning Pavement Sealing Products** **PUBLIC 493**
- LD 1433 **An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging** **PUBLIC 277**

Not Enacted

- LD 1786 **An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals** **CARRIED OVER**

Wastes

Enacted

LD 289	An Act To Prohibit the Use of Certain Disposable Food Service Containers	PUBLIC 62
LD 1532	An Act To Eliminate Single-use Plastic Carry-out Bags	PUBLIC 346

Not Enacted

LD 102	An Act To Improve the Manufacturing of Plastic Bottles and Bottle Caps	CARRIED OVER
LD 505	An Act To Require the Use of Reusable Food Ware at Eating Establishments	ONTP
LD 621	An Act To Prohibit Extruded Polystyrene Food Service Containers	ONTP
LD 937	An Act Regarding the Sale and Release or Abandonment of Balloons	Died Between Houses

Wastewater

Enacted

LD 216	An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone	PUBLIC 43
LD 543	Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections	RESOLVE 13

Not Enacted

LD 319	An Act To Standardize the Laws Concerning Property Transfers and To Protect Water Quality	ONTP
LD 1779	An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems	CARRIED OVER

Water Quality

Enacted

LD 959	An Act To Increase Funding for the Maine Lakes Society "LakeSmart" Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program	PUBLIC 519
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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON ENERGY, UTILITIES
AND TECHNOLOGY**

August 2019

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REP. STEVEN D. FOSTER

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LD 13 An Act To Allow Microgrids That Are in the Public Interest

CARRIED OVER

Sponsor(s)

DEVIN M

Committee Report

Amendments Adopted

This bill directs the Public Utilities Commission to approve a petition to construct and operate a new microgrid if the commission finds the proposal to be in the public interest and the new microgrid meets other specified requirements. It provides the commission with the ability to impose such terms, conditions or requirements as, in its judgment, it considers necessary in approving a new microgrid and also gives the commission oversight to ensure reliability and security of the electrical system and consumer protections for new microgrid consumers. It specifies that a new microgrid does not become a public utility as a result of its furnishing electrical service to participating consumers. It provides that a new microgrid that has been approved by the commission may construct, maintain or operate its lines in, upon, along, over, across or under the roads and streets. The bill directs the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters by January 15, 2021.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 31 An Act Regarding Rules Adopted by the ConnectME Authority

PUBLIC 2

Sponsor(s)

BERRY S
WOODSOME D

Committee Report

OTP

Amendments Adopted

This bill changes the designation of rules adopted by the ConnectME Authority from major substantive to routine technical.

Enacted Law Summary

Public Law 2019, chapter 2 changes the designation of rules adopted by the ConnectME Authority from major substantive to routine technical.

LD 41 An Act To Replace Net Energy Billing with a Market-based Mechanism

**Accepted Majority
(ONTP) Report**

Sponsor(s)

O'CONNOR B
TIMBERLAKE J

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill makes several changes regarding net energy billing. It allows an eligible customer to elect net energy billing until December 31, 2019, after which time no new net energy billing arrangements may be allowed. It allows net energy billing arrangements entered into prior to December 31, 2019 to remain in effect until December 31, 2034. It prohibits a transmission and distribution utility from requiring a customer to meter the gross output of an eligible facility in order to participate in net energy billing. It limits to 50 the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared

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interest, except in the service territory of a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine.

The bill also establishes a market-based crediting system for energy generated by eligible facilities. It requires the Public Utilities Commission to adopt rules to allow an eligible customer to receive a monetary credit for energy generated by an eligible facility in excess of the customer's usage and exported to the grid at the real-time wholesale market price of that energy. As in the provisions relating to net energy billing, a transmission and distribution utility is prohibited from requiring a customer to meter the gross output of an eligible facility in order to participate in the crediting system, and the number of eligible customers that may participate in a single shared interest in an eligible facility, or the number of meters associated with a single shared interest, is limited to 50. The bill exempts a transmission and distribution utility located in an area administered by the independent system administrator for northern Maine, or any successor of the independent system administrator for northern Maine, from using this crediting system until the Public Utilities Commission determines the utility's billing system can perform the necessary functions to implement the system. It requires the commission to consider whether an alternative system to the crediting system for northern Maine could be developed and utilized in the interim period before the utility's billing system is modified to allow a market-based crediting system.

It requires the Public Utilities Commission to procure, to the maximum extent possible, 20 megawatts of large-scale community solar distributed generation resources. It requires that the contract rate be calculated annually and that no contract may be for more than 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less.

Lastly, it requires the Public Utilities Commission to conduct an analysis of the costs and benefits to ratepayers for both net energy billing and the market-based crediting system in an adjudicatory proceeding and to report those findings to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than January 1, 2021.

Committee Amendment "A" (H-107)

This amendment is the minority report of the committee. The amendment does the following.

1. It changes the end date of eligibility to elect net energy billing from December 31, 2019 to December 31, 2020.
2. It allows net energy billing arrangements entered into prior to December 31, 2020 to remain in effect until December 31, 2035.
3. It limits to 100, rather than 50 in the bill, the number of eligible customers that may participate in a single shared interest in an eligible facility or the number of meters associated with a single shared interest under net energy billing and under the market-based crediting system.
4. It clarifies the exceptions in the bill for northern Maine to specify that the exception applies to the portion of a transmission and distribution utility's service territory that is in an area administered by the independent system administrator for northern Maine.
5. It removes the cap in the bill of 6¢ per kilowatt-hour or the average wholesale electricity rate over the preceding 12 months, whichever is less, on the long-term contract rate for large-scale community solar distributed generation resources.
6. It requires the Public Utilities Commission to adopt rules to implement the long-term contracts for community solar distributed generation resources. It requires that these rules include provisions to protect electricity customers from any shift of responsibility for transmission and distribution utility costs between customers that arises as a result of community solar distributed generation resources.

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This amendment was not adopted.

LD 68 An Act To Improve the Record Keeping of Utilities and the Public Utilities Commission

PUBLIC 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM	S-12

This bill amends the law governing the record-keeping requirements of the Public Utilities Commission. Current law requires that the commission maintain a complete record of proceedings, investigations and formal public hearings. The bill adds the requirement to maintain a record of complaints. It also specifies that the required records be permanently maintained and include results and conclusions, including orders, findings, decisions and settlement agreements. Finally, the bill requires the commission, upon request of a public utility customer, to reconstruct, to the extent possible, the record of a proceeding, investigation, formal public hearing or complaint that was disposed of prior to the requirement that a permanent record be maintained.

Committee Amendment "A" (S-12)

This amendment makes two changes to the bill. First, it adds a provision to the bill to require public utilities to preserve records of customer complaints for a period of 10 years and to make records of customer complaints readily available to the Public Utilities Commission for examination. Second, the amendment removes the provision of the bill that requires the Public Utilities Commission to reconstruct past records of proceedings, investigations, public hearings and complaints.

Enacted Law Summary

Public Law 2019, chapter 26 amends the law governing the record-keeping requirements of the Public Utilities Commission to add the requirement that the commission maintain records of complaints and to specify that records must be permanently maintained and include results and conclusions, including orders, findings, decisions and settlement agreements. The law also requires public utilities to preserve records of customer complaints for a period of 10 years and to make records of customer complaints readily available to the Public Utilities Commission for examination.

LD 91 An Act To Eliminate Gross Metering

PUBLIC 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S WOODSOME D	OTP ONTP	S-4 LAWRENCE M

This bill clarifies the definition of "net energy billing." It requires the Public Utilities Commission, within 60 days of this legislation becoming effective, to amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. It provides that all customers that entered into a net energy billing arrangement on or after March 29, 2017 are governed by the rules that are to be adopted pursuant to this legislation.

Senate Amendment "A" (S-4)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2019, chapter 16 clarifies the definition of "net energy billing." It requires the Public Utilities

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Commission, within 60 days of this legislation becoming effective, to amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. It provides that all customers that entered into a net energy billing arrangement on or after March 29, 2017 are governed by the rules that are to be adopted pursuant to this legislation.

LD 143 An Act To Protect Electric Ratepayers from Gross Output Metering Costs

Leave to Withdraw Pursuant to Joint Rule

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

This bill prohibits a transmission and distribution utility from requiring a customer to meter the gross output of a facility for net energy billing purposes and from requiring a customer to have a meter installed to measure gross output in order to participate in net energy billing. The bill requires that a net energy billing customer be credited for kilowatt-hours exported from an eligible facility at the total retail rate for electricity. It allows a transmission and distribution utility to collect data on gross output only if a meter to measure gross output was installed prior to the effective date of this legislation. Finally, it requires the Public Utilities Commission to amend its rules to conform with the changes made in this legislation within 90 days of the effective date.

LD 147 An Act To Extend Internet Availability in Rural Maine

**PUBLIC 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MOORE M	OTP-AM	H-43

This bill provides one-time funding for two years for a program that provides mobile wireless hot spot devices to libraries in Washington County.

Committee Amendment "A" (H-43)

This amendment replaces the bill. The amendment adds language to the law governing the telecommunications education access fund to:

1. Specify that the use of the fund for Internet access includes mobile Internet access through a portable wireless access point, or hotspot, that provides Internet access over a cellular network; and
2. Add a guideline for allocation of money from the fund to provide, within existing resources, support for qualified libraries in rural areas of the State with greatest need, as determined in consultation with the State Librarian, the Commissioner of Education and the ConnectME Authority, to offer portable wireless access points, or hotspots, for mobile Internet access.

Enacted Law Summary

Public Law 2019, chapter 52 amends the law governing the telecommunications education access fund to:

1. Specify that the use of the fund for Internet access includes mobile Internet access through a portable wireless access point, or hotspot, that provides Internet access over a cellular network; and
2. Add a guideline for allocation of money from the fund to provide, within existing resources, support for

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qualified libraries in rural areas of the State with greatest need, as determined in consultation with the State Librarian, the Commissioner of Education and the ConnectME Authority, to offer portable wireless access points, or hotspots, for mobile Internet access.

Public Law 2019, chapter 52 was enacted as an emergency measure effective April 23, 2019.

LD 173 An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D CARSON B		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase funding to the ConnectME Authority from \$1,000,000 to \$5,000,000 to expand universal broadband and high-speed Internet into rural areas identified as the 6% of the State unserved by high-speed Internet. This bill proposes to make expanding high-speed Internet into unserved rural areas a key emphasis in the economic development of and to multiply the return to the State by directing the ConnectME Authority to use the increased funding to increase the rate of strategic broadband investment and leverage additional federal funding to provide middle-mile and last-mile infrastructure in the unserved areas and to correct broadband deficiencies identified in the ConnectME Authority's baseline update of 2013.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 196 Resolve, Regarding Legislative Review of Portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a Major Substantive Rule of the Public Utilities Commission RESOLVE 19 EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-75)

This amendment allows for the final adoption of portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a provisionally adopted major substantive rule of the Public Utilities Commission, as long as the commission amends the rule to require:

1. Utilities to keep all records required by the rule for 10 years, rather than 6 years; and
2. Each investor-owned transmission and distribution utility to maintain and report the System Average Interruption Duration Index in addition to other metrics required.

Enacted Law Summary

Resolve 2019, chapter 19 allows for the final adoption of portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a provisionally adopted major substantive rule of the Public Utilities Commission, as long as the commission amends the rule to require:

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1. Utilities to keep all records required by the rule for 10 years, rather than 6 years; and
2. Each investor-owned transmission and distribution utility to maintain and report the System Average Interruption Duration Index in addition to other metrics required.

Resolve 2019, chapter 19 was enacted as an emergency measure effective April 30, 2019.

LD 224 An Act To Fund the Municipal Gigabit Broadband Network Access ONTP
Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N BELLOWS S	ONTP	

This bill provides funds to the ConnectME Authority to be used to provide grants to municipalities for high-speed broadband infrastructure development and improvement.

LD 271 An Act Regarding a Transmission and Distribution Utility's Use of the ONTP
Right of Eminent Domain To Locate Its Transmission Lines

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J	ONTP	

This bill withholds the right of eminent domain from a transmission and distribution utility for lands or easements to be acquired for an elective transmission upgrade that is not required for reliability of service to customers in the State or the ISO-New England region.

LD 273 An Act To Require Transmission and Distribution Utilities To Purchase ONTP
Electricity from Renewable Resources at Certain Prices

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

This bill requires a transmission and distribution utility, at the request of the owner of a renewable resource, to purchase the electricity generated by that renewable resource at a price per kilowatt-hour that is 50% of the average cost per kilowatt-hour to generate electricity using a fossil fuel in this State.

LD 334 An Act To Change the Definition of "Renewable Capacity Resource" ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BABINE S CHIPMAN B	ONTP	

This bill aligns the definition of "renewable capacity resource" with that of "renewable resource" in the laws governing renewable energy by adding generators fueled by municipal solid waste in conjunction with recycling to the definition of "renewable capacity resource."

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LD 346 An Act To Amend the Brunswick Sewer District Charter

P & S 1

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

This bill amends the Brunswick Sewer District Charter to allow the district to charge readiness to serve rates consistent with the Maine Revised Statutes, Title 38, section 1048. The bill also amends the charter to allow the treasurer of the district, when authorized by the trustees, to waive the district's right to foreclose on a lien mortgage established by the district on an individual's property, consistent with Title 38, section 1049. The bill provides the form that must be followed for filing the waiver.

Enacted Law Summary

Private and Special Law 2019, chapter 1 amends the Brunswick Sewer District Charter to allow the district to charge readiness to serve rates consistent with the Maine Revised Statutes, Title 38, section 1048. The law also amends the charter to allow the treasurer of the district, when authorized by the trustees, to waive the district's right to foreclose on a lien mortgage established by the district on an individual's property, consistent with Title 38, section 1049, and provides the form that must be followed for filing the waiver.

LD 347 An Act To Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure

PUBLIC 423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DECHANT J VITELLI E	OTP-AM ONTP	H-206

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide ongoing funding for improvements to water and wastewater infrastructure statewide, including, but not limited to, funding to support the State Water and Wastewater Infrastructure Fund established in the Maine Revised Statutes, Title 30-A, section 6006-H.

Committee Amendment "A" (H-206)

This amendment replaces the bill, which is a concept draft. The amendment does the following.

1. It amends the law governing the use of the Liquor Operation Revenue Fund after all liquor operation revenue bonds and any ancillary obligations secured by the fund have been retired to provide additional funding for water and wastewater infrastructure. Specifically, while current law provides a maximum of 15% of funds available after retirement of the bonds be used for matching funds for federal programs for drinking water and wastewater systems, the amendment provides 30% of funds after bond retirement be designated for drinking water and wastewater purposes. The amendment divides the 30% between drinking water and wastewater at 45% and 55% respectively. For both drinking water and wastewater the amendment provides the funds first be used for the state match for federal funds for revolving loans.
2. It amends the law governing the State Water and Wastewater Infrastructure Fund and the Maine Clean Water Fund to allow the funds to be used to provide assistance for capital investment in private and commercial wastewater systems.

Enacted Law Summary

Public Law 2019, chapter 423 amends the law governing the use of the Liquor Operation Revenue Fund after all

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liquor operation revenue bonds and any ancillary obligations secured by the fund have been retired to provide additional funding for water and wastewater infrastructure. Specifically, while current law provides a maximum of 15% of funds available after retirement of the bonds be used for matching funds for federal programs for drinking water and wastewater systems, this law provides 30% of funds after bond retirement be designated for drinking water and wastewater purposes. It divides the 30% between drinking water and wastewater at 45% and 55% respectively and provides, for both drinking water and wastewater, the funds first be used for the state match for federal funds for revolving loans. This law also amends the law governing the State Water and Wastewater Infrastructure Fund and the Maine Clean Water Fund to allow the funds to be used to provide assistance for capital investment in private and commercial wastewater systems.

LD 372 An Act To Increase the Safety of Maine Residents in Extended Power Outages PUBLIC 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J GUERIN S	OTP-AM	H-171

This bill allows a municipality, in the event of a power outage of five or more days, to hire appropriately licensed professionals to address power, telephone and similar lines that have been felled by weather events and that are preventing access to roadways within the municipality. It allows a municipality to apply to receive compensation from the local electric utility, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, the United States Department of Homeland Security, Federal Emergency Management Agency or another funding source.

Committee Amendment "A" (H-171)

This amendment replaces the bill. The amendment establishes requirements for an investor-owned transmission and distribution utility to establish emergency response plans for recovery and restoration in response to an event where widespread outages have occurred due to weather events or other causes beyond the utility's control. It requires that the prioritization process under the plan follow the statewide comprehensive emergency management plan and include consideration of steps to ensure safety of electric facilities, road opening and service restoration. The amendment requires the plan to detail a coordinated approach that includes: priorities for emergency response and service restoration, staffing, communication and coordination with emergency management agencies, customer communications, resource deployment and safety.

The amendment requires each investor-owned transmission and distribution utility to file the emergency response plan with the Public Utilities Commission on a biannual basis and to provide a copy of the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency. The amendment allows the commission to designate portions of the emergency response plan as confidential through the issuance of a protective order.

The amendment also authorizes the commission to open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility after an emergency event. If the commission, through investigation, finds that the utility failed to implement its emergency response plan in a prudent manner, the commission is required to take action to remedy the failure, which may include denying the recovery through rates of the costs of emergency response and service restoration.

Finally, the amendment requires the commission to include in its annual report to the Legislature information regarding its activities and the performance of investor-owned transmission and distribution utilities in relation to emergency response plans.

Enacted Law Summary

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Public Law 2019, chapter 120 establishes requirements for an investor-owned transmission and distribution utility to establish emergency response plans for recovery and restoration in response to an event where widespread outages have occurred due to weather events or other causes beyond the utility's control. It requires that the prioritization process under the plan follow the statewide comprehensive emergency management plan and include consideration of steps to ensure safety of electric facilities, road opening and service restoration. It requires the plan to detail a coordinated approach that includes: priorities for emergency response and service restoration, staffing, communication and coordination with emergency management agencies, customer communications, resource deployment and safety.

The law also requires each investor-owned transmission and distribution utility to file the emergency response plan with the Public Utilities Commission on a biannual basis and to provide a copy of the plan to the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, and it allows the commission to designate portions of the emergency response plan as confidential through the issuance of a protective order. It also authorizes the commission to open an investigation to review the emergency response performance of an investor-owned transmission and distribution utility after an emergency event. If the commission, through investigation, finds that the utility failed to implement its emergency response plan in a prudent manner, the commission is required to take action to remedy the failure, which may include denying the recovery through rates of the costs of emergency response and service restoration.

Finally, the law requires the commission to include in its annual report to the Legislature information regarding its activities and the performance of investor-owned transmission and distribution utilities in relation to emergency response plans.

**LD 383 Resolve, Regarding Legislative Review of Portions of Chapter 101:
ConnectME Authority, a Major Substantive Rule of the ConnectME
Authority**

**RESOLVE 21
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-74

This resolve provides for legislative review of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority.

Committee Amendment "A" (H-74)

This amendment allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority amends the rule to clarify the definition of advanced communications technology infrastructure.

Enacted Law Summary

Resolve 2019, chapter 21 allows for the final adoption of portions of Chapter 101: ConnectME Authority, a major substantive rule of the ConnectME Authority, as long as the ConnectME Authority amends the rule to clarify the definition of advanced communications technology infrastructure.

Resolve 2019, chapter 21 was finally passed as an emergency measure effective April 30, 2019.

Joint Standing Committee on Energy, Utilities and Technology

LD 398 An Act To Allow for Greater Flexibility in Addressing Energy Efficiency Needs in the State PUBLIC 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESSLER C CLAXTON N	OTP-AM	H-73

This bill removes from law the requirement that the Efficiency Maine Trust allocate 50% of the funds in the Regional Greenhouse Gas Initiative Trust Fund for residential programs and 50% for commercial and industrial programs.

Committee Amendment "A" (H-73)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 69 removes from law the requirement that the Efficiency Maine Trust allocate 50% of the funds in the Regional Greenhouse Gas Initiative Trust Fund for residential programs and 50% for commercial and industrial programs.

LD 432 An Act To Amend the Greater Augusta Utility District Charter CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C POULIOT M		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to make technical changes to the charter of the Greater Augusta Utility District to accommodate the district's growth and change in services and to change its voting membership.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 434 An Act To Price Carbon Pollution in Maine ONTP

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

This bill requires an assessment on the carbon content of fuels sold by a distributor in the State. The bill defines "distributor" and requires a distributor to submit on a monthly basis the required assessment to the Public Utilities Commission. The commission is required to transfer any assessment it receives to the Carbon Content Assessment Fund, which the bill establishes. The bill requires the commission at the end of each fiscal year to transfer funds from the fund to transmission and distribution utilities in the State. The funds are to be used to reduce the rates of those utilities' customers in a manner that is equitable and that provides maximum benefit to the economy of the State. The bill gives the commission the authority to review the books and records of a distributor and to impose an administrative penalty if necessary. It requires the commission to adopt routine technical rules.

Joint Standing Committee on Energy, Utilities and Technology

**LD 581 An Act To Direct Electric Utilities To Provide Comparative Usage Data
on Customer Billing Statements**

PUBLIC 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RISEMAN W MIRAMANT D	OTP-AM	H-108

This bill requires a transmission and distribution utility to provide on the utility's billing statement to a customer information concerning the previous 24 months of the customer's energy usage comparing same-month usage data between the first year of usage and the second year of usage.

Committee Amendment "A" (H-108)

This amendment limits the applicability of the requirements of the bill to investor-owned transmission and distribution utilities, rather than all transmission and distribution utilities, and to customer bills for residential, small commercial and medium commercial customers, rather than all customers. The amendment also allows the Public Utilities Commission to waive the requirements if it finds these requirements to be unduly burdensome or cost-prohibitive for an investor-owned transmission and distribution utility for the portion of the utility's service territory located in an area of this State in which the retail market is administered by the independent system administrator for northern Maine.

Enacted Law Summary

Public Law 2019, chapter 81 requires an investor-owned transmission and distribution utility to provide on the utility's billing statement to a residential, small commercial or medium commercial customer information concerning the previous 24 months of the customer's energy usage comparing same-month usage data between the first year of usage and the second year of usage. It allows the Public Utilities Commission to waive these requirements if it finds they are unduly burdensome or cost-prohibitive for an investor-owned transmission and distribution utility for the portion of the utility's service territory located in an area of this State in which the retail market is administered by the independent system administrator for northern Maine.

LD 614 An Act To Increase Electric Vehicles in Maine

PUBLIC 258

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INGWERSEN H	OTP-AM ONTP	H-300

This bill establishes an electric vehicle rebate program to be administered by the Efficiency Maine Trust that beginning July 1, 2020, allows a person who purchases or leases an eligible battery electric vehicle to apply for and, as resources allow, receive a direct rebate of \$2,500 if the person meets certain eligibility criteria. The bill also provides a General Fund appropriation of \$500,000 to support the direct rebates to be made available under the program.

Committee Amendment "A" (H-300)

This amendment, which is the majority report of the committee, makes the following changes to the electric vehicle rebate program and the associated fund established in the bill:

1. Adds plug-in hybrid electric vehicles to the definition of eligible electric vehicle;
2. Removes the requirement that an eligible vehicle be a "new" vehicle;

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- 3. Limits the \$50,000 cap on the manufacturer's suggested retail price to vehicles that have a gross vehicle weight rating of 10,000 pounds or less;
- 4. Removes the program start date of July 1, 2020;
- 5. Removes the fixed rebate amount of \$2,500 and instead requires the Efficiency Maine Trust to determine the rebate amount, which may vary by the size of the vehicle battery. It also permits the trust to establish different rebate amounts to provide opportunities for participation in the program across different customer groups and geographic areas;
- 6. Revises the eligibility criteria regarding registration of a vehicle in the State;
- 7. Adds language to specify that the trust may set limits on the number of rebates per person or per vehicle;
- 8. Removes the provision of the bill that provides a \$500,000 General Fund appropriation to the Electric Vehicle Rebate Fund; and
- 9. Establishes the Electric Vehicle Charging Infrastructure Fund, administered by Efficiency Maine Trust, to increase the availability and effectiveness of electric vehicle charging infrastructure in the State.

Enacted Law Summary

Public Law 2019, chapter 258 establishes an electric vehicle rebate program to be administered by the Efficiency Maine Trust. It requires the Efficiency Maine Trust to determine the rebate amount, which may vary by the size of the vehicle battery and permits the trust to establish different rebate amounts to provide opportunities for participation in the program across different customer groups and geographic areas. This law also establishes the Electric Vehicle Charging Infrastructure Fund, administered by Efficiency Maine Trust, to increase the availability and effectiveness of electric vehicle charging infrastructure in the State.

LD 658 Resolve, To Increase Energy Independence for Maine

RESOLVE 30

Sponsor(s)
HUBBELL B
DOW D

Committee Report
OTP-AM

Amendments Adopted
H-170

This resolve directs the Governor's Energy Office to adopt a 10-year energy independence plan, including conservation and renewable energy strategies, for the State to become a net exporter of energy by 2030. It requires the office to develop the plan through a collaborative stakeholder process. The plan must be submitted to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2019 along with suggested legislation necessary to implement the plan. The resolve authorizes the Joint Standing Committee on Energy, Utilities and Technology to report out a bill to the Second Regular Session of the 129th Legislature related to the plan.

Committee Amendment "A" (H-170)

This amendment replaces the resolve. The amendment directs the Governor's Energy Office, in coordination with the development of the state energy plan or other planning initiatives, to conduct an analysis for at least one scenario for the State to become a net exporter of energy by 2030 through the development and expansion of energy generating capacity, energy conservation and energy efficiency at levels sufficient to offset the total value of the State's domestic energy consumption across all sectors. The amendment requires the Governor's Energy Office to report to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2019 on progress regarding the state energy plan and the analysis for the State to become a net exporter of energy.

Enacted Law Summary

Joint Standing Committee on Energy, Utilities and Technology

Resolve 2019, chapter 30 directs the Governor's Energy Office, in coordination with the development of the state energy plan or other planning initiatives, to conduct an analysis for at least one scenario for the State to become a net exporter of energy by 2030 through the development and expansion of energy generating capacity, energy conservation and energy efficiency at levels sufficient to offset the total value of the State's domestic energy consumption across all sectors. The resolve requires the Governor's Energy Office to report to the Joint Standing Committee on Energy, Utilities and Technology by December 31, 2019 on progress regarding the state energy plan and the analysis for the State to become a net exporter of energy.

LD 674 Resolve, Regarding Implementation and Funding of E-9-1-1 Dispatch Protocols

RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T WOODSOME D	OTP-AM	H-100

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to upgrade the State's E-9-1-1 system in accordance with certain recommendations contained in the report related to standardized dispatch protocols for police 9-1-1 calls that was presented to the Joint Standing Committee on Energy, Utilities and Technology on January 15, 2019 by the Maine Public Utilities Commission.

Committee Amendment "A" (H-100)

This amendment replaces the bill, which was a concept draft. The amendment directs the Public Utilities Commission, Emergency Services Communications Bureau to convene a stakeholder group to develop recommendations regarding emergency dispatch protocols and use of the E-9-1-1 fund to support standardized dispatch protocol implementation. The amendment requires the stakeholder group to examine and make recommendations regarding: the use of the E-9-1-1 fund to cover costs associated with the implementation of standardized dispatch protocols and related requirements; issues related to the adoption and implementation of protocols for fire 9-1-1 calls and medical 9-1-1 calls; and potential future implementation of dispatch protocols for police 9-1-1 protocols on a mandatory or voluntary basis. The amendment requires the bureau to submit a report detailing the recommendations of the stakeholder group to the Joint Standing Committee on Energy, Utilities and Technology by November 1, 2019 and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report.

Enacted Law Summary

Resolve 2019, chapter 24 directs the Public Utilities Commission, Emergency Services Communications Bureau to convene a stakeholder group to develop recommendations regarding emergency dispatch protocols and use of the E-9-1-1 fund to support standardized dispatch protocol implementation. It requires the stakeholder group to examine and make recommendations regarding: the use of the E-9-1-1 fund to cover costs associated with the implementation of standardized dispatch protocols and related requirements; issues related to the adoption and implementation of protocols for fire 9-1-1 calls and medical 9-1-1 calls; and potential future implementation of dispatch protocols for police 9-1-1 protocols on a mandatory or voluntary basis. The resolve also requires the bureau to submit a report detailing the recommendations of the stakeholder group to the Joint Standing Committee on Energy, Utilities and Technology by November 1, 2019 and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report.

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LD 694 An Act To Amend the Charter of the Town of Madison's Department of Electric Works P & S 4

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRIN B CURTIS P	OTP	

This bill replaces language in the charter of Town of Madison's Department of Electric Works regarding bonding authority to provide that it is the Department of Electric Works that issues bonds for its purposes and not the Town of Madison. The bill also removes the \$1,200,000 cap in the charter on the issuance of bonds or notes for current operating expenses.

Enacted Law Summary

Private and Special Law 2019, chapter 4 replaces language in the charter of Town of Madison's Department of Electric Works regarding bonding authority to provide that it is the Department of Electric Works that issues bonds for its purposes and not the Town of Madison. This law also removes the \$1,200,000 cap in the charter on the issuance of bonds or notes for current operating expenses.

LD 743 An Act To Create Local Options in E-9-1-1 Protocol Mandates ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact certain measures designed to allow for increased flexibility in emergency dispatch protocols. Currently, structured, standardized call-taking processes are implemented to assess a caller's condition, scene information and the appropriate response to dispatch to the emergency. This bill would examine: whether protocol-based call-taking processes result, in certain instances, in delays in emergency response and the need for additional staffing; the extent to which the use of protocols improves or impedes the delivery of emergency services; any outstanding issues associated with appropriate and effective training in the use of emergency dispatch protocols; and the costs associated with the implementation of standardized police dispatch protocols that are borne by municipalities.

LD 754 An Act To Ensure the Regional Greenhouse Gas Initiative Trust Fund Continues To Promote Energy Efficiency and Benefit Maine Ratepayers Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N FOLEY R	ONTP OTP-AM	

This bill reestablishes a ceiling on energy efficiency spending from the Regional Greenhouse Gas Initiative Trust Fund that was repealed in 2013. The bill provides for transfers from the trust fund to Maine-based energy-intensive businesses, in addition to transfers to affected customers; requires that funds over a certain amount be distributed to ratepayers; and authorizes the Public Utilities Commission to adopt implementing rules.

Committee Amendment "A" (H-207)

This amendment is the minority report of the committee. It adds an appropriations and allocations section to allow

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expenditure of money for disbursements to affected customers, energy-intensive businesses and ratepayers.

This amendment was not adopted.

LD 790 An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D EVANGELOS J		

This bill prohibits the Public Utilities Commission from adopting or amending net energy billing rules pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to impose any limit on the number of accounts or meters that customers may designate for net energy billing or any limit on the number of customers that may share an interest in a generation facility for which the energy output is credited as part of any net energy billing.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 807 An Act Regarding the Duties of the Public Advocate PUBLIC 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D NADEAU C	OTP-AM	S-38

This bill removes an exception to the Public Advocate's ability to petition to initiate, or intervene and appear in, any proceedings before the Public Utilities Commission, appeals from orders of the commission or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in the State. Specifically, it removes the prohibition against the Public Advocate's intervening in any proceedings in which commission staff is representing a position substantially similar to that of the Public Advocate.

Committee Amendment "A" (S-38)

This amendment adds an appropriations and allocations section to the bill. It provides an allocation to fund additional staff activities related to the expansion of the Office of the Public Advocate's duties in proceedings before the Public Utilities Commission and other state and federal agencies and courts.

Enacted Law Summary

Public Law 2019, chapter 71 removes an exception to the Public Advocate's ability to petition to initiate, or intervene and appear in, any proceedings before the Public Utilities Commission, appeals from orders of the commission or proceedings before state and federal agencies and courts in which the subject matter of the action affects the customers of any utility or competitive service provider doing business in the State. Specifically, it removes the prohibition against the Public Advocate's intervening in any proceedings in which commission staff is representing a position substantially similar to that of the Public Advocate.

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**LD 832 An Act To Expand Options for Consumers of Cable Television in
Purchasing Individual Channels and Programs**

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J BLACK R	OTP ONTP	

This bill requires that cable television system operators offer subscribers the option of purchasing access to cable channels or programs on cable channels individually.

Enacted Law Summary

Public Law 2019, chapter 308 requires that cable television system operators offer subscribers the option of purchasing access to cable channels or programs on cable channels individually.

LD 834 An Act To Establish Minimum Service Standards for Electric Utilities

PUBLIC 104

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N	OTP-AM	H-109

This bill proposes to establish service interruption standards and require transmission and distribution utilities that do not meet these standards to take corrective action. The bill directs the Public Utilities Commission to require, by rule, transmission and distribution utilities to keep records and report service interruptions to the commission. It also requires a utility that experiences service interruptions at a rate that exceeds the statewide average service interruption rate by 50% or more to submit a plan for, implement and track corrective actions to address the service interruptions.

Committee Amendment "A" (H-109)

The amendment changes the provision in the bill regarding the metrics for evaluating service interruptions for transmission and distribution utilities and the threshold for requiring corrective action. Rather than calculating a statewide average service interruption rate and establishing the threshold for corrective action at 50% above that statewide average, as in the bill, the amendment requires the Public Utilities Commission by rule to set standards regarding the frequency and duration of service interruptions, establish performance targets and specify guidelines for requiring corrective action by a utility. The amendment authorizes the commission to exempt transmission and distribution utilities serving 50,000 or fewer customers from rules regarding service interruption reporting and standards.

Enacted Law Summary

Public Law 2019, chapter 104 directs the Public Utilities Commission to require, by rule, transmission and distribution utilities to keep records and report service interruptions to the commission. It requires the commission to set standards regarding the frequency and duration of service interruptions, establish performance targets and specify guidelines for requiring corrective action by a utility and authorizes the commission to exempt transmission and distribution utilities serving 50,000 or fewer customers from rules regarding service interruption reporting and standards.

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LD 912 An Act To Establish the Wood Energy Investment Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FECTEAU R	OTP-AM	S-193

This bill establishes the wood energy investment fund and creates the Wood Energy Investment Program within the Efficiency Maine Trust. The bill specifies that, if the Public Utilities Commission finds that an entity awarded a contract for biomass resources pursuant to Public Law 2015, chapter 483 is not meeting contract requirements and therefore is not qualified to receive the full contract payment or any contract payment, those funds that would have been paid had contract requirements been met must be transferred to the wood energy investment fund. It also specifies that any funds remaining in the cost recovery fund established in Public Law 2015, chapter 483, section 1, subsection 5 that are not needed to pay above-market costs for biomass resources must also be transferred by the Public Utilities Commission to the wood energy investment fund. It requires the trust to use funds from the fund, if there are any, to provide incentives and low-interest or no-interest loans for new wood-derived thermal energy or cogeneration projects. It requires that the trust consult with the Finance Authority of Maine, when appropriate, in the development of any Wood Energy Investment Program incentives and the distribution of money from the wood energy investment fund. It prohibits the use of funds for incentives or loans for the refurbishment or maintenance of existing facilities.

Committee Amendment "A" (S-193)

This amendment adds an appropriations and allocations section. The amendment allocates funds to establish the Wood Energy Fund within the Efficiency Maine Trust.

This bill was reported out of committee and then carried over in the Senate to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 918 An Act Regarding Utility Line Extensions

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L BERRY S	ONTP OTP-AM	

This bill proposes to require transmission and distribution utilities to share the cost of utility line extensions to subdivision developments. The bill directs the Public Utilities Commission, by rule, to require transmission and distribution utilities to cover the cost of a portion of a line extension either by providing a portion of the line extension free of charge, in the case of utility construction of the line extension, or providing a credit or reimbursement upon transfer of ownership of the line extension to the utility, in the case of a privately constructed line extension.

Committee Amendment "A" (S-68)

This amendment is the minority report of the committee and replaces the bill. The amendment establishes requirements, through rulemaking by the Public Utilities Commission, for a one-time payment by a transmission and distribution utility to a person that constructs an underground line extension, subject to technical standards, upon the transfer of ownership of the line to the transmission and distribution utility. The payment must take into account the estimated reduction in maintenance costs for an underground line extension relative to an overhead line extension. This amendment was not adopted.

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LD 946 An Act To Protect the Privacy of Online Customer Information

PUBLIC 216

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S BERRY S	OTP OTP-AM OTP-AM	H-387 BERRY S

This bill prohibits a provider of broadband Internet access service from using, disclosing, selling or permitting access to customer personal information unless the customer expressly consents to that use, disclosure, sale or access. The bill provides other exceptions under which a provider may use, disclose, sell or permit access to customer personal information. The bill prohibits a provider from refusing to serve a customer, charging a customer a penalty or offering a customer a discount if the customer does or does not consent to the use, disclosure, sale or access. The bill requires providers to take reasonable measures to protect customer personal information from unauthorized use, disclosure, sale or access. The provisions of the bill apply to providers operating within the State when providing broadband Internet access service to customers that are billed for service received in the State and are physically located in the State.

Committee Amendment "B" (S-134)

This amendment is one of two minority reports of the committee and replaces the bill with a resolve. The amendment directs the Attorney General, in consultation with industry and customer stakeholders, to study and make recommendations regarding the State's role in the regulation of the privacy of online customer information. It requires the Attorney General to submit a report to the Joint Standing Committee on Energy, Utilities and Technology by January 31, 2020 and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "A" (S-133)

This amendment is one of two minority reports of the committee and replaces the bill. The amendment includes a transparency requirement under which a controller, defined as a person who controls personal data collected through the Internet about individual consumers who use or visit the controller's website or online service, is required to make certain disclosures to the consumers regarding the categories of data that are processed, the manner in which the data may be shared with third parties and any rights the consumer may have to review and request changes to inaccurate data collected by the controller. The amendment includes a right-to-know provision that requires controllers who sell personal data collected from individual consumers who use or visit the controller's website or online service to make available to the consumers, free of charge, all categories of data sold and all categories of third parties who received the data. Additionally, the amendment requires controllers who sell personal data to third parties to conspicuously post a designated address and provide consumers a right to opt out of the sale of the consumer's data by issuing a verified request through the designated address. Finally, the amendment requires consumer consent with regard to the sharing of certain sensitive information or information that is sensitive in nature, subject to a risk assessment by the controller. The amendment provides an effective date of July 1, 2021. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

House Amendment "B" (H-387)

This amendment includes other exceptions, as found in the current law, to the release of customer personal information, such as for the release of portable electronic device content information and location information to a government entity. This amendment also removes the authorization of a provider of broadband Internet access

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service to provide geolocation information regarding a customer to the customer's legal guardian or immediate family member in an emergency situation. This amendment also provides an effective date of July 1, 2020 for the legislation.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 216 prohibits a provider of broadband Internet access service from using, disclosing, selling or permitting access to customer personal information unless the customer expressly consents to that use, disclosure, sale or access. It provides other exceptions under which a provider may use, disclose, sell or permit access to customer personal information, such as for the release of portable electronic device content information and location information to a government entity. The law prohibits a provider from refusing to serve a customer, charging a customer a penalty or offering a customer a discount if the customer does or does not consent to the use, disclosure, sale or access and requires providers to take reasonable measures to protect customer personal information from unauthorized use, disclosure, sale or access. The provisions of this law apply to providers operating within the State when providing broadband Internet access service to customers that are billed for service received in the State and are physically located in the State. This law has an effective date of of July 1, 2020.

LD 950 An Act To Develop a State Energy Plan To Provide a Pathway to an Energy Portfolio Free of Fossil Fuels ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to develop a State energy plan to provide a pathway to an energy portfolio free of fossil fuels.

LD 980 An Act To Amend Provisions of the Maine Energy Cost Reduction Act Regarding Assessments on Ratepayers ONTP

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

This bill amends the Maine Energy Cost Reduction Act to permit the Public Utilities Commission to consider the effect on electricity market clearing prices in Maine of programs, contracts and other enforceable obligations in other states in determining whether assessments on Maine electricity ratepayers for natural gas pipelines and gas storage are just and reasonable.

LD 994 Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy RESOLVE 87

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D	OTP-AM OTP-AM	S-245

This resolve directs the Public Utilities Commission to approve the long-term contract for capacity and associated energy between Maine Aqua Ventus I, GP, LLC and Central Maine Power Company submitted to the commission in

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December 2017.

Committee Amendment "A" (S-245)

This amendment is the majority report of the committee. The amendment adds additional specifications to the directive in the resolve to the Public Utilities Commission to approve a long-term contract for energy and capacity between Maine Aqua Ventus and Central Maine Power Company. The amendment additionally specifies and requires that:

1. Maine Aqua Ventus file a draft contract with the commission within 15 days of the effective date of the resolve;
2. The commission initiate and complete negotiations among commission staff, Maine Aqua Ventus, Central Maine Power Company and the Office of the Public Advocate and approve a contract between Maine Aqua Ventus and Central Maine Power Company within 60 days of the filing of the draft contract;
3. The final draft contract be the same as the contract filed with the commission on December 13, 2017, in Docket No. 2010-00235, except for revisions necessary for the purposes of updating the contract in light of the passage of time and the maturation of the industry and facilitating the financing, construction and operation of the demonstration project in current circumstances, within the cost limitations established in Public Law 2009, chapter 615, while not increasing or decreasing the annual energy production cap or, except as needed to reasonably accommodate for construction inflation costs since 2014, the cost per kilowatt-hour previously set in the base energy price; and
4. The commission order the final draft contract to be executed by Maine Aqua Ventus and Central Maine Power Company within 90 days of the effective date of the resolve.

The amendment also provides for the Public Utilities Commission to monitor the deep-water offshore wind energy pilot project developed by Maine Aqua Ventus and respond to requested future amendments to the contract in the context of accomplishing the objectives of Public Law 2009, chapter 615 and authorizes the Joint Standing Committee on Energy, Utilities and Technology to report out a bill related to deep-water offshore wind energy to the Second Regular Session of the 129th Legislature.

Committee Amendment "B" (S-246)

This amendment is the minority report of the committee. The amendment removes the emergency preamble and emergency clause. The amendment requires that the contract between Maine Aqua Ventus and Central Maine Power Company to be approved by the Public Utilities Commission under the resolve be revised to set the price in the contract equal to the ISO-New England wholesale energy market price.

This amendment was not adopted.

Enacted Law Summary

Resolve 2019, chapter 87 directs the Public Utilities Commission to approve the long-term contract for capacity and associated energy between Maine Aqua Ventus I, GP, LLC and Central Maine Power Company submitted to the commission in December 2017. It requires that:

1. Maine Aqua Ventus file a draft contract with the commission within 15 days of the effective date of the resolve;
2. The commission initiate and complete negotiations among commission staff, Maine Aqua Ventus, Central Maine Power Company and the Office of the Public Advocate and approve a contract between Maine Aqua Ventus and Central Maine Power Company within 60 days of the filing of the draft contract;
3. The final draft contract be the same as the contract filed with the commission on December 13, 2017, in Docket

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No. 2010-00235, except for revisions necessary for the purposes of updating the contract in light of the passage of time and the maturation of the industry and facilitating the financing, construction and operation of the demonstration project in current circumstances, within the cost limitations established in Public Law 2009, chapter 615, while not increasing or decreasing the annual energy production cap or, except as needed to reasonably accommodate for construction inflation costs since 2014, the cost per kilowatt-hour previously set in the base energy price; and

4. The commission order the final draft contract to be executed by Maine Aqua Ventus and Central Maine Power Company within 90 days of the effective date of the resolve.

The resolve provides for the Public Utilities Commission to monitor the deep-water offshore wind energy pilot project developed by Maine Aqua Ventus and respond to requested future amendments to the contract in the context of accomplishing the objectives of Public Law 2009, chapter 615 and authorizes the Joint Standing Committee on Energy, Utilities and Technology to report out a bill related to deep-water offshore wind energy to the Second Regular Session of the 129th Legislature.

LD 1003 An Act To Ensure Accurate Explanations of Electric Bills

PUBLIC 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S CHENETTE J	OTP-AM	H-101

This bill requires an investor-owned transmission and distribution utility to obtain the approval of the Public Utilities Commission before providing information explaining electricity rate components to a customer. The bill requires the commission to ensure that the information provided to a customer accurately reflects the overall rate structure and cost components for the supply and delivery of electricity. The bill also requires the commission to receive input from the Public Advocate and other interested parties before approving or disapproving any written information provided by an investor-owned transmission and distribution utility to a customer.

Committee Amendment "A" (H-101)

This amendment replaces the bill. The amendment requires the Public Utilities Commission to adopt rules to do the following:

1. Require investor-owned transmission and distribution utilities to provide customers annually, as an insert or attachment to customer bills, an informational chart showing a 10-year history of transmission, distribution and standard-offer service rates available to the customer's rate class, along with a statement of the total percentage change in those rates over the 10-year period;
2. Require a customer bill issued by an investor-owned transmission and distribution utility to display clearly and prominently the toll-free telephone number for the commission's consumer assistance and safety division and a statement of the consumer assistance services available by calling the division; and
3. Establish a process for the commission, upon finding that an investor-owned transmission and distribution utility has distributed information to customers that is misleading, deceptive or inaccurate, to require the transmission and distribution utility to provide customers a statement that corrects the misleading, deceptive or inaccurate information.

The amendment also requires the commission to post informational charts showing a 10-year history of electricity rate components on the commission's website.

Enacted Law Summary

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Public Law 2019, chapter 88 requires the Public Utilities Commission to adopt rules to do the following:

1. Require investor-owned transmission and distribution utilities to provide customers annually, as an insert or attachment to customer bills, an informational chart showing a 10-year history of transmission, distribution and standard-offer service rates available to the customer's rate class, along with a statement of the total percentage change in those rates over the 10-year period;
2. Require a customer bill issued by an investor-owned transmission and distribution utility to display clearly and prominently the toll-free telephone number for the commission's consumer assistance and safety division and a statement of the consumer assistance services available by calling the division; and
3. Establish a process for the commission, upon finding that an investor-owned transmission and distribution utility has distributed information to customers that is misleading, deceptive or inaccurate, to require the transmission and distribution utility to provide customers a statement that corrects the misleading, deceptive or inaccurate information.

The law also requires the commission to post informational charts showing a 10-year history of electricity rate components on the commission's website.

LD 1027 An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANLEY J DOW D	ONTP OTP-AM	

This bill removes the 100-megawatt capacity limit for a hydroelectric generator that meets all state and federal fish passage requirements applicable to generators to qualify as a renewable capacity resource and for a hydroelectric generator to qualify as a renewable resource for the purpose of meeting the State's renewable resource portfolio requirement.

Committee Amendment "A" (H-208)

This amendment is the minority report of the committee. The amendment, which replaces the bill, removes the 100-megawatt capacity limit for a resource to qualify as a renewable resource or a renewable capacity resource for the purpose of meeting the State's renewable resource portfolio requirement.

This amendment was not adopted.

LD 1048 An Act To Encourage Conservation in Determining Natural Gas Rates Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H COLLINGS B	ONTP OTP	

This bill requires the Public Utilities Commission, in determining rates and rate structures for natural gas utilities, to consider energy conservation and financial incentives for customers to reduce natural gas consumption.

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**LD 1060 An Act To Authorize Consumers Located Adjacent to Electric Power
Generators To Obtain Power Directly**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL D FOLEY R	ONTP OTP	

This bill allows an electricity generator to build an interconnection from the generator's facility to a consumer of the electricity located adjacent to the generator without becoming subject to regulation by the Public Utilities Commission as a transmission and distribution utility. The Public Utilities Commission is directed to adopt rules to determine when a consumer is located adjacent to a generator.

**LD 1063 An Act To Support the Role of Municipalities in Expanding Broadband
Infrastructure**

PUBLIC 108

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J FOLEY R	OTP-AM	H-110

This bill recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. The bill prohibits a municipality from providing retail communications services through community broadband systems to nonmunicipal entities. The bill exempts community broadband systems from taxation.

Committee Amendment "A" (H-110)

This amendment removes the provision in the bill that prohibits a municipality from providing retail communication services through community broadband systems to nonmunicipal entities.

Enacted Law Summary

Public Law 2019, chapter 108 recognizes broadband Internet as a public necessity. It designates a community broadband system or part of that system as a revenue-producing municipal facility. It allows a municipality to construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services, and it exempts community broadband systems from taxation.

LD 1120 An Act To Protect Consumers from Price Gouging by Utility Companies

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHENETTE J SYLVESTER M	ONTP OTP-AM	

This bill changes the positions of the members of the Public Utilities Commission, currently 6-year terms, and the Public Advocate, currently a four-year term, to positions serving at the pleasure of the Governor. It also changes the compensation of the members of the Public Utilities Commission to be set at the average annual wage in the State;

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current law sets compensation of the chair of the commission at the salary of the Chief Justice of the Superior Court and the other commissioners at the salary of an Associate Justice of the Superior Court.

The bill requires the commission, in the determination of utility rates, to limit rate increases to less than 10% in any 12-month period. The bill also prohibits costs associated with errors or mistakes that are the responsibility of a utility from being included or incorporated in operating expenses in the commission's determination of rates or rate-adjustment mechanisms.

Committee Amendment "A" (S-95)

This amendment is the minority report of the committee. It adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 1127 An Act To Expand Community-based Solar Energy in Maine

CARRIED OVER

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

This bill requires the Public Utilities Commission to direct investor-owned transmission and distribution utilities to enter into long-term contracts with community-based solar photovoltaic energy generating facilities. The total amount of resources procured through these long-term contracts may not exceed 100 megawatts, and 20% of resources procured must come from generators with a capacity of less than two megawatts. The bill requires the commission to establish provisions to protect the interests of utility customers over the term of the contracts.

The bill sets forth eligibility requirements for community-based solar resources to enter into long-term contracts. To be eligible, a resource must have a capacity of no more than 10 megawatts, have an in-service date between June 30, 2020 and December 31, 2021 and meet local ownership requirements. In addition, to be eligible, the owners of the resource must:

1. Demonstrate to the Public Utilities Commission completion of an interconnection agreement application with the local transmission and distribution utility;
2. Include a plan to obtain all required federal, state and local permits and approvals;
3. Demonstrate financial capability to operate the resource over the term of the contract;
4. Include a letter or resolution of support from the local community in which the resource is located; and
5. Outline expected economic benefits from the long-term contract to the local community in which the resource is located.

The bill establishes a minimum contract length of 20 years and requires the contract rate to be less than 9¢ per kilowatt-hour and fixed for a period of at least 20 years. Contracts may be for energy or capacity. The contracts may also include renewable energy credits, or the owners of the resource may retain the renewable energy credits associated with the resource, as determined by the owners. Finally, the bill specifies that available energy contracted for under the provisions of this bill must be sold into the wholesale electricity market in conjunction with solicitations for standard-offer supply bids.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1139 An Act To Eliminate Restrictions on Capacity and the Number of Accounts for Net Energy Billing ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N BELLOWS S	ONTP	

This bill provides that the Public Utilities Commission may not limit the installed capacity of an eligible facility or the number of accounts or meters a customer or shared ownership customer may designate for net energy billing. Current commission rules limit the capacity to 660 kilowatts and the number of meters or accounts to 10.

LD 1173 An Act To Allow the Direct Sale of Electricity PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D	OTP-AM	S-123

This bill directs the Public Utilities Commission to approve a petition to sell electricity directly to commercial or industrial customers if the commission finds the electric service meets specified requirements. The bill specifies that the petitioner does not become a public utility as a result of its furnishing electric service to participating customers. The bill also provides that a person that has been approved to sell electricity directly to customers may construct and maintain its lines in, upon, along, over, across or under the roads and streets.

Committee Amendment "A" (S-123)

This amendment replaces the bill. The amendment allows an entity that generates electricity to construct a transmission line for the purpose of interconnecting and distributing electricity to serve a commercial or industrial consumer without becoming subject to regulation by the Public Utilities Commission as a transmission and distribution utility or a competitive electricity provider when the commercial or industrial consumer is located on the property where the generator is located; on abutting property; or on a commercial or industrial site served by the generator or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018. The amendment requires the Public Utilities Commission to report every three years, beginning in 2022, on the incidence of direct sales of electricity by an entity that generates electricity to commercial or industrial consumers in the instances allowed under this amendment. Finally, the amendment clarifies that this legislation does not modify or nullify the framework and precedent for analyzing when an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in related cases.

Enacted Law Summary

Public Law 2019, chapter 205 allows an entity that generates electricity to construct a transmission line for the purpose of interconnecting and distributing electricity to serve a commercial or industrial consumer without becoming subject to regulation by the Public Utilities Commission as a transmission and distribution utility or a competitive electricity provider when the commercial or industrial consumer is located on the property where the generator is located; on abutting property; or on a commercial or industrial site served by the generator or its predecessor without using the transmission and distribution plant of a public utility prior to December 31, 2018. The law requires the Public Utilities Commission to report every three years, beginning in 2022, on the incidence of direct sales of electricity by an entity that generates electricity to commercial or industrial consumers in the instances allowed under this amendment. Finally, the law clarifies that it does not modify or nullify the framework and precedent for analyzing when an entity is a transmission and distribution utility or a competitive electricity provider established by the Public Utilities Commission in related cases.

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LD 1181 An Act To Reduce Electricity Costs through Nonwires Alternatives

PUBLIC 298

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S LAWRENCE M	OTP-AM	H-431

This bill establishes the position of nonwires alternative coordinator in the Office of the Public Advocate. The duties of the nonwires alternative coordinator include investigation and identification of nonwires alternatives to proposed transmission lines and proposed transmission projects and evaluation of the costs and benefits of nonwires alternatives compared to utility capital investments in the transmission and distribution system. The bill requires the nonwires alternative coordinator to include and collaborate with transmission and distribution utilities, the Efficiency Maine Trust and interested parties in conducting the coordinator's review and analysis of proposed utility capital investments and nonwires alternatives. The duties of the coordinator also include making recommendations for nonwires alternatives to the Public Utilities Commission, proposing procurement plans for nonwires alternatives and implementing procurement plans approved by the commission. The bill specifies that a procurement plan for nonwires alternatives may provide for the Efficiency Maine Trust to procure and deliver, through its existing programs, nonwires alternatives, and it authorizes the Efficiency Maine Trust, in its triennial plan or annual update plan, to include the costs of providing nonwires alternatives in its budget for electric efficiency and conservation programs.

The bill amends the law governing the construction of transmission lines and the construction of transmission or distribution projects by transmission and distribution utilities. It defines a transmission or distribution project as a transmission or distribution line operating at less than 69 kilovolts projected to cost over \$500,000; current law defines a transmission project as a transmission line operating at less than 69 kilovolts projected to cost over \$20,000,000. The bill requires the nonwires alternative coordinator to conduct an investigation of proposed transmission lines and proposed transmission or distribution projects prior to approval of any line or project by the Public Utilities Commission. It requires the commission to consider the results of the investigation conducted by and the recommendations of the nonwires alternative coordinator regarding nonwires alternatives to the proposed transmission line or transmission or distribution project.

The bill requires each transmission and distribution utility to file an annual schedule of transmission line rebuilding or relocation projects and minor transmission line construction projects with the nonwires alternative coordinator in addition to with the Public Utilities Commission. It also establishes a requirement for each transmission and distribution utility to prepare and file annually with the commission and the nonwires alternative coordinator a distribution system planning study describing system capacity and load and growth-related needs for the upcoming five years to ensure electric grid reliability.

The bill makes several changes to the law on smart grid infrastructure policy. It establishes that it is in the public interest to establish a nonwires alternative coordinator for the State. It allows utilities to adjust rates to recover incremental costs associated with operations of the nonwires alternative coordinator and costs of procuring nonwires alternatives and eliminates the requirement that incremental costs be prudently incurred to be recoverable. It requires the Public Advocate's annual report to include a report on the State's progress on smart grid infrastructure.

Committee Amendment "A" (H-431)

This amendment strikes and replaces the bill and does the following.

1. It requires the Public Advocate to contract with a person or entity to serve as the nonwires alternative coordinator.

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2. It provides that funding of the contracted services of the nonwires alternative coordinator is provided through a special assessment on investor-owned transmission and distribution utilities.
3. It adjusts the salary range of the Special Assistant to the Public Advocate from range 20 to range 25.
4. It amends the definition of "transmission project" to cover projects expected to cost in excess of \$5,000,000, rather than those in excess of \$20,000,000 as in current law.
5. It amends the provisions relating to transmission lines and transmission projects subject to investigation of nonwires alternatives in several ways. It limits the requirement for a nonwires alternative investigation to apply to transmission lines and projects proposed by investor-owned transmission and distribution utilities, rather than transmission and distribution utilities in general. It also adds a category of small transmission and distribution projects subject to nonwires alternatives investigation.
6. It establishes cost-effectiveness as the analytical framework and standard for the investigation of nonwires alternatives for all types of projects and requires a benefit-cost analysis to evaluate cost-effectiveness. It requires the nonwires alternative coordinator to develop and make recommendations regarding the cost-effectiveness of nonwires alternatives and a proposed plan for procurement of nonwires alternatives.
7. It requires an investor-owned transmission and distribution utility to submit annually to the Office of the Public Advocate a planning study for small transmission and distribution projects.
8. It requires the nonwires alternative coordinator to provide recommendations to investor-owned transmission and distribution utilities for nonwires alternatives to small transmission projects and distribution projects and requires the coordinator and the utility to attempt to reach a good faith agreement on the adoption of nonwires alternatives. If no agreement is reached, the utility is required to petition the Public Utilities Commission to resolve the dispute.
9. It includes provisions regarding procurement of nonwires alternatives. These provisions require a transmission and distribution utility to contract with the Efficiency Maine Trust to deliver nonwires alternatives that are on the customer side of the meter and require the commission to determine the entity, which may be the utility or a third party, to deliver nonwires alternatives that are on the grid side of the meter.
10. It provides that a transmission and distribution utility's prudently incurred costs to deliver nonwires alternatives are recoverable in rates.
11. It adds a provision to reference the activities of the nonwires alternative coordinator in the Efficiency Maine Trust Act regarding coordination with activities and programs of state agencies and authorities.
12. It makes changes to the law on smart grid infrastructure policy and establishes that it is in the public interest to establish a nonwires alternative coordinator for the State.

Enacted Law Summary

Public Law 2019, chapter 298 does the following.

1. It requires the Public Advocate to contract with a person or entity to serve as the nonwires alternative coordinator.
2. It provides that funding of the contracted services of the nonwires alternative coordinator is provided through a special assessment on investor-owned transmission and distribution utilities.
3. It adjusts the salary range of the Special Assistant to the Public Advocate from range 20 to range 25.

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- 4. It amends the definition of "transmission project" to cover projects expected to cost in excess of \$5,000,000, rather than those in excess of \$20,000,000 as in current law.
- 5. It amends the provisions relating to transmission lines and transmission projects subject to investigation of nonwires alternatives in several ways. It limits the requirement for a nonwires alternative investigation to apply to transmission lines and projects proposed by investor-owned transmission and distribution utilities, rather than transmission and distribution utilities in general. It also adds a category of small transmission and distribution projects subject to nonwires alternatives investigation.
- 6. It establishes cost-effectiveness as the analytical framework and standard for the investigation of nonwires alternatives for all types of projects and requires a benefit-cost analysis to evaluate cost-effectiveness. It requires the nonwires alternative coordinator to develop and make recommendations regarding the cost-effectiveness of nonwires alternatives and a proposed plan for procurement of nonwires alternatives.
- 7. It requires an investor-owned transmission and distribution utility to submit annually to the Office of the Public Advocate a planning study for small transmission and distribution projects.
- 8. It requires the nonwires alternative coordinator to provide recommendations to investor-owned transmission and distribution utilities for nonwires alternatives to small transmission projects and distribution projects and requires the coordinator and the utility to attempt to reach a good faith agreement on the adoption of nonwires alternatives. If no agreement is reached, the utility is required to petition the Public Utilities Commission to resolve the dispute.
- 9. It includes provisions regarding procurement of nonwires alternatives. These provisions require a transmission and distribution utility to contract with the Efficiency Maine Trust to deliver nonwires alternatives that are on the customer side of the meter and require the commission to determine the entity, which may be the utility or a third party, to deliver nonwires alternatives that are on the grid side of the meter.
- 10. It provides that a transmission and distribution utility's prudently incurred costs to deliver nonwires alternatives are recoverable in rates.
- 11. It adds a provision to reference the activities of the nonwires alternative coordinator in the Efficiency Maine Trust Act regarding coordination with activities and programs of state agencies and authorities.
- 12. It makes changes to the law on smart grid infrastructure policy and establishes that it is in the public interest to establish a nonwires alternative coordinator for the State.

LD 1186 An Act To Address Electricity Costs of Agricultural Fairs

**PUBLIC 169
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HIGGINS N GRATWICK G	OTP-AM	H-228

This bill provides that a transmission and distribution utility may not assess a person or entity licensed to hold an agricultural fair a demand charge in connection with electric power or service provided for an agricultural fair.

Committee Amendment "A" (H-228)

This amendment replaces the bill. The amendment establishes a program administered by the Efficiency Maine Trust to help agricultural fairs reduce electricity costs through efficiency and conservation. The program includes outreach and technical assistance to agricultural fairs to identify opportunities to lower electricity costs and enroll agricultural fairs in existing programs offered by the trust as appropriate. The program also provides custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but

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not limited to measures to reduce peak electricity demand. Funds for the program are set at the total amount paid in demand charges by agricultural fairs in the State during the prior year and are collected from electricity customers by transmission and distribution utilities. The trust is required to report to the Legislature on the program in January 2022 and January 2024, and the program has a sunset date of June 30, 2024.

The amendment also directs the Public Utilities Commission to examine rate design and related issues for electricity customers that, like agricultural fairs, have seasonal, limited-duration, concentrated load profiles. It requires the commission to submit a report on its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature based on the report.

Enacted Law Summary

Public Law 2019, chapter 169 establishes a program administered by the Efficiency Maine Trust to help agricultural fairs reduce electricity costs through efficiency and conservation. The program includes outreach and technical assistance to agricultural fairs to identify opportunities to lower electricity costs and enroll agricultural fairs in existing programs offered by the trust as appropriate. The program also provides custom financial incentives to agricultural fairs to implement electric efficiency and conservation measures, including but not limited to measures to reduce peak electricity demand. Funds for the program are set at the total amount paid in demand charges by agricultural fairs in the State during the prior year and are collected from electricity customers by transmission and distribution utilities. The trust is required to report to the Legislature on the program in January 2022 and January 2024, and the program has a sunset date of June 30, 2024.

This law also directs the Public Utilities Commission to examine rate design and related issues for electricity customers that, like agricultural fairs, have seasonal, limited-duration, concentrated load profiles. It requires the commission to submit a report on its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature based on the report.

Public Law 2019, chapter 169 was enacted as an emergency measure effective May 30, 2019.

LD 1192 An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way

PUBLIC 127

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E HEPLER A	OTP-AM ONTP	S-69

This bill amends the utilities laws to provide access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The bill also establishes the preservation of space for municipal attachments to shared-use poles by exempting municipalities from expenses assessed by joint use entities when the attachment is made for any purpose.

Committee Amendment "A" (S-69)

This amendment is the majority report of the committee. The amendment changes the provision in the bill that exempts a municipality from expenses assessed for make-ready work to accommodate the municipality's attaching its facilities to a shared-used utility pole for any purpose. The amendment instead exempts a municipality from expenses assessed for make-ready work to accommodate the municipality's attaching its facilities for a governmental purpose consistent with the police power of the municipality or for the purpose of providing broadband service to an unserved or underserved area.

Enacted Law Summary

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Public Law 2019, chapter 127 provides access by municipalities to facilities located in the municipal right-of-way in the interest of public health, safety and welfare. The law exempts a municipality from expenses assessed for make-ready work to accommodate the municipality's attaching its facilities to shared-used utility poles for a governmental purpose consistent with the police power of the municipality or for the purpose of providing broadband service to an unserved or underserved area.

LD 1198 An Act To Ensure Transparency and Participation in Maine Water Districts

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B MARTIN D	ONTP OTP	

This bill removes from the laws governing water districts and standard water districts language referencing the appointment of standard district trustees pursuant to standard district charters. It amends the law regarding appointments of trustees to provide that, if sufficient and appropriate nominations for the election of trustees have not occurred, trustees may be appointed.

LD 1206 An Act Regarding Utility Poles in Public Rights-of-way

PUBLIC 128

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P	OTP-AM	H-169

This bill provides specific authority to a municipality or other applicable licensing authority to manage public rights-of-way, to issue licenses or permits for the use of those rights-of-way by utilities such as wireless telecommunications service providers and cable television systems and to charge a fee for the license or permit. A municipality or applicable licensing authority may order a utility to alter, remove or relocate its facilities. A utility that fails to comply with a written order of a municipality to alter, remove or relocate the utility's facilities is subject to a fine of up to \$1,000 per day for each day the utility remains in violation of the order of the municipality.

Committee Amendment "A" (H-169)

This amendment replaces the bill. The amendment adds language to the law governing the safety and convenience of highways, town ways and streets to specify that utility poles and facilities are not defects in the public way, in order to relieve municipal officials from liability for utility poles and facilities in the public way. The amendment also directs the Public Utilities Commission to report to the Joint Standing Committee on Energy, Utilities and Technology in January 2020 regarding actions the commission has taken to address issues related to abandoned utility poles and any associated facilities in the public right-of-way.

Enacted Law Summary

Public Law 2019, chapter 128 adds language to the law governing the safety and convenience of highways, town ways and streets to specify that utility poles and facilities are not defects in the public way, in order to relieve municipal officials from liability for utility poles and facilities in the public way. It also directs the Public Utilities Commission to report to the Joint Standing Committee on Energy, Utilities and Technology in January 2020 regarding actions the commission has taken to address issues related to abandoned utility poles and any associated facilities in the public right-of-way.

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LD 1231 An Act To Fund Energy Efficiency Programs through a Fee on the Sale of Unregulated Heating Fuels

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESSLER C CHIPMAN B	ONTP OTP-AM	

Starting July 1, 2020, this bill imposes a fee of 1% on the wholesale sale price of heating oil, propane, coal, kerosene and dyed diesel fuel that is intended for residential or commercial heating purposes. The bill requires the revenue raised through the imposition of this fee to be used to provide additional funding for the Heating Fuels Efficiency and Weatherization Fund, which is administered by the Efficiency Maine Trust for the purpose of reducing heating fuel consumption and providing energy efficiency and weatherization products and services to consumers.

Committee Amendment "A" (H-607)

This amendment is the minority report of the committee. The amendment makes the following changes to the bill.

1. It adds language to clarify that the fee imposed by the bill is an exception to the tax exemption for heating fuels provided under the State sales and use tax law.
2. It removes dyed diesel fuel from the list of fuels subject to the fee.
3. It removes language that would have required a wholesaler to know the fuel at wholesale sale is intended for residential or commercial heating purposes.
4. It requires 20% of the revenue from the fee to go to the Maine State Housing Authority to assist eligible low-income households with heating costs under the fuel assistance program administered by the authority and 80% to go to the Efficiency Maine Trust for the Heating Fuel Efficiency and Weatherization Fund. In the bill 100% of the revenue is dedicated to the Efficiency Maine Trust.

This amendment was not adopted.

LD 1248 Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine

RESOLVE 33

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V	OTP-AM	H-168

This resolve directs the ConnectME Authority to report to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by January 19th in 2020, 2021 and 2022 outlining the progress of the authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine.

Committee Amendment "A" (H-168)

This amendment incorporates and aligns the reporting requirement in the resolve with the ConnectME Authority annual report, instead of requiring a separate report to the Legislature on the progress on the strategic plan.

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Enacted Law Summary

Resolve 2019, chapter 33 directs the ConnectME Authority, in 2020, 2021 and 2022, to include in its annual report due January 15th to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters information outlining the progress of the authority in meeting the goals of its Detailed 2019-2021 Strategic Plan for Broadband Service in Maine.

LD 1279 An Act To Modernize Maine's Renewable Portfolio Standard

ONTP

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

This bill changes the requirements for a hydroelectric generator that meets all state and federal fish passage requirements to qualify as a renewable capacity resource for the purpose of meeting the State's new renewable capacity resource portfolio requirements as follows: it removes the 100-megawatt maximum capacity limit; it adds a 25-megawatt minimum capacity requirement; and it requires the hydroelectric generator to be located in the service territory of a transmission and distribution utility in this State. The bill also limits competitive electricity providers in the use of output from qualifying hydroelectric generators to meet the new renewable capacity resource portfolio requirements over a 15-year period, beginning with a limit of 25% of output from January 1, 2020 through December 31, 2020 and increasing by 5% each year to reach 100% as of January 1, 2035. The legislation has an effective date of January 1, 2020.

LD 1282 An Act To Establish a Green New Deal for Maine

PUBLIC 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAXMIN C BELLOWS S	OTP-AM ONTP	H-413 H-460 MAXMIN C

This bill does the following.

Part A requires competitive electricity providers to demonstrate, by 2040, that their portfolios of supply sources for retail electricity sales in this State are 80% accounted for by renewable resources. It also amends the State's goals for long-term reduction of greenhouse gas emissions.

Part B creates the Task Force for a Green New Deal, which consists of 11 members including representatives of State Government, climate science, renewable energy, youth, labor and business. The task force is charged with creating a plan to advance environmental sustainability, renewable energy and economic growth for the State. The plan must include, but is not limited to, a renewable resources strategy to achieve 80% reliance on renewable resources for electricity supply by 2040; a job training strategy, including a training program to prepare workers for green jobs; and a residential energy strategy that provides incentives for installation of solar energy systems and heat pumps. The task force is required to submit a report on its plan by January 15, 2020 to the Governor, the Joint Standing Committee on Innovation, Development, Economic Advancement and Business, the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Environment and Natural Resources.

Part C requires the Public Utilities Commission and the Efficiency Maine Trust to submit a report by January 1, 2020 that includes draft legislation to establish a virtual net metering program to encourage installation of solar photovoltaic energy systems on public school buildings.

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Part D creates the Commission on a Just Transition to a Low-carbon Economy. The commission includes 13 members. The purpose of the commission is to ensure that the State's transition to a low-carbon economy benefits all residents fairly and equitably. The commission is required to submit an annual report to the Legislature.

Committee Amendment "A" (H-413)

This amendment is the majority report of the committee and replaces the bill. This amendment:

1. Requires construction employers constructing grid scale generation facilities to hire certain percentages of apprentices to work on the construction beginning in 2021;
2. Requires that the Efficiency Maine Trust, in collaboration with the Department of Education, identify and provide incentives for cost-effective electric and natural gas conservation projects in new school construction projects; and
3. Requires the Efficiency Maine Trust to establish, through a competitive solicitation process, a power purchase agreement for solar capacity to be installed on school property when a new school is being constructed.

House Amendment "A" To Committee Amendment "A" (H-460)

This amendment includes as a qualifying apprentice an apprentice who is in an apprenticeship program registered with the United States Department of Labor.

Enacted Law Summary

Public Law 2019, chapter 347 requires:

1. Construction employers constructing grid scale generation facilities to hire certain percentages of apprentices to work on the construction beginning in 2021;
2. That the Efficiency Maine Trust, in collaboration with the Department of Education, identify and provide incentives for cost-effective electric and natural gas conservation projects in new school construction projects; and
3. That the Efficiency Maine Trust establish, through a competitive solicitation process, a power purchase agreement for solar capacity to be installed on school property when a new school is being constructed.

LD 1299 An Act To Incentivize Municipalities, State Agencies, Colleges and Universities To Use Electric Vehicles ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INGWERSEN H CHENETTE J	ONTP	

This bill requires the Efficiency Maine Trust to develop a program to provide grants to municipalities, state agencies, colleges and universities to support the purchase of charging stations for electric vehicles and the purchase of electric vehicles.

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**LD 1363 An Act To Amend Certain Laws Relating to High-impact Electric
Transmission Lines**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S FARRIN B	OTP-AM ONTP OTP-AM	H-437 H-504 BERRY S

This bill prohibits the Public Utilities Commission from issuing a certificate of public convenience and necessity for a high-impact electric transmission line unless the commission finds significant tangible public benefits will result from the construction and use of the line, and all municipalities through which the high-impact electric transmission line will pass have held a local referendum and certified to the commission that a majority of the voters voting at the election voted in favor of the construction of the line through that municipality.

This bill also establishes a moratorium on the issuance of any permit, certificate or other approval by the Public Utilities Commission or the Department of Environmental Protection for a high-impact electric transmission line until 90 days after the adjournment of the Second Regular Session of the 129th Legislature to allow time for the commission, in consultation with the Department of Environmental Protection, to adopt rules necessary to implement the requirements of the legislation.

Committee Amendment "A" (H-437)

This amendment is the majority report of the committee. The amendment changes the bill as follows.

1. It modifies the definition of "high-impact electric transmission line" to include a transmission line that is: greater than 50 miles in length; capable of operating at 200 kilovolts or more; not a generator interconnection transmission facility; and not constructed primarily to provide electric reliability within the State.
2. It replaces the requirement that a high-impact electric transmission line provide significant tangible benefits with requirements that: the petitioner for a certificate of public convenience and necessity for the line pay an amount of tax benefits projected by the petitioner; and the petitioner for a certificate of public convenience and necessity for the line provide a community benefits package with a total value of no less than \$20,000 per year per megawatt of capacity of the line.
3. It requires that at least 2/3 of the local governments through which the high-impact electric transmission line will pass approve the line and clarifies that if a referendum vote is held, that vote supersedes any vote by local government officers.
4. It makes other clarifying changes.

Committee Amendment "B" (H-438)

This amendment is one of two minority reports of the committee. The amendment:

1. Removes the emergency preamble and clause from the bill;
2. Modifies the definition of "high-impact electric transmission line" to include a transmission line that is: greater than 50 miles in length; capable of operating at 200 kilovolts or more; not a generator interconnection transmission facility; and not constructed to provide electric reliability within the State; and
3. Requires that a petitioner for a certificate of public convenience and necessity for a high-impact electric transmission line pay the amount of tax benefits projected by the petitioner.

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This amendment was not adopted.

House Amendment "A" (H-504)

This amendment removes the emergency preamble and emergency clause.

LD 1364 An Act Regarding Net Neutrality and Internet Policy

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N BELLOWS S	OTP-AM ONTP	H-301 S-257 LAWRENCE M

This bill prohibits a state agency or instrumentality from committing state funds in a manner that the agency or instrumentality knows would result in a direct payment to an Internet service provider unless the Internet service provider agrees in writing to conform to the requirements of the Federal Communications Commission order, FCC 15-24, adopted on February 26, 2015, known as the Open Internet Order.

Committee Amendment "A" (H-301)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment narrows the scope and application of the prohibition in the bill regarding committing state funds for payment to an Internet service provider. The amendment prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The amendment defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; throttling; or paid prioritization. The amendment removes the requirement in the bill that prohibits the commitment of state funds to an Internet service provider unless that provider agrees, in providing any service, to conform to the requirements of the Federal Communications Commission order, FCC 15-24, known as the Open Internet Order.

Senate Amendment "C" To Committee Amendment "A" (S-257)

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment narrows the scope and application of the prohibition in the bill regarding committing state funds for payment to an Internet service provider. The amendment prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The amendment defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content, applications, services or devices; throttling; or paid prioritization. The amendment removes the requirement in the bill that prohibits the commitment of state funds to an Internet service provider unless that provider agrees, in providing any service, to conform to the requirements of the Federal Communications Commission order, FCC 15-24, known as the Open Internet Order.

Enacted Law Summary

Public Law 2019, chapter 468 prohibits an agency, department or instrumentality of the State from committing state funds to an Internet service provider unless the Internet service provider agrees to provide net neutral service in the provision of Internet service directly to the state entity or the provision of service across advanced communications infrastructure constructed with the use of state funds. The law defines "net neutral service" as Internet service provided without engaging in any of the following: blocking of lawful content,

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applications, services or devices; throttling; or paid prioritization. Restrictions on blocking lawful content, applications, services or devices and throttling traffic are subject to reasonable network management practices.

LD 1371 An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators PUBLIC 245

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D O'CONNOR B	OTP ONTP	

This bill extends cable television service to rural areas by requiring all cable television franchises to provide line extensions with a minimum homes-per-mile requirement not to exceed 15 homes per mile.

The bill prohibits automatic franchise renewals beyond the initial term of the franchise renewal period, except for automatic franchise renewals in effect on the effective date of this legislation, which require advance notification of expiration from the cable system operator to the municipality. A cable system operator may not refuse to provide the municipality with required information to complete the renewal process.

The bill prohibits a cable system operator from modifying or amending the State's model franchise agreement without the consent of the municipality as arrived at during negotiations.

The bill includes provisions for the use and support of public, educational and governmental access channels and requires that these channels be placed in the same numerical sequence location as the local commercial network broadcast channels. The bill also requires all cable system operators in the State to carry public, educational and governmental access channels on the basic cable or video service offerings or tiers and specifies that the channels may not be separated or moved numerically from other channels carried on the basic cable or video service offerings or tiers without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels, unless the change is required by federal law. In the event of transfer of the franchise license, the same channel numbers used by the incumbent cable system operator must be retained. The bill provides that any public, educational or governmental access channel that has been moved within the 24 months preceding the effective date of this legislation and without the consent of the originator must be restored within 60 days to its original location and number.

The bill requires all cable system operators in the State to work with the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels to ensure that the signal sent from the point of origination to the cable system operator and delivered to the cable subscriber is of the same quality and format as originally created. A cable system operator is required to set up a toll-free telephone number for requests to resolve a signal quality problem.

The bill requires all cable system operators in the State to provide the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels access to the entity that controls the electronic program guides in the same manner as the local broadcast channels if requested by the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels. In addition, if channels are selected through a menu system, public, educational and governmental access channel designations must be displayed in a similar manner as local broadcast channel designations on the electronic program guide are displayed.

Enacted Law Summary

Public Law 2019, chapter 245 does the following.

1. It extends cable television service to rural areas by requiring all cable television franchises to provide line

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extensions with a minimum homes-per-mile requirement not to exceed 15 homes per mile.

2. It prohibits automatic franchise renewals beyond the initial term of the franchise renewal period, except for automatic franchise renewals in effect on the effective date of this legislation, which require advance notification of expiration from the cable system operator to the municipality. A cable system operator may not refuse to provide the municipality with required information to complete the renewal process.

3. It prohibits a cable system operator from modifying or amending the State's model franchise agreement without the consent of the municipality as arrived at during negotiations.

4. It includes provisions for the use and support of public, educational and governmental access channels and requires that these channels be placed in the same numerical sequence location as the local commercial network broadcast channels. It also also requires all cable system operators in the State to carry public, educational and governmental access channels on the basic cable or video service offerings or tiers and specifies that the channels may not be separated or moved numerically from other channels carried on the basic cable or video service offerings or tiers without the agreement of the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels, unless the change is required by federal law. In the event of transfer of the franchise license, the same channel numbers used by the incumbent cable system operator must be retained. It provides that any public, educational or governmental access channel that has been moved within the 24 months preceding the effective date of this legislation and without the consent of the originator must be restored within 60 days to its original location and number.

5. It requires all cable system operators in the State to work with the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels to ensure that the signal sent from the point of origination to the cable system operator and delivered to the cable subscriber is of the same quality and format as originally created. A cable system operator is required to set up a toll-free telephone number for requests to resolve a signal quality problem.

6. It requires all cable system operators in the State to provide the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels access to the entity that controls the electronic program guides in the same manner as the local broadcast channels if requested by the local unit of government or the entity to which the local unit of government has assigned responsibility for managing public, educational and governmental access channels. In addition, if channels are selected through a menu system, public, educational and governmental access channel designations must be displayed in a similar manner as local broadcast channel designations on the electronic program guide are displayed.

**LD 1383 An Act To Amend Maine's Municipal Land Use and Eminent Domain
Laws Regarding High-impact Electric Transmission Lines**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRIGNON C	OTP-AM ONTP OTP-AM	H-435

This bill requires a transmission and distribution utility, prior to taking land or an easement by eminent domain, to obtain the approval of the body of government having jurisdiction over the land or easement. Following approval by the body of government, the transmission and distribution utility is still required to obtain a certificate of public convenience and necessity from the Public Utilities Commission. The bill makes explicit that the exemption from municipal zoning ordinances regarding real estate used by public utilities does not apply to an elective transmission upgrade, which is a transmission line for which a person developing the transmission line has agreed to pay all of the costs of developing the transmission line without passing those costs on to ratepayers.

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Committee Amendment "A" (H-435)

This amendment is the majority report of the committee. The amendment replaces the bill. It amends the laws governing municipal zoning ordinance exemptions and the right of eminent domain in relation to use of land for a high-impact electric transmission line, which is redefined as a line greater than 50 miles in length and capable of operating at 200 kilovolts or more that is not a generator interconnection facility and is not constructed primarily for electric reliability within the State. The amendment provides that the exemption in current law from a municipal zoning ordinance when the Public Utilities Commission has determined it is reasonably necessary for public convenience and necessity for real estate to be used for a high-impact electric transmission line is authorized only if the municipal officers by affirmative vote approve the commission's exemption. The amendment also requires a transmission and distribution utility, after obtaining approval from the Public Utilities Commission to take a location by eminent domain for a high-impact electric transmission line, to obtain the approval of the municipal officers, or county commissioners in the case of unorganized or deorganized territory, before exercising the right of eminent domain.

Committee Amendment "B" (H-436)

This amendment is one of two minority reports of the committee. The amendment, which replaces the bill, does the following.

1. It modifies the definition of "high-impact electric transmission line" to include only a transmission line that is: greater than 50 miles in length and for which a petition for a certificate of public convenience and necessity under the Maine Revised Statutes, Title 35-A, section 3132 is filed after June 1, 2019; not a generator interconnection transmission facility; capable of operating at 200 kilovolts or more; and not constructed to provide electric reliability within the State.
2. It provides that, before issuing a certificate of public convenience and necessity for a high-impact electric transmission line, the Public Utilities Commission must hold hearings in each county through which the line will pass.
3. It requires a transmission and distribution utility, after obtaining approval from the Public Utilities Commission to take a location by eminent domain for a high-impact electric transmission line, to obtain the approval of the municipal officers, or county commissioners in the case of unorganized or deorganized territory, before exercising the right of eminent domain.

This amendment was not adopted.

LD 1398 An Act To Allow the Efficiency Maine Trust To Provide Support for New Home Construction ONTP

<u>Sponsor(s)</u> INGWERSEN H	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill provides that the Efficiency Maine Trust must ensure that conservation programs for residential consumers provide support for energy efficiency or conservation measures in new homes not just in retrofits or improvements of existing homes.

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LD 1401 Resolve, To Study Transmission Solutions To Enable Renewable Energy Investment in the State

RESOLVE 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S	OTP-AM ONTP	H-369

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a study of transmission solutions to help enable more renewable energy investment in the State. The study would examine areas of clean energy potential; review possible funding mechanisms for advancing renewable energy initiatives, including bonding and public-private partnerships; and recommend measures to increase the pace of renewable energy investment in the State.

Committee Amendment "A" (H-369)

This amendment is the majority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve. The amendment directs the Governor's Energy Office to convene a stakeholder group to examine and make recommendations regarding transmission system needs and solutions to support renewable energy investment in the State. The amendment requires the Governor's Energy Office to report to the Joint Standing Committee on Energy, Utilities and Technology by December 15, 2019 on the findings and recommendations of the stakeholder group. The amendment authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report.

Enacted Law Summary

Resolve 2019, chapter 57 directs the Governor's Energy Office to convene a stakeholder group to examine and make recommendations regarding transmission system needs and solutions to support renewable energy investment in the State. It requires the Governor's Energy Office to report to the Joint Standing Committee on Energy, Utilities and Technology by December 15, 2019 on the findings and recommendations of the stakeholder group and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report.

LD 1436 Resolve, Directing Coordinated State Agencies To Engage with the Governing Leaderships of Portland Pipe Line Corporation and Montreal Pipe Line Limited for Sustainability-centered Repurposing of Stranded and At-risk Infrastructure Assets in Maine

RESOLVE 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESSLER C MILLETT R	OTP-AM ONTP OTP	H-414

This resolve directs the Department of Economic and Community Development, the Governor's Energy Office, the Department of Environmental Protection, the Bureau of Land Resources within the Department of Environmental Protection, the Maine Land Use Planning Commission and the Public Utilities Commission in coordination to negotiate directly with the executive and board leaderships of the Portland Pipe Line Corporation and Montreal Pipe Line Limited parent companies Suncor Energy, Shell Oil Company and Imperial Oil Limited a proposal for repurposing the Portland-Montreal pipeline and related real estate holdings in the State. It directs the Joint Standing Committee on Innovation, Development, Economic Advancement and Business to appoint a project liaison or project liaisons to coordinate the proposal over a 6-month period, which may be extended as needed. It also prohibits any state agency from issuing any further permits related to the New England Clean Energy Connect transmission project before the proposal is complete, as determined by the Department of Economic and

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Community Development

Committee Amendment "A" (H-414)

This amendment is the majority report of the committee. It amends the resolve as follows.

1. It directs the Department of Economic and Community Development and the Governor's Energy Office to lead an effort to engage, rather than negotiate, with the executive and board leaderships of the Portland Pipe Line Corporation and Montreal Pipe Line Limited parent companies Suncor Energy, Shell Oil Company and Imperial Oil Limited to examine opportunities for repurposing the Portland-Montreal pipeline and related real estate holdings in the State.
2. It removes references in the resolve to creating an alternative to the New England Clean Energy Connect transmission project.
3. It removes the provision that required the Joint Standing Committee on Innovation, Development, Economic Advancement and Business to appoint a project liaison or project liaisons to coordinate the proposal over a six-month period.
4. It removes the moratorium on state agency approval of permits related to the New England Clean Energy Connect transmission project.
5. It adds a report to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2020.

Enacted Law Summary

Resolve 2019, chapter 77 directs the Department of Economic and Community Development and the Governor's Energy Office to lead an effort to engage with the executive and board leaderships of the Portland Pipe Line Corporation and Montreal Pipe Line Limited parent companies Suncor Energy, Shell Oil Company and Imperial Oil Limited to examine opportunities for repurposing the Portland-Montreal pipeline and related real estate holdings in the State. It requires a report on these efforts be made to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2020.

LD 1464 An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment

PUBLIC 365

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T WOODSOME D	OTP-AM ONTP	H-477

This bill amends provisions in the law regarding the conservation programs of the Efficiency Maine Trust by clarifying that conservation programs seek to increase the efficiency with which electricity is used and defining "beneficial electrification" as the electrification of a technology that would otherwise require energy from a fossil fuel that provides a benefit to a utility, a ratepayer or the environment by improving the efficiency of the electricity grid or reducing consumer costs or emissions, including carbon emissions. The bill also requires the Efficiency Maine Trust to conduct a study regarding the barriers to beneficial electrification of the transportation and heating sectors in the State. Finally, the bill requires the Public Utilities Commission to issue a request for proposals from utilities and entities that are not utilities to conduct a pilot program to support beneficial electrification of the transportation sector of the State.

Committee Amendment "A" (H-477)

This amendment makes the following changes to the bill.

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1. It clarifies the definition of "beneficial electrification."
2. It clarifies that the Efficiency Maine Trust must conduct the study of barriers to beneficial electrification in consultation with stakeholders, rather than in coordination with the Public Utilities Commission, and specifies that the commission is required to facilitate the trust's access to information the trust requests from electric and gas utilities.
3. It changes certain dates in the bill regarding the timeline for the study of beneficial electrification by the Efficiency Maine Trust and for pilot program proposals to implement beneficial electrification in the transportation sector administered by the Public Utilities Commission.
4. It adds language to clarify the review and selection of proposals for a pilot program for beneficial electrification in the transportation sector.

Enacted Law Summary

Public Law 2019, chapter 365 amends provisions in the law regarding the conservation programs of the Efficiency Maine Trust by clarifying that conservation programs seek to increase the efficiency with which electricity is used and defining "beneficial electrification" as the electrification of a technology that results in reduction of the use of a fossil fuel and that provides a benefit to a utility, a ratepayer or the environment by improving the efficiency of the electricity grid or reducing consumer costs or emissions, including carbon emissions.

The law requires the Efficiency Maine Trust to conduct a study in consultation with stakeholders regarding the barriers to beneficial electrification of the transportation and heating sectors in the State and requires the Public Utilities Commission to issue a request for proposals from utilities and entities that are not utilities and review and select proposals to conduct a pilot program to support beneficial electrification of the transportation sector of the State.

LD 1465 An Act To Diversify Maine's Energy Portfolio with Renewable Energy

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)
HUBBELL B

Committee Report

Amendments Adopted

This bill does the following.

1. It increases the portfolio requirement for new renewable resources from 10% to 50% by 2030 and makes several changes to resource eligibility for the requirement to encourage solar generation and highly productive hydropower resources and to provide minimum efficiency standards for biomass resources.
2. It directs the Public Utilities Commission to procure long-term contracts over a five-year period for 800 megawatts of grid-scale renewable resources, 90 megawatts of community-based renewable resources and 135 megawatts of renewable resources owned by commercial and industrial electricity customers. For each of these three types of renewable resources, the bill requires the commission to conduct annual solicitations for the long-term contracts and specifies requirements for the procurement process, resulting contracts and resource qualification.
3. It requires that the Public Utilities Commission rules governing net energy billing allow up to 200 customers to share ownership of an electricity generating facility for net energy billing, allow electricity generating facilities of up to one megawatt installed capacity to qualify for net energy billing and require the commission to review net

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energy billing when the cumulative capacity of electricity generating facilities that participate in net energy billing in the service territory of a transmission and distribution utility reaches 10% of the utility's peak demand.

4. It directs the Public Utilities Commission to develop a plan for implementing a thermal renewable resource portfolio standard to encourage commercial and industrial pellet and wood heating systems, residential biomass systems and combined heat and power systems fueled by biomass. It requires the commission to submit a plan for the thermal renewable resource portfolio standard by January 1, 2020.

5. It directs the Public Utilities Commission to develop, implement and evaluate a distributed generation pilot program to encourage on-site renewable energy generation. It requires the commission to evaluate the pilot program after three years of operation and report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over energy matters by April 15, 2023.

LD 1469 An Act To Amend the Charter of the Rumford-Mexico Sewerage District P & S 8

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM	S-124

This bill updates and clarifies provisions of the charter of the Rumford-Mexico Sewerage District regarding the determination of actual apportionable costs, the apportionment of annual costs and rate charges.

Committee Amendment "A" (S-124)

This amendment strikes the bill but retains the provision from the bill that increases the amount of funds that the district may transfer to a surplus or capital account if a surplus exists at the end of a calendar year.

Enacted Law Summary

Private and Special Law 2019, chapter 8 amends the charter of the Rumford-Mexico Sewerage District to increase the amount of funds that the district may transfer to a surplus or capital account if a surplus exists at the end of a calendar year.

LD 1494 An Act To Reform Maine's Renewable Portfolio Standard PUBLIC 477

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E PLUECKER B	OTP-AM ONTP	S-307

This bill increases the percentage of supply sources for retail electricity sales in the State that must be accounted for by new renewable capacity resources from 10% to 50% by 2030. It also makes several changes to resource eligibility to meet these requirements. The bill also creates a renewable portfolio standard for thermal energy resources. The bill also directs the Public Utilities Commission to procure long-term contracts for an amount of renewable capacity resources that is equal to 1/2 the amount of the portfolio requirements for these resources and requires the commission to conduct annual competitive solicitations for the long-term contracts.

Committee Amendment "A" (S-307)

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It adds state goals for consumption of electricity from renewable resources.

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2. It updates renewable portfolio requirement terminology to use the terms "Class I" and "Class II," which are the terms used in practice and in agency rules.
3. It clarifies certain definitions in the bill.
4. It creates a Class IA renewable resource portfolio requirement and removes the increased requirements for Class I resources that are in the bill; the new Class IA requirement combined with the existing Class I requirement preserves the overall increase in requirements to 50% by 2030 that is in the bill.
5. It applies a 300% multiplier for the output of a generator fueled by municipal solid waste in conjunction with recycling in Class II.
6. It delays by one year the portfolio requirements for thermal renewable energy credits in the bill.
7. It extends the alternative compliance payment policy to Class IA resources and thermal renewable energy credit requirements, and establishes a maximum alternative compliance payment rate of \$50 for Class I, Class IA and thermal renewable energy credits.
8. It creates options for electricity customers that receive service at the transmission or subtransmission voltage level to elect to opt out of Class IA resource portfolio requirements and thermal renewable energy credit requirements and the costs and benefits resulting from long-term contracts for Class IA resources.
9. It requires the Public Utilities Commission to submit a report by March 31, 2024 and every five years thereafter regarding the status and impacts of implementing the portfolio requirements for Class IA resources and thermal renewable energy credits.
10. It amends the long-term contracting provisions in the bill to require two competitive solicitations for contracts with Class IA resources to procure, in total, an amount of energy or renewable energy credits equal to 14% of retail electricity sales in the State during calendar year 2018. It also adds language to allow energy storage systems to be awarded long-term contracts when paired as a complementary resource with a Class IA resource.
11. It directs the Governor's Office of Policy and Management and the Governor's Energy Office to conduct a market assessment study and analysis of opportunities, potential and challenges in meeting the State's renewable energy goals. The report is due January 31, 2021.
12. It adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 477 adds state goals for consumption of electricity from renewable resources and makes several changes to the states renewable portfolio requirements. It updates terminology to use the terms "Class I" and "Class II," which are the terms used in practice and in agency rules and creates a new Class IA renewable resource portfolio requirement. The Class IA requirement combined with the existing Class I requirement provides for an overall increase in renewable resource portfolio requirements to 50% by 2030. The law provides a 300% multiplier for the output of a generator fueled by municipal solid waste in conjunction with recycling with respect to Class II requirements. It also creates a renewable portfolio standard for thermal renewable energy credits and extends the alternative compliance payment policy for Class I resources to the new Class IA resource and thermal renewable energy credit requirements and establishes a maximum alternative compliance payment rate of \$50 for Class I, Class IA and thermal renewable energy credits. The law creates options for electricity customers that receive service at the transmission or subtransmission voltage level to elect to opt out of Class IA resource portfolio requirements and thermal renewable energy credit requirements and from the costs and benefits resulting from long-term contracts for Class IA resources. It requires the Public Utilities Commission to submit a report by March 31, 2024, and every five years thereafter, regarding the status and impacts of implementing the portfolio

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requirements for Class IA resources and thermal renewable energy credits.

This law requires the Public Utilities Commission to conduct two competitive solicitations for long-term contracts with Class IA resources to procure, in total, an amount of energy or renewable energy credits equal to 14% of retail electricity sales in the State during calendar year 2018. It allows energy storage systems to be awarded long-term contracts when paired as a complementary resource with a Class IA resource.

Finally, this law directs the Governor's Office of Policy and Management and the Governor's Energy Office to conduct a market assessment study and analysis of opportunities, potential and challenges in meeting the State's renewable energy goals. The report is due January 31, 2021.

LD 1542 An Act To Allow a Municipality To Choose Its Power Provider

ONTP

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

This bill provides a process to allow a municipality to choose a single transmission and distribution utility via a referendum when that municipality is served by more than one utility. The decision to hold a referendum must be made by a majority vote of the municipal officials. A referendum to choose a single utility must occur during a gubernatorial or presidential election in November and must be called, advertised and conducted according to the law relating to municipal elections.

The bill also requires the choice of a single utility to be approved by the Public Utilities Commission. The commission is required to approve the choice if the commission finds that the chosen utility is willing to furnish service to the entire municipality, has the financial ability to meet its obligations under the Maine Revised Statutes, Title 35-A and is willing and able to pay a fair and reasonable price, as determined by the commission, for the assets of the second utility needed to furnish service to the entire municipality. Upon approval, the commission is directed to order the second utility to sell its assets used to serve the municipality to the chosen transmission and distribution utility. This bill also allows the commission to adopt routine technical rules to implement these provisions.

LD 1547 An Act To Use 10 Percent of E-9-1-1 Surcharges To Fund Public Safety Answering Point Staff and Projects

Leave to Withdraw Pursuant to Joint Rule

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

This bill directs the Public Utilities Commission, Emergency Services Communication Bureau to use 10% of the statewide E-9-1-1 surcharges to fund certain staff positions and capital equipment projects of public safety answering points operated by county governments or other local units of government.

LD 1556 An Act Regarding Filing Fees in Transmission Line Proceedings

PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	OTP-AM	S-96

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Current law requires that, when a person files with the Public Utilities Commission a petition of approval for the construction, rebuilding or relocation of a transmission line, that person must pay, in addition to the filing fee paid to the commission, an additional filing fee to the Office of the Public Advocate equal to 1/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. This bill increases the amount of the additional filing fee to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. It also allows the Office of the Public Advocate to recover expenses in the transmission line proceeding that exceed the amount of the original filing fee from the person.

Committee Amendment "A" (S-96)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 177 increases the amount of the filing fee that is required to be paid to the Office of the Public Advocate by a person who files with the Public Utilities Commission a petition of approval for the construction, rebuilding or relocation of a transmission line from 1/100 of 1% to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. It also allows the Office of the Public Advocate to recover expenses in the transmission line proceeding that exceed the amount of the original filing fee from the person.

LD 1557 An Act To Adjust the Staffing and Resources of the Office of the Public Advocate PUBLIC 226

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	OTP-AM	S-125

This bill allows the Public Advocate to hire an additional employee.

Committee Amendment "A" (S-125)

This amendment adds a provision to the bill to replace, in the Office of the Public Advocate, one Research Assistant position, salary range 30, with one Economic Analyst position, salary range 36, to align compensation with the assigned duties and qualifications of staff.

Enacted Law Summary

Public Law 2019, chapter 226 allows the Public Advocate to hire an additional employee. It also replaces one Research Assistant position, salary range 30, with one Economic Analyst position, salary range 36, to align compensation with the assigned duties and qualifications of staff of the Office of the Public Advocate.

LD 1558 An Act To Change the Definition of "Gas Utility" in the Laws Governing Public Utilities ONTP

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

This bill includes propane dealers in the definition of "gas utility" in the laws governing public utilities.

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LD 1559 An Act To Require the Public Utilities Commission To Permit the Public Advocate To Access Certain Information Related to a Management Audit

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	OTP-AM	S-154

This bill requires the Public Utilities Commission, whenever it initiates a management audit of a public utility, to also open an investigation into the same issues that are the subject of the audit. This investigation is an adjudicatory proceeding with full rights of intervention and participation as allowed under the commission's procedural rules.

Committee Amendment "A" (S-154)

This amendment replaces the bill. The amendment requires the Public Utilities Commission, upon request of the Public Advocate, to permit the Public Advocate to access certain information in connection with a management audit of a public utility and to provide the Public Advocate the opportunity to comment on information received.

Enacted Law Summary

Public Law 2019, chapter 251 requires the Public Utilities Commission, upon request of the Public Advocate, to permit the Public Advocate to access certain information in connection with a management audit of a public utility and to provide the Public Advocate the opportunity to comment on information received.

LD 1560 An Act Regarding Utility Reorganizations

**PUBLIC 353
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	OTP-AM	S-192

This bill provides that a reorganization of a utility may not be approved by the Public Utilities Commission unless it is established by the applicant for approval that the reorganization provides net benefits to the utility's ratepayers and is consistent with the interests of the utility's investors. In determining whether a utility reorganization provides net benefits to the utility's ratepayers, the commission at a minimum must examine whether the reorganization will result in a rate increase for the utility's ratepayers and whether the reorganization will result in a loss of local control of the utility's management and operations in a manner that limits the ability of local management to protect the interests of the utility's ratepayers in this State. This bill applies retroactively to March 27, 2019.

Committee Amendment "A" (S-192)

This amendment limits the application of the requirement in the bill that there be net benefits to ratepayers under a reorganization to only those reorganizations that involve transfer of ownership and control of a public utility or the parent company of a public utility, rather than all reorganizations.

Enacted Law Summary

Public Law 2019, chapter 353 provides that a reorganization of a utility that involves transfer of ownership and control of a public utility or the parent company of a public utility may not be approved by the Public Utilities Commission unless it is established by the applicant for approval that the reorganization provides net benefits to the utility's ratepayers and is consistent with the interests of the utility's investors. In determining whether a reorganization provides net benefits to the utility's ratepayers, the commission at a minimum must examine whether the reorganization will result in a rate increase for the utility's ratepayers and whether the reorganization will result in a loss of local control of the utility's management and operations in a manner that limits the ability of local

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management to protect the interests of the utility's ratepayers in this State. This law applies retroactively to March 27, 2019.

Public Law 2019, chapter 353 was enacted as an emergency measure effective June 18, 2019.

LD 1562 An Act To Encourage the Use of Renewable Energy

ONTP

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

This bill establishes the Renewable Energy Program to promote the achievement of the following goal: that, by January 1, 2050, 100% of the energy consumed in this State will be supplied by renewable resources. The bill directs that, no later than January 1, 2030, all electricity purchased by state agencies must be supplied by renewable resources and that, no later than January 1, 2050, all heating, ventilation and air conditioning systems in state-owned or state-leased buildings must be electrical and the electricity must be supplied by renewable resources. It also directs that, no later than January 1, 2050, all vehicles acquired for the state vehicle fleet must be electric vehicles.

LD 1563 An Act To Encourage the Development of Broadband Coverage in Rural Maine

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish the Maine Broadband Initiative to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The bill would also establish the Maine Broadband Initiative Fund to provide ongoing funding for high-speed broadband through funding sources that would be identified in the bill.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1567 An Act To Change the Deadline for Submission of the Annual Report of the Public Advocate

PUBLIC 164

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

This bill changes the deadline for submission of the annual report of the Public Advocate from August 1st to September 1st.

Enacted Law Summary

Public Law 2019, chapter 164 changes the deadline for submission of the annual report of the Public Advocate from August 1st to September 1st.

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LD 1603 Resolve, To Coordinate a Plan To Expand Cellular Telephone Service

RESOLVE 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T BERRY S	OTP-AM	S-155

This bill requires the Department of Administrative and Financial Services to develop a plan in consultation with the ConnectME Authority to install wireless base stations at state-owned facilities to improve cellular telephone service in underserved areas of the State. It requires the department to direct the relevant state agencies to install and maintain wireless base stations as identified in the plan.

Committee Amendment "A" (S-155)

This amendment replaces the bill with a resolve. The amendment requires the Department of Economic and Community Development, in coordination with the ConnectME Authority, the Department of Administrative and Financial Services and the University of Maine System, Networkmaine, to develop a plan to leverage state assets to expand cellular telephone service to underserved areas of the State. It requires the Department of Economic and Community Development to submit a report on the plan to the Joint Standing Committee on Energy, Utilities and Technology and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report.

Enacted Law Summary

Resolve 2019, chapter 64 requires the Department of Economic and Community Development, in coordination with the ConnectME Authority, the Department of Administrative and Financial Services and the University of Maine System, Networkmaine, to develop a plan to leverage state assets to expand cellular telephone service to underserved areas of the State. It requires the Department of Economic and Community Development to submit a report on the plan to the Joint Standing Committee on Energy, Utilities and Technology and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature related to the report.

**LD 1614 Resolve, Establishing the Commission To Study the Economic,
Environmental and Energy Benefits of Energy Storage to the Maine
Electricity Industry**

RESOLVE 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T WOODSOME D	OTP-AM	H-433

This resolve establishes the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry.

Committee Amendment "A" (H-433)

This amendment makes the following changes to the resolve.

1. It increases the membership of the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry from 13 to 14, adding the Public Advocate or the Public Advocate's designee as a member, and requires one of the public members appointed by the President of the Senate to be from the northern part of the State.
2. It removes the limitation that the members representing energy storage owners specifically represent battery

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storage owners.

3. It amends the duties of the commission to include a review of economically efficient and effective implementation approaches to energy storage targets and consideration of bring-your-own-device programs and storm outage and response management programs for behind-the-meter energy storage to reduce peak reduction and increase resiliency.

4. It removes certain language regarding invited staff support from state agencies.

5. It directs the commission to submit its report to the Joint Standing Committee on Energy, Utilities and Technology.

Enacted Law Summary

Resolve 2019, chapter 83 establishes the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry. The commission is required to submit a report that includes its findings and recommendations to the Joint Standing Committee on Energy, Utilities and Technology by December 4, 2019.

LD 1622 An Act To Promote the Use of Wood Pellet Central Heating Systems ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T FECTEAU R	ONTP	

This bill directs the Efficiency Maine Trust to provide a rebate from the trust's Energy Efficiency and Renewable Resource Fund in an amount equal to 50% of the purchase price up to \$10,000 of a residential wood pellet central heating system and up to \$20,000 of a nonresidential wood pellet central heating system.

LD 1634 An Act To Create the Maine Clean Energy Fund and To Authorize a CARRIED OVER
General Fund Bond Issue To Capitalize the Fund

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

This bill creates the Maine Clean Energy Fund within and with oversight from the Efficiency Maine Trust to support the development of renewable and clean energy technologies and infrastructure through providing financing support including loans, loan guarantees and other financial and risk mitigation products. The fund is administered by a nine member board of directors consisting of certain government officials and members of the public appointed by the Governor. This bill also provides for a bond issue in the amount of \$100,000,000 to be used to capitalize the Maine Clean Energy Fund.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1646 An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems

CARRIED OVER

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

This bill creates the Maine Power Delivery Authority as a consumer-owned utility to acquire and operate all transmission and distribution systems in the State currently operated by the investor-owned transmission and distribution utilities known as Central Maine Power Company and Emera Maine.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1651 An Act To Promote Equitable and Responsible Broadband Investment

ONTP

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

This bill creates requirements that a municipality must meet in order to provide broadband service to its residents. It requires the completion of a feasibility study and requires the municipality to hold a referendum to decide whether the municipality may offer broadband service. It includes general operation limitations, including those related to the establishment of rates, the use of subsidization and the use of eminent domain. It requires the adoption of ordinances relating to service quality and enforcement by a municipality that elects to provide broadband service. It also removes antitrust liability protections from a municipality as those protections relate to the municipality's offering broadband service.

The bill also requires that in order to receive any grants from the ConnectME Authority, the municipality must show evidence of compliance with the requirements of the Maine Revised Statutes, Title 35-A, chapter 94.

LD 1681 An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge

Accepted Majority (ONTP) Report

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

This bill requires the Public Utilities Commission to establish the statewide E-9-1-1 surcharge and the prepaid wireless E-9-1-1 surcharge but limits the surcharges to no more than 45¢ per month per line or number for the statewide E-9-1-1 surcharge and 45¢ per retail transaction for the prepaid wireless E-9-1-1 surcharge, which are the same amounts as in the current law. The bill requires the commission to establish the surcharges by routine technical rules or through other commission proceedings.

Committee Amendment "A" (H-370)

This amendment is the minority report of the committee and it incorporates a fiscal note.

This amendment was not adopted.

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LD 1683 An Act To Clarify the Definitions of Consumer-owned Utilities

**PUBLIC 311
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N LAWRENCE M	OTP-AM	H-478

This bill amends the definition of consumer-owned transmission and distribution utility to clarify that the utility must be wholly owned by consumers who reside in the service territory of the utility and that any municipal or quasi-municipal ownership must be of a municipality or quasi-municipal entity located in the State.

Committee Amendment "A" (H-478)

This amendment amends the definition of "consumer-owned transmission and distribution utility" in the bill. The amendment specifies that a consumer-owned transmission and distribution utility is wholly owned by its consumers, including its consumers served by the utility in this State. The amendment also adds a provision to amend the definition of "consumer-owned water utility" in the same way and makes other clarifying changes to the language in the bill.

Enacted Law Summary

Public Law 2019, chapter 311 amends the definitions of "consumer-owned transmission and distribution utility" and "consumer-water utility" to specify that a consumer-owned utility is wholly owned by its consumers, including its consumers served by the utility in this State.

Public Law 2019, chapter 311 was enacted as an emergency measure effective June 17, 2019.

LD 1711 An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine

PUBLIC 478

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D COREY P	OTP-AM ONTP	S-295

This bill makes changes to the laws governing net energy billing and the Maine Solar Energy Act, including:

1. Establishing parameters on the financial interest and limits of accounts for net energy billing;
2. Directing the Public Utilities Commission to establish a pilot program implementing a tariff rate for nonresidential customers of new distributed generation resources if the commission determines a tariff rate is the most cost-effective manner possible to promote the development of distributed generation resources;
3. Amending the Maine Solar Energy Act by: adding specific measures to support solar energy; establishing a standard buyer designation and detailing the standard buyer's obligations and cost allocation; directing the Public Utilities Commission to procure 125 megawatts for the output of distributed generation resources associated with commercial or institutional customer accounts through a bid solicitation process; directing the Public Utilities Commission to procure 250 megawatts for the output of large-scale shared distributed generation resources through a bid solicitation process; and detailing the process by which credits are applied to a customer's bill and how entities that own or operate a large-scale shared distributed generation resource on behalf of customers that own a proportional interest in the large-scale shared distributed generation resource may recover costs incurred on behalf of an investor-owned transmission and distribution utility;

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4. Directing the Public Utilities Commission to report to the Legislature the results of the implemented tariff rates for distributed generation resources and the status of metering and billing system capabilities for investor-owned transmission and distribution utilities;
5. Directing the Public Utilities Commission to evaluate net energy billing when the total amount of generation capacity involved in net energy billing in the State reaches 8% of the total maximum load of transmission and distribution utilities in the State;
6. Directing the Public Utilities Commission to solicit bids for long-term contracts to supply up to 400 megawatts of electricity from solar energy projects; and
7. Directing the Executive Department, Governor's Energy Office to make recommendations to the Legislature regarding long-term contracts for installed capacity and associated renewable energy and renewable energy credits produced by solar energy projects.

Committee Amendment "A" (S-295)

This amendment is the majority report of the committee. The amendment replaces the bill and does the following:

1. Changes the net energy billing law to: allow a customer to participate if the customer has a financial interest in a distributed generation resource, which is defined as a generator with a capacity of less than five megawatts that uses a renewable resource and is located in the service territory of a transmission and distribution utility in this State; permit any number of customers of an investor-owned transmission and distribution utility to share the financial interest, except in the northern Maine grid, where the limit is 10, unless the Public Utilities Commission finds the utility system can accommodate a higher number; and add a new commercial and institutional net energy billing program that provides for a tariff rate for the energy exported by the distributed generation resource that is based on the applicable standard offer rate for the customer plus a percentage of the transmission and distribution utility rate for a specific class of customers;
2. Requires the Public Utilities Commission to report on metering and billing issues to the joint standing committee on utilities and energy and to evaluate net energy billing when certain events occur;
3. Creates a requirement for the procurement of distributed generation resources by each investor-owned electric utility, or by a separate buyer, if one is designated by the commission. The amendment: directs procurements of 125 megawatts of output associated with commercial and institutional accounts and 250 megawatts of shared distributed generation resources to be achieved by July 1, 2024; directs that procurements must be through a competitive bidding process with solicitations for certain blocks of output and contract rates, after the first block, set in declining relation to the previous block; provides procedures to address cases of under-procurement for any block; requires subscriptions to certain portions of shared distributed generation resources to satisfy certain minimum requirements related to the types and sizes of subscribers or subscriptions; and provides for consumer protections and transparency requirements; and
4. Adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 478 makes several changes to net energy billing and requires procurement of distributed generation resources.

It changes the net energy billing law to: allow a customer to participate if the customer has a financial interest in a distributed generation resource, which is defined as a generator with a capacity of less than five megawatts that uses a renewable resource and is located in the service territory of a transmission and distribution utility in this State; permit any number of customers of an investor-owned transmission and distribution utility to share the financial interest, except in the northern Maine grid, where the limit is 10, unless the Public Utilities Commission finds the

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utility system can accommodate a higher number; and add a new commercial and institutional net energy billing program that provides for a tariff rate for the energy exported by the distributed generation resource that is based on the applicable standard offer rate for the customer plus a percentage of the transmission and distribution utility rate for a specific class of customers. It also requires the Public Utilities Commission to report on metering and billing issues to the joint standing committee on utilities and energy and to evaluate net energy billing when certain events occur.

This law also requires the procurement of distributed generation resources by each investor-owned electric utility, or by a separate buyer, if one is designated by the commission. Specifically, it requires procurements of 125 megawatts of output associated with commercial and institutional accounts and 250 megawatts of shared distributed generation resources to be achieved by July 1, 2024. It directs that these procurements must be through a competitive bidding process with solicitations for certain blocks of output and contract rates, after the first block, set in declining relation to the previous block and provides procedures to address cases of under-procurement for any block. It requires subscriptions to certain portions of shared distributed generation resources to satisfy certain minimum requirements related to the types and sizes of subscribers or subscriptions and provides for consumer protections and transparency requirements.

LD 1720 An Act To Amend the So-called Dig Safe Law

PUBLIC 322

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M BERRY S	OTP	

This bill requires excavators to call 9-1-1 if contact with or damage to an underground pipe or another underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration.

Enacted Law Summary

Public Law 322 requires excavators to call 9-1-1 if contact with or damage to an underground pipe or another underground facility results in the escape of any natural gas or other hazardous substance or material regulated by the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration.

**LD 1741 Resolve, Directing the Public Utilities Commission To Examine
Performance-based Rates for Electric Utilities**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LAWRENCE M		

This resolve requires the Public Utilities Commission to open a proceeding to examine the rate plans of each investor-owned transmission and distribution utility in the State. The commission is directed to examine rate design, existing performance metrics and any incentives for efficient operation that are currently in place for each investor-owned transmission and distribution utility and to specifically consider performance measures including a utility's reliability, billing accuracy, level of renewable energy generation integration and customer satisfaction. Based on its review, the commission shall determine the appropriateness of any reasonable rate-adjustment mechanisms, including enhanced positive and negative financial incentives linked to performance.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1742 An Act To Encourage Broadband Deployment in Unserved Areas

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N JACKSON T	ONTP	

This bill facilitates the deployment of broadband infrastructure in unserved areas of this State by establishing the Broadband Infrastructure Grant Program under the ConnectME Authority to award grants to applicants for the purpose of extending deployment of facilities used to provide broadband service to unserved areas of the State and thus to encourage new investment in broadband service infrastructure. The bill eliminates the Municipal Gigabit Broadband Network Access Fund. The bill removes the authority of the ConnectME Authority to require communications service providers to contribute to the ConnectME Fund. It allows the authority to issue bonds for the construction of advanced communications technology infrastructure.

LD 1748 An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H STROM S		

This bill allows the Efficiency Maine Trust or a municipality to establish a commercial property assessed clean energy program to finance energy savings improvements on qualifying property.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1752 An Act To Amend the Charter of the Boothbay Harbor Sewer District

P & S 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	OTP-AM	H-528

This bill updates Private and Special Law 1961, chapter 161, the Charter of the Boothbay Harbor Sewer District, to include language from the Standard Sewer District Enabling Act. It also provides for representation of the Town of Boothbay on the board of trustees of the district.

Committee Amendment "A" (H-528)

This amendment removes the provision of the bill that required one trustee on the board of trustees of the Boothbay Harbor Sewer District to be elected from the Town of Boothbay and two from the Town of Boothbay Harbor. The amendment also makes a number of technical changes and adds cross-references to bring the charter into conformance with the Standard Sewer District Enabling Act.

Enacted Law Summary

Private and Special Law 2019, chapter 12 updates Private and Special Law 1961, chapter 161, the Charter of the Boothbay Harbor Sewer District, to include language from and bring the charter into conformance with the Standard Sewer District Enabling Act.

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**LD 1757 An Act To Clarify Certain Standards for the Efficiency Maine Trust's
Triennial Plan**

**PUBLIC 313
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J SANBORN H	OTP-AM	H-539

This bill amends the Efficiency Maine Trust Act to:

1. Make changes to the Efficiency Maine Trust's triennial plan, including requiring the Maine State Housing Authority and the Department of Health and Human Services to provide data to the Efficiency Maine Trust regarding households that qualify for low-income programs to assist the trust with developing and implementing the triennial plan. Data received by the trust is subject to a protective order to preserve confidentiality;
2. Clarify the process for the adjudicatory proceeding for the approval or rejection of the triennial plan by the Public Utilities Commission;
3. Extend from 30 days to 90 days the amount of time the Director of the Efficiency Maine Trust has to provide the Efficiency Maine Trust Board with an annual update plan describing significant changes to the triennial plan;
4. Establish standards of review to be used by the commission when reviewing the triennial plan;
5. Remove the requirement that the trust preserve the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market; and
6. Require the commission to participate in a New England-wide process to establish a common analysis for determining the avoided costs of energy efficiency resources.

Committee Amendment "A" (H-539)

This amendment makes the following changes to the bill.

1. It adds language to clarify the provision in the bill regarding the requirement for the Maine State Housing Authority and the Department of Health and Human Services to provide data to the Efficiency Maine Trust.
2. It provides that the Public Utilities Commission is required to conduct an adjudicatory proceeding to review the triennial plan if requested by the Efficiency Maine Trust or any party to the triennial plan; otherwise, the commission may use an adjudicatory proceeding or other process to complete the review.
3. It makes other technical changes to clarify language.

Enacted Law Summary

Public Law 2019, chapter 313 amends the Efficiency Maine Trust Act to:

1. Make changes to the Efficiency Maine Trust's triennial plan, including requiring the Maine State Housing Authority and the Department of Health and Human Services to provide data to the Efficiency Maine Trust regarding households that qualify for low-income programs to assist the trust with developing and implementing the triennial plan. Data received by the trust is subject to a protective order to preserve confidentiality;
2. Clarify the process for the proceeding for the approval or rejection of the triennial plan by the Public Utilities Commission. It requires the Public Utilities Commission to conduct an adjudicatory proceeding to review the

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triennial plan if requested by the Efficiency Maine Trust or any party to the triennial plan; otherwise, the commission may use an adjudicatory proceeding or other process to complete the review;

3. Extend from 30 days to 90 days the amount of time the Director of the Efficiency Maine Trust has to provide the Efficiency Maine Trust Board with an annual update plan describing significant changes to the triennial plan;
4. Establish standards of review to be used by the commission when reviewing the triennial plan;
5. Remove the requirement that the trust preserve the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market; and
6. Require the commission to participate in a New England-wide process to establish a common analysis for determining the avoided costs of energy efficiency resources.

Public Law 2019, chapter 313 was enacted as an emergency measure effective June 17, 2019.

**LD 1766 An Act To Transform Maine's Heat Pump Market To Advance
Economic Security and Climate Objectives**

PUBLIC 306

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M GIDEON S	OTP-AM	S-220

This bill establishes a goal to install 100,000 new high-performance air source heat pumps in the State to provide heating in residential and nonresidential spaces. It defines "high-performance air source heat pump" as an air source heat pump that satisfies minimum heating performance standards as determined by the Efficiency Maine Trust.

The bill directs forward capacity market payments received by the Efficiency Maine Trust to the Heating Fuels Efficiency and Weatherization Fund to promote high-performance air source heat pumps. It directs the Maine State Housing Authority to share information with the Efficiency Maine Trust Board about the extent to which federally funded weatherization programming is available to meet the heat pump goal. It clarifies that in the construction, remodeling or renovation of a multifamily residential structure funded in whole or in part by public funds, guarantees or bond proceeds, high-performance air source heat pumps may be used as the primary heating system without requiring a waiver from the Public Utilities Commission.

Committee Amendment "A" (S-220)

This amendment clarifies the provision in the bill regarding the installation of high-performance air source heat pumps as a primary heating system in the construction, remodeling or renovation of publicly funded multifamily residential structures. The amendment makes technical changes to bring consistency to language in the bill relating to the types of measures funded by the Heating Fuels Efficiency and Weatherization Fund.

Enacted Law Summary

This bill establishes a goal to install 100,000 new high-performance air source heat pumps in the State to provide heating in residential and nonresidential spaces. It defines "high-performance air source heat pump" as an air source heat pump that satisfies minimum heating performance standards as determined by the Efficiency Maine Trust.

The bill directs forward capacity market payments received by the Efficiency Maine Trust to the Heating Fuels Efficiency and Weatherization Fund to promote high-performance air source heat pumps. It directs the Maine State Housing Authority to share information with the Efficiency Maine Trust Board about the extent to which federally funded weatherization programming is available to meet the heat pump goal. It clarifies that in the construction, remodeling or renovation of a multifamily residential structure funded in whole or in part by public funds,

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guarantees or bond proceeds, high-performance air source heat pumps may be used as the primary heating system without requiring a waiver from the Public Utilities Commission.

LD 1796 Resolve, To Study Transmission Grid Reliability and Rate Stability in Northern Maine RESOLVE 71

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T JACKSON T	OTP-AM	H-480

This resolve directs the Governor's Energy Office to convene a stakeholder group to identify and develop strategies to address the transmission grid reliability and electric rate stability for the northern Maine service territory. The Governor's Energy Office is directed to submit a report that includes its findings, together with any proposed implementing legislation, to the Joint Standing Committee on Energy, Utilities and Technology by December 4, 2019, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (H-480)

This amendment changes the reporting date from December 4, 2019 to March 1, 2020.

Enacted Law Summary

Resolve 2019, chapter 71 directs the Governor's Energy Office to convene a stakeholder group to identify and develop strategies to address the transmission grid reliability and electric rate stability for the northern Maine service territory. The Governor's Energy Office is directed to submit a report that includes its findings, together with any proposed implementing legislation, to the Joint Standing Committee on Energy, Utilities and Technology by March 1, 2020, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

LD 1800 An Act To Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1 PUBLIC 339

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

This bill makes changes to the emergency services communication laws to reflect that text messaging and other methods can be used to contact E-9-1-1.

Enacted Law Summary

Public Law 2019, chapter 339 makes changes to the emergency services communication laws to reflect that text messaging and other methods can be used to contact E-9-1-1.

LD 1844 Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine's Power Delivery Systems RESOLVE 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-362 LIBBY N

This resolve directs the Public Utilities Commission to evaluate the proposal for creation of the Maine Power Delivery Authority as presented in L.D. 1646, An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems. It requires the commission to contract with an independent consultant or consultants

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with relevant expertise to assist the commission with the evaluation. It requires the commission to submit a report on the evaluation no later than February 15, 2020 that includes results, findings and recommendations and specifies which aspects of the evaluation have been completed and which require further study. The resolve authorizes the commission to use funds from the Public Utilities Commission Reimbursement Fund to carry out the required evaluation and includes an appropriations and allocations section.

Senate Amendment "A" (S-362)

This amendment removes the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2019, chapter 107 directs the Public Utilities Commission to evaluate the proposal for creation of the Maine Power Delivery Authority as presented in L.D. 1646, An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems. It requires the commission to contract with an independent consultant or consultants with relevant expertise to assist the commission with the evaluation. It requires the commission to submit a report on the evaluation no later than February 15, 2020 that includes results, findings and recommendations and specifies which aspects of the evaluation have been completed and which require further study. Finally, the resolve authorizes the commission to use funds from the Public Utilities Commission Reimbursement Fund to carry out the required evaluation.

Joint Standing Committee on Energy, Utilities and Technology

SUBJECT INDEX

Agency Matters – PUC/OPA/GEO/EMT

Enacted

LD 68	An Act To Improve the Record Keeping of Utilities and the Public Utilities Commission	PUBLIC 26
LD 807	An Act Regarding the Duties of the Public Advocate	PUBLIC 71
LD 1556	An Act Regarding Filing Fees in Transmission Line Proceedings	PUBLIC 177
LD 1557	An Act To Adjust the Staffing and Resources of the Office of the Public Advocate	PUBLIC 226
LD 1559	An Act To Require the Public Utilities Commission To Permit the Public Advocate To Access Certain Information Related to a Management Audit	PUBLIC 251
LD 1567	An Act To Change the Deadline for Submission of the Annual Report of the Public Advocate	PUBLIC 164
LD 1757	An Act To Clarify Certain Standards for the Efficiency Maine Trust's Triennial Plan	PUBLIC 313 EMERGENCY

Not Enacted

LD 1120	An Act To Protect Consumers from Price Gouging by Utility Companies	Majority (ONTP) Report
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Broadband/ConnectME Authority

Enacted

LD 31	An Act Regarding Rules Adopted by the ConnectME Authority	PUBLIC 2
LD 147	An Act To Extend Internet Availability in Rural Maine	PUBLIC 52 EMERGENCY
LD 383	Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority	RESOLVE 21 EMERGENCY

LD 946	An Act To Protect the Privacy of Online Customer Information	PUBLIC 216
LD 1063	An Act To Support the Role of Municipalities in Expanding Broadband Infrastructure	PUBLIC 108
LD 1248	Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine	RESOLVE 33
LD 1364	An Act Regarding Net Neutrality and Internet Policy	PUBLIC 468

Not Enacted

LD 173	An Act To Promote Economic Development and Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet	CARRIED OVER
LD 224	An Act To Fund the Municipal Gigabit Broadband Network Access Fund	ONTP
LD 1563	An Act To Encourage the Development of Broadband Coverage in Rural Maine	CARRIED OVER
LD 1651	An Act To Promote Equitable and Responsible Broadband Investment	ONTP
LD 1742	An Act To Encourage Broadband Deployment in Unserved Areas	ONTP

Cable Television

Enacted

LD 832	An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs	PUBLIC 308
LD 1371	An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators	PUBLIC 245

Dig Safe

Enacted

LD 1720	An Act To Amend the So-called Dig Safe Law	PUBLIC 322
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E-9-1-1

Enacted

LD 674	Resolve, Regarding Implementation and Funding of E-9-1-1 Dispatch Protocols	RESOLVE 24
LD 1800	An Act To Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1	PUBLIC 339

Not Enacted

LD 743	An Act To Create Local Options in E-9-1-1 Protocol Mandates	ONTP
LD 1547	An Act To Use 10 Percent of E-9-1-1 Surcharges To Fund Public Safety Answering Point Staff and Projects	Leave to Withdraw Pursuant to Joint Rule 310
LD 1681	An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge	Majority (ONTP) Report

Electricity

Enacted

LD 196	Resolve, Regarding Legislative Review of Portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 19 EMERGENCY
LD 372	An Act To Increase the Safety of Maine Residents in Extended Power Outages	PUBLIC 120
LD 581	An Act To Direct Electric Utilities To Provide Comparative Usage Data on Customer Billing Statements	PUBLIC 81
LD 694	An Act To Amend the Charter of the Town of Madison's Department of Electric Works	P & S 4
LD 834	An Act To Establish Minimum Service Standards for Electric Utilities	PUBLIC 104
LD 1003	An Act To Ensure Accurate Explanations of Electric Bills	PUBLIC 88
LD 1173	An Act To Allow the Direct Sale of Electricity	PUBLIC 205
LD 1181	An Act To Reduce Electricity Costs through Nonwires Alternatives	PUBLIC 298

LD 1186	An Act To Address Electricity Costs of Agricultural Fairs	PUBLIC 169 EMERGENCY
LD 1192	An Act To Establish Municipal Access to Utility Poles Located in Municipal Rights-of-way	PUBLIC 127
LD 1464	An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment	PUBLIC 365
LD 1614	Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry	RESOLVE 83
LD 1796	Resolve, To Study Transmission Grid Reliability and Rate Stability in Northern Maine	RESOLVE 71
LD 1844	Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine's Power Delivery Systems	RESOLVE 107

Not Enacted

LD 13	An Act To Allow Microgrids That Are in the Public Interest	CARRIED OVER
LD 271	An Act Regarding a Transmission and Distribution Utility's Use of the Right of Eminent Domain To Locate Its Transmission Lines	ONTP
LD 918	An Act Regarding Utility Line Extensions	Majority (ONTP) Report
LD 980	An Act To Amend Provisions of the Maine Energy Cost Reduction Act Regarding Assessments on Ratepayers	ONTP
LD 1060	An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly	Majority (ONTP) Report
LD 1363	An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines	Veto Sustained
LD 1383	An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines	Veto Sustained
LD 1542	An Act To Allow a Municipality To Choose Its Power Provider	ONTP
LD 1646	An Act To Restore Local Ownership and Control of Maine's Power Delivery Systems	CARRIED OVER
LD 1741	Resolve, Directing the Public Utilities Commission To Examine Performance-based Rates for Electric Utilities	CARRIED OVER

Energy Efficiency

Enacted

LD 398	An Act To Allow for Greater Flexibility in Addressing Energy Efficiency Needs in the State	PUBLIC 69
LD 1766	An Act To Transform Maine's Heat Pump Market To Advance Economic Security and Climate Objectives	PUBLIC 306

Not Enacted

LD 1048	An Act To Encourage Conservation in Determining Natural Gas Rates	Majority (ONTP) Report
LD 1231	An Act To Fund Energy Efficiency Programs through a Fee on the Sale of Unregulated Heating Fuels	Majority (ONTP) Report
LD 1398	An Act To Allow the Efficiency Maine Trust To Provide Support for New Home Construction	ONTP
LD 1748	An Act To Allow for the Establishment of Commercial Property Assessed Clean Energy Programs	CARRIED OVER

Energy Policy

Enacted

LD 658	Resolve, To Increase Energy Independence for Maine	RESOLVE 30
LD 1282	An Act To Establish a Green New Deal for Maine	PUBLIC 347

Not Enacted

LD 434	An Act To Price Carbon Pollution in Maine	ONTP
LD 754	An Act To Ensure the Regional Greenhouse Gas Initiative Trust Fund Continues To Promote Energy Efficiency and Benefit Maine Ratepayers	Majority (ONTP) Report
LD 950	An Act To Develop a State Energy Plan To Provide a Pathway to an Energy Portfolio Free of Fossil Fuels	ONTP
LD 1634	An Act To Create the Maine Clean Energy Fund and To Authorize a General Fund Bond Issue To Capitalize the Fund	CARRIED OVER

Miscellaneous

Enacted

LD 614	An Act To Increase Electric Vehicles in Maine	PUBLIC 258
LD 1436	Resolve, Directing Coordinated State Agencies To Engage with the Governing Leaderships of Portland Pipe Line Corporation and Montreal Pipe Line Limited for Sustainability-centered Repurposing of Stranded and At-risk Infrastructure Assets in Maine	RESOLVE 77

Not Enacted

LD 1299	An Act To Incentivize Municipalities, State Agencies, Colleges and Universities To Use Electric Vehicles	ONTP
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Natural Gas

Not Enacted

LD 1558	An Act To Change the Definition of "Gas Utility" in the Laws Governing Public Utilities	ONTP
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Renewable Resources

Enacted

LD 91	An Act To Eliminate Gross Metering	PUBLIC 16
LD 994	Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy	RESOLVE 87
LD 1401	Resolve, To Study Transmission Solutions To Enable Renewable Energy Investment in the State	RESOLVE 57
LD 1494	An Act To Reform Maine's Renewable Portfolio Standard	PUBLIC 477
LD 1711	An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine	PUBLIC 478

Not Enacted

LD 41	An Act To Replace Net Energy Billing with a Market-based Mechanism	Majority (ONTP) Report
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LD 143	An Act To Protect Electric Ratepayers from Gross Output Metering Costs	Leave to Withdraw Pursuant to Joint Rule 310
LD 273	An Act To Require Transmission and Distribution Utilities To Purchase Electricity from Renewable Resources at Certain Prices	ONTP
LD 334	An Act To Change the Definition of "Renewable Capacity Resource"	ONTP
LD 790	An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing	CARRIED OVER
LD 912	An Act To Establish the Wood Energy Investment Program	CARRIED OVER
LD 1027	An Act To Eliminate the 100-megawatt Limit on Hydroelectric Generators under the Renewable Resources Laws	Majority (ONTP) Report
LD 1127	An Act To Expand Community-based Solar Energy in Maine	CARRIED OVER
LD 1139	An Act To Eliminate Restrictions on Capacity and the Number of Accounts for Net Energy Billing	ONTP
LD 1279	An Act To Modernize Maine's Renewable Portfolio Standard	ONTP
LD 1465	An Act To Diversify Maine's Energy Portfolio with Renewable Energy	Leave to Withdraw Pursuant to Joint Rule 310
LD 1562	An Act To Encourage the Use of Renewable Energy	ONTP
LD 1622	An Act To Promote the Use of Wood Pellet Central Heating Systems	ONTP

Telecommunications

Enacted

LD 1603	Resolve, To Coordinate a Plan To Expand Cellular Telephone Service	RESOLVE 64
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Utilities - General

Enacted

LD 1206	An Act Regarding Utility Poles in Public Rights-of-way	PUBLIC 128
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LD 1560	An Act Regarding Utility Reorganizations	PUBLIC 353 EMERGENCY
LD 1683	An Act To Clarify the Definitions of Consumer-owned Utilities	PUBLIC 311 EMERGENCY

Water/Sewer/Sanitary - General

Enacted

LD 347	An Act To Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure	PUBLIC 423
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Not Enacted

LD 1198	An Act To Ensure Transparency and Participation in Maine Water Districts	Majority (ONTP) Report
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Water/Sewer/Sanitary Charters

Enacted

LD 346	An Act To Amend the Brunswick Sewer District Charter	P & S 1
LD 1469	An Act To Amend the Charter of the Rumford-Mexico Sewerage District	P & S 8
LD 1752	An Act To Amend the Charter of the Boothbay Harbor Sewer District	P & S 12

Not Enacted

LD 432	An Act To Amend the Greater Augusta Utility District Charter	CARRIED OVER
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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

August 2019

MEMBERS:

SEN. HEATHER B. SANBORN, CHAIR
SEN. GEOFFREY M. GRATWICK
SEN. ROBERT A. FOLEY

REP. DENISE A. TEPLER, CHAIR
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Joint Standing Committee on Health Coverage, Insurance and Financial Services

LD 1 An Act To Protect Health Care Coverage for Maine Families

**PUBLIC 5
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM ONTP	S-3

The purpose of this bill is to ensure that consumer protections related to health insurance coverage included in the federal Patient Protection and Affordable Care Act are codified in state law.

In Part A, the bill does the following.

1. It makes clear that individual and group health plans may not impose any preexisting condition exclusion on an enrollee. The bill does permit a carrier to restrict enrollment in individual health plans to open enrollment and special enrollment periods established in rule.
2. It clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits. The bill specifies that the provision prohibiting annual limits on the dollar value of benefits applies to the dollar value of essential health benefits as determined by the Superintendent of Insurance.
3. It allows children, until they attain 26 years of age, to remain on their parents' health insurance policy.
4. It changes the maximum rate differential due to age that may be filed by the carrier to the rate differential that is permitted under the federal Patient Protection and Affordable Care Act.

In Part B, the bill requires that, at a minimum, health plans cover essential health benefits that are substantially similar to those benefits required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The bill directs the Superintendent of Insurance to define essential health benefits in rule and designates those rules as major substantive and subject to legislative review and approval.

Committee Amendment "A" (S-3)

This amendment replaces the bill and is the majority report of the committee. The purpose of this amendment is to ensure that consumer protections related to health insurance coverage included in the federal Patient Protection and Affordable Care Act are codified in state law.

In Part A, the amendment does the following.

1. It makes clear that carriers in the individual, small group and large group markets must meet guaranteed issue requirements similar to those required by federal law.
2. It makes clear that individual and group health plans may not impose any preexisting condition exclusion on an enrollee. The amendment does permit a carrier to restrict enrollment in individual health plans to open enrollment and special enrollment periods established in rule.
3. It clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits unless the plan is grandfathered under the federal Affordable Care Act as of January 1, 2019 and does not impose new limits or reduce existing limits. The amendment specifies that the provision prohibiting annual limits on the dollar value of benefits applies to the dollar value of essential health benefits.
4. It allows children, until they attain 26 years of age, to remain on their parents' health insurance policy.

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5. It changes the maximum rate differential due to age that may be filed by the carrier to three to one and requires that rates that vary based on age do so according to a uniform age rating curve.
6. It provides that if a carrier varies premium rates based on family membership, the premium rate must equal the sum of the premiums for each individual in the family.
7. It prohibits a carrier from varying premium rates based on tobacco use for individuals who are enrolled in an evidence-based tobacco cessation program approved by the United States Department of Health and Human Services, Food and Drug Administration.
8. It makes clear that the minimum medical loss ratio in the individual market is 80% without exception.
9. It adds language to prohibit rescissions of coverage consistent with requirements under federal law.
10. It makes changes to the timelines and requirements for determinations by a carrier of coverage for prescription drugs consistent with federal law.
11. It requires carriers to provide information about the health plans offered by the carrier in a standardized manner that is substantially similar to the manner required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019.
12. It removes a provision of the bill that would have repealed the authority for certain individuals to purchase coverage under an individual, nonrenewable short-term policy.
13. It prohibits a health plan from reducing or terminating benefits for an ongoing course of treatment, including coverage of a prescription drug, during the course of an appeal of a determination of coverage.

Part B requires that, at a minimum, individual and small group health plans cover essential health benefits that are substantially similar to those benefits required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The amendment also requires that health plans meet annual limits on cost sharing that are substantially similar to those benefits required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The amendment removes provisions of the bill that authorized the Superintendent of Insurance to make changes to essential health benefits and cost sharing limits in rule. The amendment clarifies that pediatric dental benefits may not be required of all individual and small group plans if dental coverage is available in accordance with the federal Affordable Care Act as in effect as of January 1, 2019.

Part C adopts nondiscrimination provisions consistent with similar requirements in federal law and rule.

Part D makes changes to current requirements in state law related to mental health parity consistent with similar requirements in federal law and regulations.

Enacted Law Summary

Public Law 2019, chapter 5 was enacted so that consumer protections related to health insurance coverage included in the federal Patient Protection and Affordable Care Act are codified in state law.

In Part A, Public Law 2019, chapter 5 does the following.

1. It makes clear that carriers in the individual, small group and large group markets must meet guaranteed issue requirements similar to those required by federal law.

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2. It makes clear that individual and group health plans may not impose any preexisting condition exclusion on an enrollee. The law does permit a carrier to restrict enrollment in individual health plans to open enrollment and special enrollment periods established in rule.
3. It clarifies that carriers offering individual or group health plans may not establish lifetime or annual limits on the dollar value of benefits unless the plan is grandfathered under the federal Affordable Care Act as of January 1, 2019 and does not impose new limits or reduce existing limits. The law specifies that the provision prohibiting annual limits on the dollar value of benefits applies to the dollar value of essential health benefits.
4. It allows children, until they attain 26 years of age, to remain on their parents' health insurance policy.
5. It changes the maximum rate differential due to age that may be filed by the carrier to three to one and requires that rates that vary based on age do so according to a uniform age rating curve.
6. It provides that if a carrier varies premium rates based on family membership, the premium rate must equal the sum of the premiums for each individual in the family.
7. It prohibits a carrier from varying premium rates based on tobacco use for individuals who are enrolled in an evidence-based tobacco cessation program approved by the United States Department of Health and Human Services, Food and Drug Administration.
8. It makes clear that the minimum medical loss ratio in the individual market is 80% without exception.
9. It adds language to prohibit rescissions of coverage consistent with requirements under federal law.
10. It makes changes to the timelines and requirements for determinations by a carrier of coverage for prescription drugs consistent with federal law.
11. It requires carriers to provide information about the health plans offered by the carrier in a standardized manner that is substantially similar to the manner required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019.
12. It preserves the authority for certain individuals to purchase coverage under an individual, nonrenewable short-term policy.
13. It prohibits a health plan from reducing or terminating benefits for an ongoing course of treatment, including coverage of a prescription drug, during the course of an appeal of a determination of coverage.

Part B of Public Law 2019, chapter 5 requires that, at a minimum, individual and small group health plans cover essential health benefits that are substantially similar to those benefits required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The law also requires that health plans meet annual limits on cost sharing that are substantially similar to those benefits required for health plans subject to the federal Patient Protection and Affordable Care Act as of January 1, 2019. The law clarifies that pediatric dental benefits may not be required of all individual and small group plans if dental coverage is available in accordance with the federal Affordable Care Act as in effect as of January 1, 2019.

Part C of Public Law 2019, chapter 5 adopts nondiscrimination provisions consistent with similar requirements in federal law and rule.

Part D of Public Law 2019, chapter 5 makes changes to current requirements in state law related to mental health

parity consistent with similar requirements in federal law and regulations.

Public Law 2019, chapter 5 was enacted as an emergency measure effective March 19, 2019.

LD 2 An Act To Increase from \$25,000 to \$50,000 the Minimum Amount ONTP
Motor Vehicle Liability Insurance Policies Must Cover for Damage to
Property

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R SAMPSON H	ONTP	

This bill increases from \$25,000 to \$50,000 the minimum amount motor vehicle liability insurance policies must cover for damage to property in order for the policies to be accepted as proof of financial responsibility to drive, including for vehicles used exclusively to transport passengers for hire between points within the State and seating no more than three passengers behind the driver and for rental trucks with a registered gross weight of 26,000 pounds or less, rented or leased for fewer than 30 days. It also amends the law regarding satisfied judgments to increase to \$50,000 the amount that must be credited on a judgment for injury to or destruction of property of others as a result of one accident rendered in excess of that amount.

LD 5 An Act To Require Notification of Proposed Rate Increases for PUBLIC 25
Long-term Care Policies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D BELLOWS S	OTP-AM	H-25

This bill requires the insurer to notify a policyholder of a long-term care insurance policy of a proposed premium rate increase that affects the policyholder no later than 10 business days after the filing of the premium rate increase. The bill also requires that the notice inform the policyholder of the policyholder's right to contact the Department of Professional and Financial Regulation, Bureau of Insurance to request a hearing on the proposed rate increase.

Committee Amendment "A" (H-25)

This amendment replaces the bill. The amendment changes the time frame for when written notice of a proposed long-term care insurance rate increase must be provided from no later than 10 business days to no later than 30 days after the filing of the proposed premium rate increase. The amendment clarifies that notice must be provided by the insurer to all affected individual and group policyholders and others who are directly billed for group coverage. The amendment also specifies that the notice must include certain information, including the proposed rate, information on the policyholder's right to request a hearing and submit written comments on the proposed rate and contact information for the Department of Professional and Financial Regulation, Bureau of Insurance.

The amendment provides that an increase in a premium rate may not be implemented until approved by the bureau or until the effective date of the premium rate increase, whichever is later.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 25 changes the time frame for when written notice of a proposed long-term care insurance rate increase must be provided from no later than 10 business days to no later than 30 days after the filing of the

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proposed premium rate increase. The law clarifies that notice must be provided by the insurer to all affected individual and group policyholders and others who are directly billed for group coverage. The law specifies that the notice must include certain information, including the proposed rate, information on the policyholder's right to request a hearing and submit written comments on the proposed rate and contact information for the Department of Professional and Financial Regulation, Bureau of Insurance.

The law also provides that an increase in a premium rate may not be implemented until approved by the bureau or until the effective date of the premium rate increase, whichever is later.

LD 30 An Act To Improve Health Care Data Analysis

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A SANBORN H		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the State's capacity to use data regarding health care costs and health care systems. The State's ability to better analyze and use data regarding health care utilization and health care quality will serve to inform the State's health care policy.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 38 An Act To Require Insurance Coverage for Hearing Aids for Adults

PUBLIC 418

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J HERBIG E	OTP-AM	H-241

This bill requires insurance plans to provide coverage for hearing aids at a minimum of \$3,000 per hearing aid to all individuals with documented hearing loss.

Committee Amendment "A" (H-241)

This amendment adds language to clarify the requirement that the purchase of a hearing aid in accordance with the bill's coverage must be done in accordance with federal and state laws, regulations and rules for the dispensing of hearing aids. The amendment also adds an appropriations and allocations section and provides for the calculation and transfer of amounts for premium costs by financial order.

Enacted Law Summary

Public Law 2019, chapter 418 requires health insurance carriers to provide coverage in all individual and group health plans for hearing aids at a minimum of \$3,000 per hearing aid to all individuals with documented hearing loss. The law clarifies that the purchase of a hearing aid must be done in accordance with federal and state laws, regulations and rules for the dispensing of hearing aids.

The law applies to individual and group health plans health plans issued or renewed on or after January 1, 2020.

Joint Standing Committee on Health Coverage, Insurance and Financial Services

LD 51 An Act To Implement the Recommendations of the Task Force on Health Care Coverage for All of Maine CARRIED OVER

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

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

This bill proposes to implement the recommendations of the Task Force on Health Care Coverage for All of Maine.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 52 An Act To Provide an Affordable and Accessible Health Care System for all Residents of Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P	ONTP	

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

This bill proposes to establish a health care system in the State that will be simple and efficient for all consumers and providers. The bill proposes to provide all Maine residents with access to an affordable health benefit plan covering essential health benefits. The bill proposes to create the Health Care Trust, which will have authority to determine essential health care benefits, to negotiate with providers, to reimburse providers for the costs of providing care at negotiated rates and to manage the financing mechanisms for the trust. All Maine residents will be eligible to enroll in the trust on a voluntary basis. Those residents currently eligible for MaineCare or other public coverage will be automatically enrolled; MaineCare and other public coverage programs will be replaced by the trust's health care coverage. The Health Care Trust will be administered by a health care administrator and overseen by a board of trustees. In addition, a stakeholder advisory board will provide input and guidance for the trust.

The bill proposes to use several funding sources to pay for the costs of the trust and for coverage of all Maine residents enrolled in the trust for coverage, including payroll taxes, transaction taxes and available federal funding.

See related bills, LD 1611 and LD 1617.

LD 66 An Act To Prohibit Hospitals from Discussing Alternative Payment Options with Hospitalized Patients ONTP

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

This bill prohibits a hospital from communicating with a patient regarding alternative payment options at any time during a patient's hospitalization unless that communication is requested by the patient. The bill permits communication with a patient prior to or upon the patient's admission to the hospital or at the time of discharge.

Joint Standing Committee on Health Coverage, Insurance and Financial Services

**LD 100 Resolve, Regarding Legislative Review of Portions of Chapter 270:
Uniform Reporting System for Quality Data Sets, a Major Substantive
Rule of the Maine Health Data Organization RESOLVE 9
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Enacted Law Summary

Resolve 2019, chapter 9 authorizes final adoption of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Resolve 2019, chapter 9 was finally passed as an emergency measure effective March 25, 2019.

LD 109 An Act To Create a Public Health Insurance Option ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S VITELLI E	ONTP	

This bill makes any legally domiciled resident of the State eligible for coverage under the group health plan available to state employees and other eligible persons. The bill permits any resident enrolling in coverage under this provision to do so during an open enrollment period. The bill also adds a reporting requirement to track the experience of those persons enrolling in coverage under the group health plan and the relative effect of that experience on the overall costs of the group health plan.

LD 110 An Act Regarding Credit Ratings Related to Overdue Medical Expenses PUBLIC 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHANSEN C	OTP-AM OTP-AM	H-89

This bill prohibits a consumer reporting agency from reporting debt from overdue medical expenses on a consumer report in a manner that adversely affects the consumer's credit history or credit rating as long as that consumer is making regular, scheduled periodic payments toward the debt.

Committee Amendment "A" (H-89)

This amendment is the majority report of the committee. The amendment does the following.

1. It prohibits a consumer reporting agency from reporting debt from medical expenses on a consumer's consumer report when the date of the first delinquency on the debt is less than 180 days prior to the date that the debt is reported.

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2. It requires that a consumer reporting agency remove medical debt on a consumer's consumer report once the credit reporting agency receives information that the debt has been settled in full or paid in full.
3. If a medical debt is reported to a consumer reporting agency, it requires the consumer reporting agency to report that debt in the same manner as debt related to a consumer credit transaction is reported as long as the consumer is making regular, scheduled periodic payments toward the debt as agreed upon by the consumer and medical provider.

Committee Amendment "B" (H-90)

This amendment is the minority report of the committee. The amendment prohibits a consumer reporting agency from reporting debt from medical expenses on a consumer's consumer report.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 77 does the following.

1. It prohibits a consumer reporting agency from reporting debt from medical expenses on a consumer's consumer report when the date of the first delinquency on the debt is less than 180 days prior to the date that the debt is reported.
2. It requires that a consumer reporting agency remove medical debt on a consumer's consumer report once the credit reporting agency receives information that the debt has been settled in full or paid in full.
3. If a medical debt is reported to a consumer reporting agency, it requires the consumer reporting agency to report that debt in the same manner as debt related to a consumer credit transaction is reported as long as the consumer is making regular, scheduled periodic payments toward the debt as agreed upon by the consumer and medical provider.

LD 132 An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size ONTP

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

This bill prohibits insurance carriers providing individual health plans or small group health plans from varying premium rates based on age, geographic location or tobacco use on or after January 1, 2020. The bill also reduces the variation based on group size to 1.5 to 1 for small group plans over time.

See also related bill, LD 1650.

LD 189 An Act To Amend the Laws Governing Long-term Care Insurance ONTP

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

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This bill prohibits an insurer from delaying or withholding payment of a claim for long-term care insurance benefits by requiring that an insured or the insured's representative request payment of the claim by telephone as a prerequisite for releasing funds to pay the claim for benefits if the insurer has received all necessary written documentation and information to support payment of the claim.

LD 228 An Act To Clarify the Licensing of Certified Clinical Supervisors

PUBLIC 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A DILL J	OTP-AM	H-103

This bill requires the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to grant or deny a license to practice as an alcohol and drug counseling aide, certified alcohol and drug counselor, licensed alcohol and drug counselor or certified clinical supervisor within 30 days of receipt of the application for that license. This bill also clarifies the authority of the State Board of Alcohol and Drug Counselors to license certified clinical supervisors.

Committee Amendment "A" (H-103)

This amendment makes changes to the provision of the bill related to the minimum qualifications for certain licensed mental health professionals and licensed alcohol and drug counselors to also become licensed as certified clinical supervisors by:

1. Removing the examination requirement;
2. Reducing the number of minimum hours of training in clinical supervision;
3. Clarifying that licensed pastoral counselors and licensed marriage and family therapists may be licensed as certified clinical supervisors; and
4. Adding an eligibility requirement that recognizes licensed mental health professionals with experience in treating co-occurring mental health and substance use disorders and at least three years of experience supervising clinicians in treatment programs for individuals with co-occurring mental health and substance use disorders.

The amendment also removes the section of the bill requiring that the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to grant or deny a license within 30 days of receipt of the application for that license.

Enacted Law Summary

Public Law 2019, chapter 83 establishes the minimum qualifications for certain licensed mental health professionals and licensed alcohol and drug counselors to also become licensed as certified clinical supervisors. Certified clinical supervisors provide direct clinical supervision of practitioners in the field of alcohol and drug counseling.

The law provides that an individual may be licensed as a certified clinical supervisor if the individual:

1. Is a licensed psychologist, licensed physician, registered clinical nurse specialist, licensed clinical professional counselor, licensed clinical social worker, licensed or certified mental health professional, licensed marriage and family therapist or licensed pastoral counselor;
2. Has completed 24 hours of training in clinical supervision with at least six hours of training in each of the

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following areas: skills assessment and evaluation; counselor development; management and administration; and professional responsibility; and

3. Has completed 1000 hours of practice in alcohol and drug counseling under the person's qualifying license or has work experience in treating co-occurring mental health and substance use disorders and at least three years of experience supervising clinicians in treatment programs for individuals with co-occurring mental health and substance use disorders.

The law also authorizes individuals already licensed as alcohol and drug counselors to become certified clinical supervisors. For those individuals, the law provides that the minimum qualifications for licensing are 24 hours of training in clinical supervision with at least 6 hours of training in each of the following areas: skills assessment and evaluation; counselor development; management and administration; and professional responsibility.

**LD 242 An Act To Amend the Laws Governing Multiple-party Accounts with
Financial Institutions**

**PUBLIC 1
EMERGENCY**

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

This bill suspends until July 1, 2019 the requirement that at the time a multiple-party account is established or at the time a single-party account is converted to a multiple-party account with a financial institution, the document establishing the account or adding another party include for each party to the account a question regarding whether that party intends for the sum remaining upon that party's death to belong to the surviving party or parties.

Enacted Law Summary

Public Law 2019, chapter 1 suspends until July 1, 2019 the requirement that at the time a multiple-party account is established or at the time a single-party account is converted to a multiple-party account with a financial institution, the document establishing the account or adding another party include for each party to the account a question regarding whether that party intends for the sum remaining upon that party's death to belong to the surviving party or parties.

Public Law 2019, chapter 1 was enacted as an emergency measure effective March 7, 2019.

**LD 249 An Act To Ensure Protection of Patients in Medical Reviews by Health
Insurance Carriers**

PUBLIC 171

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G PERRY A	OTP-AM	S-107

This bill requires that a health insurance carrier's medical reviews, including utilization reviews and case management, be conducted by a health care practitioner who is board certified and in active medical practice in the same specialty as typically manages the medical condition, procedure or treatment under review.

Committee Amendment "A" (S-107)

This amendment replaces the bill. The amendment requires that appeals of a health insurance carrier's adverse health care treatment decision be conducted by a licensed health care practitioner who is board certified in the same or similar specialty as typically manages the medical condition, procedure or treatment under review and whose compensation does not directly or indirectly depend upon the quantity, type or cost of the medical condition,

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procedure or treatment the practitioner approves or denies on behalf of a carrier. The bill would have required that all medical reviews be conducted by a clinical peer who was board certified and in active medical practice in the same specialty.

The amendment also provides that any rules adopted by the Bureau of Insurance to conform to changes made in the bill are routine technical rules as defined in the Maine Administrative Procedures Act.

Enacted Law Summary

Public Law 2019, chapter 171 requires that appeals of a health insurance carrier's adverse health care treatment decision be conducted by a licensed health care practitioner who is board certified in the same or similar specialty as typically manages the medical condition, procedure or treatment under review and whose compensation does not directly or indirectly depend upon the quantity, type or cost of the medical condition, procedure or treatment the practitioner approves or denies on behalf of a carrier.

LD 260 An Act To Permit Disability Insurance To Be Offered through the Surplus Lines Market

**PUBLIC 20
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R PRESCOTT D	OTP-AM	S-7

This bill permits disability insurance to be offered through the surplus lines market in excess of policy limits available from an admitted insurer.

Committee Amendment "A" (S-7)

This amendment removes the restriction in the bill that would have limited the offer of disability insurance to only the excess of policy limits available from an admitted insurer. The amendment would allow a licensed producer to place disability insurance through the surplus lines market if coverage is not available from an admitted insurer.

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

Enacted Law Summary

Public Law 2019, chapter 20 permits disability insurance to be offered through the surplus lines market. The law allows a licensed producer to place disability insurance through the surplus lines market if coverage is not available from an admitted insurer.

Public Law 2019, chapter 20 was enacted as an emergency measure effective April 5, 2019.

LD 267 An Act To Amend the Laws Governing the Practice of Pharmacy

**Died Between
Houses**

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

This bill specifies that the practice of pharmacy is the provision of health care services.

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LD 291 An Act Regarding Responsibility for the Duplicative or Incorrect Payment of Health Insurance Claims

PUBLIC 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T SANBORN H	OTP-AM	H-17

This bill requires an insurer who overpays a claim to attempt to retroactively collect that overpayment directly from the provider, not the insured, unless the insured was directly paid by the insurer for the services identified in the claim and the insured did not forward payment to the provider.

Committee Amendment "A" (H-17)

This amendment replaces the bill and changes the title. It clarifies that the provisions of the bill are intended to apply to duplicative or incorrect claims payments made with respect to health insurance coverage.

Enacted Law Summary

Public Law 2019, chapter 30 requires a health insurance carrier who has made a duplicative or incorrect payment with respect to health insurance coverage to seek retroactive collection from the provider, not the enrollee, unless the enrollee was already paid directly and the provider submits evidence to the carrier that the enrollee did not forward payment to the provider. A health insurance carrier may require an enrollee to provide evidence of payment to the provider after the provider has first submitted evidence that the enrollee did not forward payment to the provider.

LD 320 An Act To Amend the Scope of Practice of Podiatric Medicine

Accepted Majority (ONTP) Report

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

This bill amends the scope of practice of podiatric medicine to include the diagnosis and treatment of maladies of the soft tissue of the lower leg and the evaluation, diagnosis, management and prevention of conditions of the lower extremities.

LD 330 An Act To Define Licensed Massage Therapists as Health Care Practitioners

ONTP

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

This bill clarifies that massage therapists and massage practitioners are health care practitioners and that massage therapy is a health care practice. It prohibits unlicensed persons from claiming to provide procedures that are described as "massage," "bodywork," "body therapy," "manual therapy," "neuromuscular therapy," "touch therapy" or "myotherapy" or related terms.

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**LD 364 An Act To Establish the Right To Practice Complementary and
Alternative Health Care Act**

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D BROOKS H	OTP-AM	S-109

This bill establishes the Right To Practice Complementary and Alternative Health Care Act. The bill provides that a person providing alternative or complementary health care services who is not licensed under the Maine Revised Statutes, Title 32 may provide health care services as long as the person does not perform surgery, prescribe medications, drugs or devices that require a prescription, perform chiropractic manipulation or falsely state that the person is a licensed health care professional. The person providing services must disclose certain information to the person receiving services and must collect and retain a signed statement granting permission to provide services.

Committee Amendment "A" (S-109)

This amendment clarifies that a person providing complementary or alternative health care services is not a licensed professional providing health care services within the scope of a license.

Enacted Law Summary

Public Law 2019, chapter 265 establishes the Right To Practice Complementary and Alternative Health Care Act. The law provides that a person providing complementary or alternative health care services who is not a licensed professional providing health care services within the scope of a license under the Maine Revised Statutes, Title 32 may provide complementary or alternative health care services as long as the person does not perform surgery, prescribe medications, drugs or devices that require a prescription, perform chiropractic manipulation or falsely state that the person is a licensed health care professional. The person providing services must disclose certain information to the person receiving services and must collect and retain a signed statement granting permission to provide complementary or alternative health care services.

LD 366 An Act To Protect Elderly Persons from Financial Abuse

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to protect elderly persons from financial scamming and abuse.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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**LD 367 An Act To Amend the Definition of "Insurer" under the Maine
Guaranteed Access Reinsurance Association Act**

**Leave to Withdraw
Pursuant to Joint
Rule**

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

This bill removes multiple-employer welfare arrangements from the definition of "insurer" under the Maine Guaranteed Access Reinsurance Association Act.

**LD 368 An Act To Redefine Geographic Association for Multiple-employer
Welfare Arrangements**

PUBLIC 96

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R PERKINS M	OTP-AM	S-49

This bill replaces the requirement that a multiple-employer welfare arrangement based on geographic association must be established by an association with a principal office in a location within a 40-mile radius of the principal place of business of eligible employers with a requirement that the arrangement must be established by an association with a principal office located in the State.

Committee Amendment "A" (S-49)

This amendment replaces the bill. The amendment repeals the provision authorizing a multiple-employer welfare arrangement based on geographic association and removes cross-references to that provision. The amendment authorizes a multiple-employer welfare arrangement by an association with employer members representing multiple trades, industries or professions. The amendment also restores the ability of the Superintendent of Insurance to authorize a separate community rate for fully insured association health plans for multiple employers.

Enacted Law Summary

Public Law 2019, chapter 96 repeals the provision authorizing a multiple-employer welfare arrangement based on geographic association and removes cross-references to that provision. The law authorizes a multiple-employer welfare arrangement by an association with employer members representing multiple trades, industries or professions. The law also restores the ability of the Superintendent of Insurance to authorize a separate community rate for fully insured association health plans for multiple employers.

LD 376 An Act To Expand Health Insurance Options for Town Academies

PUBLIC 424

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M DOW D	OTP-AM	H-199

This bill makes an employee of an academy approved for tuition purposes in accordance with the Maine Revised Statutes, Title 20-A, sections 2951 to 2955 eligible for coverage under the group health plan available to state employees and other eligible persons.

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Committee Amendment "A" (H-199)

This amendment specifies that a town academy that elects to enroll in the group health plan available to state employees and other eligible persons may enroll in the group health plan on the first day of the month following the termination of the academy's prior group health plan, but no sooner than January 1, 2020. For an employee hired after January 1, 2020 or who becomes eligible for the group health plan based on a qualifying life event occurring after January 1, 2020, the employee may enroll in the group health plan on the first day of the month after the date on which the employee becomes eligible for enrollment.

Enacted Law Summary

Public Law 2019, chapter 424 makes an employee of an academy approved for tuition purposes in accordance with the Maine Revised Statutes, Title 20-A, sections 2951 to 2955 eligible for coverage under the group health plan available to state employees and other eligible persons.

The law specifies that a town academy that elects to enroll in the group health plan available to state employees and other eligible persons may enroll in the group health plan on the first day of the month following the termination of the academy's prior group health plan, but no sooner than January 1, 2020. For an employee hired after January 1, 2020 or who becomes eligible for the group health plan based on a qualifying life event occurring after January 1, 2020, the employee may enroll in the group health plan on the first day of the month after the date on which the employee becomes eligible for enrollment.

LD 407 **An Act To Promote Universal Health Care, Including Dental, Vision and Hearing Care** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS H BELLOWS S	ONTP	

This bill establishes a single-payer health care system in the State, effective July 1, 2022, that finances health care services for most Maine residents. The bill directs the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters to jointly submit during the 2019 legislative interim legislation to fully implement the single-payer system.

See also related bills, LD 1611 and LD 1617.

LD 429 **An Act To Improve the Ability of Mental Health Professionals To Assess the Risk of Suicide** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P VITELLI E	ONTP	

This bill adds a new requirement for the renewal of professional licenses for psychologists, social workers and licensed clinical professional counselors that each must show proof upon renewal that the licensee has completed a minimum of 6 hours of course work every 10 years in suicide prevention, evidence-based suicide risk assessment or the treatment and management of suicidal persons, including knowledge of community resources and cultural factors. These courses may be used to satisfy the licensee's other continuing education requirements. The bill also changes, from January 1, 2020 to January 1, 2022, the date that licensed clinical professional counselors must begin demonstrating successful completion of a minimum of 12 hours of course work in family or intimate partner

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violence.

LD 437 An Act To Improve Access to and Affordability of Health Care in Maine ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to improve access to and affordability of health care in Maine.

See also related bill, LD 51.

LD 477 An Act To Provide Relief to Federal Employees Affected by a Federal Shutdown CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM ONTP	S-1

This bill establishes the Federal Shutdown Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for certain federal employees in Maine affected by the partial shutdown of the Federal Government, which began December 22, 2018, by guaranteeing up to 10% of the loans eligible credit unions and financial institutions make to affected employees.

Under the bill, affected employees are eligible for up to 3 loans, each equal to their monthly after-tax pay, up to \$5,000, less unemployment benefits. The bill prohibits interest on the loans during the shutdown and for 270 days after the shutdown ends. Following the end of the 270 days, an eligible financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to eligible financial institutions from the employee who defaulted on the loan.

The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Committee Amendment "A" (S-1)

This amendment is the majority report of the committee. This amendment:

1. Amends the definition of "shutdown" to mean a full or partial shutdown of the Federal Government between February 15, 2019 and December 31, 2019 that lasts longer than 14 days;
2. Adds language to require that any unexpended funds be returned to the unappropriated surplus of the General Fund upon the termination of the program;
3. Amends the definition of a credit union or financial institution in good standing to mean a credit union or financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration;

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4. Simplifies the process for a credit union or financial institution to participate in the program;
5. Extends the time period for an eligible financial institution to make a claim for a loan guarantee from between 180 and 210 days following the end of the grace period to between 180 and 300 days following the end of the grace period;
6. Requires the Treasurer of State to make loan guarantee payments to the Finance Authority of Maine, or FAME, instead of the eligible financial institution;
7. Clarifies that an eligible financial institution may not use an affected employee's creditworthiness as a factor to determine eligibility for the program;
8. Clarifies that the terms of the loan agreement under the program apply notwithstanding any other state or federal law to the contrary;
9. Requires that an eligible financial institution disclose that loan information may be shared with FAME;
10. Clarifies that loans may not be made under the program after a shutdown ends;
11. Requires that the transfer from the unappropriated surplus of the General Fund happen no later than 14 days following the effective date of this legislation instead of no later than February 15, 2019;
12. Requires that the Joint Standing Committee on Appropriations and Financial Affairs consult with the Joint Standing Committee on Health Coverage, Insurance and Financial Services before reporting out any legislation to address funding needs for the program; and
13. Corrects an error in the allocations section of the bill.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 519 An Act To Expand Adult Dental Health Insurance Coverage

CARRIED OVER

Sponsor(s)
BROOKS H

Committee Report

Amendments Adopted

This bill expands the availability of coverage for comprehensive dental services.

Part A of the bill broadens the scope of required coverage under the MaineCare program for adults. Under current law, coverage for adults over age 21 is limited to certain services.

Part B of the bill requires health insurance carriers to provide coverage for comprehensive dental services. Part B applies to policies and contracts issued or renewed on or after January 1, 2020.

Part C of the bill requires dentists as a condition of license renewal to adopt and implement policies to provide comprehensive dental services through charity care or financial assistance to persons without MaineCare coverage or private health insurance. Part C also authorizes the Board of Dental Practice to adopt rules relating to this requirement.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 530 An Act To Protect Medical Payments Coverage for Consumers

PUBLIC 182

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B SANBORN H	OTP-AM	H-242

This bill amends the subrogation law related to medical payments coverage to require a health care provider to notify the insured and any other person reasonably likely to be able to submit a claim prior to submitting any claim for payment of any hospital, nursing, medical or surgical services or of any expenses paid or reimbursed under the medical payments coverage in a policy. The bill also prohibits an insurer from paying a claim for payment of any hospital, nursing, medical or surgical services or of any expenses paid or reimbursed under the medical payments coverage in a policy if an insured is entitled to coverage under any other health insurance policy or contract and requires an insurer to provide at least 14 days' notice to an insured before paying such a claim.

The bill also makes it clear that an insurer that violates any of the policy requirement provisions is subject to enforcement and penalties under the unfair claims settlement practices laws.

Committee Amendment "A" (H-242)

This amendment replaces the bill. The amendment is based on a New Hampshire law. The amendment does the following.

1. It prohibits a health insurance carrier from coordinating benefits against medical payments coverage in a casualty insurance policy.
2. It provides that medical payments coverage is assignable only by agreement between the insured and the casualty insurer.
3. It provides that the insured has the right to submit a claim for medical expenses under medical payments coverage in a casualty insurance policy. It also provides that an insured may submit a claim under a health insurance policy, except that an insured is not entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.

Enacted Law Summary

Public Law 2019, chapter 182 makes the following changes related to medical payments coverage in a casualty insurance policy.

1. It prohibits a health insurance carrier from coordinating benefits against medical payments coverage in a casualty insurance policy.
2. It provides that medical payments coverage is assignable only by agreement between the insured and the casualty insurer.
3. It provides that the insured has the right to submit a claim for medical expenses under medical payments coverage in a casualty insurance policy. It also provides that an insured may submit a claim under a health insurance policy, except that an insured is not entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.

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**LD 555 An Act To Reduce Colorectal Cancer Incidence and Mortality by
Updating Screening Coverage**

PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P TEPLER D	OTP-AM	S-46

This bill removes references to the age of the patient for purposes of requiring coverage for colorectal cancer screening for asymptomatic individuals who are at average risk for colorectal cancer and instead requires coverage in accordance with the most recently published guidelines of a national cancer society. In addition, this bill requires coverage of all colorectal examinations and laboratory tests recommended by a health care provider in accordance with those published guidelines.

Committee Amendment "A" (S-46)

This amendment makes the bill's requirements for coverage of colorectal cancer screening apply to health insurance plans issued or renewed on or after January 1, 2020. The amendment also adds language exempting the Act from the provisions of the Maine Revised Statutes, Title 24-A, section 2752.

Enacted Law Summary

Public Law 2019, chapter 86 removes references to the age of the patient for purposes of requiring coverage for colorectal cancer screening for asymptomatic individuals who are at average risk for colorectal cancer and instead requires coverage in accordance with the most recently published guidelines of a national cancer society. In addition, the law requires coverage of all colorectal examinations and laboratory tests recommended by a health care provider in accordance with those published guidelines.

Public Law 2019, chapter 86 applies to health insurance plans issued or renewed on or after January 1, 2020.

**LD 558 An Act To Amend the Continuing Education Requirements for
Prescribers of Opioid Medication**

ONTP

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

This bill will reduce the amount of opioid prescribing education required of prescribers from three hours per license cycle of two years to one hour per license cycle of two years after the licensee has completed an initial three-hour requirement. It will also require the licensing boards to adopt rules consistent with the reduction in the amount of required prescribing education.

LD 566 An Act To Protect Vulnerable Adults from Financial Exploitation

PUBLIC 17

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D FOLEY R	OTP	

This bill requires reporting to the Securities Administrator within the Department of Professional and Financial Regulation, Office of Securities and the Department of Health and Human Services by qualified individuals who

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reasonably believe that financial exploitation of a vulnerable adult may have occurred, may have been attempted or is being attempted. It defines "qualified individual" to mean an agent, an investment adviser representative and a person who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment adviser.

The bill also:

1. Authorizes broker-dealers and investment advisers who suspect financial exploitation to delay disbursing funds from a vulnerable adult's account;
2. Authorizes disclosure by qualified individuals to third parties in certain instances in which a vulnerable adult has previously designated the third party;
3. Prohibits disclosure to the third party if the qualified individual suspects the 3rd party of the financial exploitation;
4. Provides immunity from administrative and civil liability for actions taken consistent with the law; and
5. Requires that broker-dealers and investment advisers comply with certain requests for information.

Enacted Law Summary

Public Law 2019, chapter 17 requires reporting to the Securities Administrator within the Department of Professional and Financial Regulation, Office of Securities and the Department of Health and Human Services by qualified individuals who reasonably believe that financial exploitation of a vulnerable adult may have occurred, may have been attempted or is being attempted. It defines "qualified individual" to mean an agent, an investment adviser representative and a person who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment adviser.

The law also:

1. Authorizes broker-dealers and investment advisers who suspect financial exploitation to delay disbursing funds from a vulnerable adult's account;
2. Authorizes disclosure by qualified individuals to 3rd parties in certain instances in which a vulnerable adult has previously designated the third party;
3. Prohibits disclosure to the third party if the qualified individual suspects the third party of the financial exploitation;
4. Provides immunity from administrative and civil liability for actions taken consistent with the law; and
5. Requires that broker-dealers and investment advisers comply with certain requests for information.

LD 594 An Act To Promote Individual Savings Accounts through a Public-Private Partnership

CARRIED OVER

Sponsor(s)

VITELLI E
TEPLER D

Committee Report

Amendments Adopted

This bill establishes the Maine Retirement Savings Board and authorizes the board to develop a program to offer individual defined contribution retirement accounts for persons employed in the State who do not have access to a

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qualified retirement plan through their employers or who are self-employed.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 598 An Act Regulating Employee Benefit Excess Insurance CARRIED OVER

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

This bill provides that an insurer or a subsidiary of an insurer may not provide employee benefit excess insurance to an employer that is eligible for a small group health plan.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 616 An Act To Create Uniform Practices for Medicare Beneficiaries in Small Group Plans ONTP

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

This bill requires an insurer that provides health care coverage to a group with fewer than 20 employees to be the primary insurer for the payment of benefits to or on behalf of any insured under the group contract who is eligible for Medicare Part B coverage.

LD 641 An Act To Save Lives through Epinephrine Autoinjector Accessibility ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S ACKLEY K	ONTP	

This bill authorizes pharmacists to prescribe and dispense epinephrine autoinjectors at no cost to a person of any age who the pharmacist reasonably believes is at risk of experiencing severe allergic reactions, including anaphylaxis, or to a person who is in a position to assist the other person if the other person is at risk of experiencing severe allergic reactions, including anaphylaxis. It creates a fund within the Department of Health and Human Services to reimburse a pharmacist who has prescribed and dispensed an epinephrine autoinjector and directs the department to adopt routine technical rules to implement the fund.

LD 659 An Act Regarding the Use of Interchangeable Biological Products PUBLIC 34

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A GRATWICK G	OTP	

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This bill provides for pharmacist substitution of interchangeable biological products for prescribed biological products in a manner similar to the current regulation of generic drug substitution. The bill defines "biological product" and "interchangeable biological product."

Enacted Law Summary

Public Law 2019, chapter 34 provides for pharmacist substitution of interchangeable biological products for prescribed biological products in a manner similar to the current regulation of generic drug substitution. The law also defines "biological product" and "interchangeable biological product."

LD 688 An Act To Set Maine Dental Provider Licensing Fees

PUBLIC 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A	OTP-AM	H-112

This bill provides that the total fee for a dental hygienist license, together with any additional authorities, may not exceed \$150.

Committee Amendment "A" (H-112)

This amendment replaces the bill and clarifies the maximum licensing fees for dental providers. The amendment provides that the maximum fee for an initial license or a license renewal for a dentist and for a sedation permit is \$1,000 and that the maximum fee for an initial license or a license renewal for a dental hygienist is \$200; otherwise the maximum fee of \$550 for any one purpose under current law continues to apply.

Enacted Law Summary

Public Law 2019, chapter 92 provides that the maximum fee for an initial license or a license renewal for a dentist and for a sedation permit is \$1,000 and that the maximum fee for an initial license or a license renewal for a dental hygienist is \$200; otherwise the maximum fee of \$550 for any one purpose under current law continues to apply.

LD 705 An Act Regarding the Process for Obtaining Prior Authorization for Health Insurance Purposes

PUBLIC 273

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G HYMANSON P	OTP-AM	S-175

This bill amends the prior authorization process for health insurance carriers. It reduces the time frame for a carrier's response to a prior authorization request and it exempts medication-assisted treatment for opioid use disorder from prior authorization requirements.

The bill also requires a health insurance carrier to develop an electronic transmission system for prior authorization of prescription drug orders by January 1, 2020 and for medical services by July 1, 2020.

Committee Amendment "A" (S-175)

This amendment replaces the bill. The amendment does the following to amend the prior authorization process for health insurance carriers.

1. It reduces the time frame for a carrier's response to a prior authorization request from 2 business days to 72

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hours or 2 business days, whichever is less, and clarifies that the same time frame for a response applies in instances when a carrier requests additional information or requires outside consultation. It also provides that a request for prior authorization is granted if a carrier fails to respond within the required time frames.

2. It clarifies a provision in existing law to reflect the change in time frame.
3. It prohibits a carrier from requiring prior authorization for medication-assisted treatment for opioid use disorder for the prescription of at least one drug for each type of medication used in medication-assisted treatment, except that a carrier may not require prior authorization for medication-assisted treatment for opioid use disorder for a pregnant woman.
4. It requires a health insurance carrier to develop an electronic transmission system for prior authorization of prescription drug orders by January 1, 2020.
5. It requires health insurance carriers to report, no later than January 1, 2020, to the Joint Standing Committee on Health Coverage, Insurance and Financial Services on efforts to develop standards for secure electronic transmission of prior authorization requests. It also authorizes the committee to report out legislation to the Second Regular Session of the 129th Legislature related to the electronic transmission of prior authorization requests for medical services.
6. It directs the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules regarding health plan accountability to conform to the statutory changes and designates those rules as routine technical.

Enacted Law Summary

Public Law 2019, chapter 273 does the following to amend the prior authorization process for health insurance carriers.

1. It reduces the time frame for a carrier's response to a prior authorization request from 2 business days to 72 hours or 2 business days, whichever is less, and clarifies that the same time frame for a response applies in instances when a carrier requests additional information or requires outside consultation. It also provides that a request for prior authorization is granted if a carrier fails to respond within the required time frames.
2. It clarifies a provision in existing law to reflect the change in time frame.
3. It prohibits a carrier from requiring prior authorization for medication-assisted treatment for opioid use disorder for the prescription of at least one drug for each type of medication used in medication-assisted treatment, except that a carrier may not require prior authorization for medication-assisted treatment for opioid use disorder for a pregnant woman.
4. It requires a health insurance carrier to develop an electronic transmission system for prior authorization of prescription drug orders by January 1, 2020.
5. It requires health insurance carriers to report, no later than January 1, 2020, to the Joint Standing Committee on Health Coverage, Insurance and Financial Services on efforts to develop standards for secure electronic transmission of prior authorization requests. It also authorizes the committee to report out legislation to the Second Regular Session of the 129th Legislature related to the electronic transmission of prior authorization requests for medical services.
6. It directs the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules

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regarding health plan accountability to conform to the statutory changes and designates those rules as routine technical.

LD 815 An Act To Regulate the Issuance of Short-term, Limited-duration Health Insurance Policies in the State ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	ONTP	

This bill limits the issuance of short-term, limited-duration individual health insurance policies in this State to policies with a term that is three months or less and further restricts an insurer or the insurer's agent or broker from issuing a short-term, limited-duration policy that replaces a prior short-term, limited-duration policy if the combined term of the new policy and all prior successive policies exceeds three months in any 12-month period.

The bill also requires that insurers make specific written disclosures related to the terms and benefits of the policies in at least 14-point type, including the types of benefits and consumer protections that are and are not included in the policies.

The requirements of the bill apply to policies issued or renewed in this State on or after January 1, 2020.

See related bill, LD 1260.

LD 820 An Act To Prevent Discrimination in Public and Private Insurance Coverage for Pregnant Women in Maine PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM ONTP	H-210 S-275 BREEN C

This bill requires the Department of Health and Human Services to provide coverage to a MaineCare member for abortion services. The bill provides that abortion services that are not approved Medicaid services must be funded by the State. The bill also directs the Department of Health and Human Services to adopt rules no later than March 1, 2020.

The bill also requires that health insurance carriers that provide coverage for maternity services also provide coverage for abortion services.

The bill applies this requirement to all health insurance policies and contracts issued or renewed on or after January 1, 2020, except for those religious employers granted an exclusion of coverage. The bill authorizes the Superintendent of Insurance to grant an exemption from the requirements if enforcement of the requirements would adversely affect the allocation of federal funds to the State.

Committee Amendment "A" (H-210)

This amendment is the majority report of the committee. The amendment adds language exempting the provisions of the bill from the provisions of the Maine Revised Statutes, Title 24-A, section 2752. The amendment reallocates the section of the bill requiring the Department of Health and Human Services to pay for abortion services for MaineCare members and adds language to authorize the department to adopt rules using the emergency rule-making provisions of the Maine Administrative Procedure Act.

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Senate Amendment "A" To Committee Amendment "A" (S-275)

The amendment adds an appropriations and allocations section. This amendment also makes technical corrections.

Enacted Law Summary

Public Law 2019, chapter 274 requires the Department of Health and Human Services to provide coverage to a MaineCare member for abortion services. The law provides that abortion services that are not approved Medicaid services must be funded by the State. The bill also directs the Department of Health and Human Services to adopt rules no later than March 1, 2020 and authorizes the department to adopt rules using the emergency rule-making provisions of the Maine Administrative Procedure Act.

Public Law 2019, chapter 274 also requires that health insurance carriers that provide coverage for maternity services also provide coverage for abortion services. The law applies this requirement to all health insurance policies and contracts issued or renewed on or after January 1, 2020, except for those religious employers granted an exclusion of coverage. The law authorizes the Superintendent of Insurance to grant an exemption from the requirements if enforcement of the requirements would adversely affect the allocation of federal funds to the State.

LD 842 An Act Relating to Insurance Companies and Toted Motor Vehicles

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B GRATWICK G	ONTP	

This bill requires motor vehicle insurance policies to allow an insured to maintain possession of an insured motor vehicle determined a total loss by the insurer if the insured provides a credible estimate from a motor vehicle mechanic or repair facility detailing repairs that, if performed, would conform the motor vehicle to state motor vehicle inspection standards. This bill allows an insurer to deduct from a settlement paid for damage to a totaled vehicle an amount equal to the motor vehicle's salvage value if the insured elects to maintain possession of the motor vehicle.

LD 849 An Act To Allow Chiropractic Internships

PUBLIC 187

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D LAWRENCE M	OTP-AM	H-262

This bill establishes a new temporary license for chiropractic interns. The bill describes the supervision and credentialing requirements for licensure and the process by which an applicant may gain licensure. The bill provides the Board of Chiropractic Licensure with rule-making authority.

Committee Amendment "A" (H-262)

This amendment does the following.

1. It makes clear that the fee for a temporary license must be established in accordance with existing law.
2. It clarifies that an applicant for a temporary license must provide documentation of professional liability insurance.

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3. It removes the requirement for an applicant to demonstrate good moral character as that requirement is not required for applicants for other licenses issued by the board.
4. It removes the language authorizing the board to adopt rules related to exceptions to licensure.
5. It clarifies that, if there is a change in the supervision of a chiropractic intern, the intern must immediately cease to practice and must notify the board within 10 days.
6. It specifies that a chiropractic intern may not provide services without the written informed consent of the individual receiving chiropractic services.
7. It removes the requirement that an intern display the intern's license to be consistent with the requirements for other license categories.

Enacted Law Summary

Public Law 2019, chapter 187 establishes a new temporary license for chiropractic interns. The law states that a chiropractic intern may not provide services except under the supervision of a chiropractic doctor and with the informed written consent of the individual receiving chiropractic services. The law also sets forth the credentialing requirements for licensure and the process by which an applicant may gain licensure.

LD 884 An Act To Repeal the Board of Licensing of Dietetic Practice ONTP

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

This bill repeals the law regulating dieticians and the practice of dietetics.

LD 899 An Act To Increase Access to Health Care by Attracting Qualified Physicians to Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P MOORE M	ONTP	

This bill amends the law regarding the temporary licensure of physicians to require the temporary licensure of a physician within 60 days of application for a temporary license when the Board of Licensure in Medicine determines temporary licensure of the physician is necessary to provide relief for a local or national emergency or for a situation in which the number of physicians is insufficient to supply adequate medical services or for the purpose of permitting the physician to serve as locum tenens for another physician. It reduces the fee for the temporary license from \$400 to \$100.

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LD 942 An Act To Require Reimbursement for Medical Marijuana

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B DILL J	ONTP	

Part A of this bill requires a health insurance carrier to provide coverage for marijuana for medical use for a health plan enrollee who has received certification for the medical use of marijuana from an authorized medical provider. Carriers are required to directly reimburse a health plan enrollee for the costs of obtaining a medical marijuana certificate and the costs of medical marijuana. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2020. Part A also applies the same requirements to individual and group accidental injury and disability insurance.

Part B of the bill requires an employer to reimburse an employee eligible for workers' compensation benefits for the costs of obtaining a medical marijuana certificate and the costs of medical marijuana.

LD 943 An Act To Allow Laser Spine Surgery in the State

ONTP

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

This bill allows the use of lasers during spine surgery.

LD 995 An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers

PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E STEWART T	OTP-AM	S-225

This bill does the following.

1. It creates a position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The student loan ombudsman's duties include: receiving, reviewing and, if possible, resolving complaints from student loan borrowers; compiling and analyzing student loan borrower data; assisting student loan borrowers to understand their rights and responsibilities; providing information to the public, agencies and Legislators regarding concerns of student loan borrowers and making recommendations to resolve them; analyzing and monitoring the development and implementation of other legislation and policies that affect student loan borrowers and recommending necessary changes; reviewing student education loan history for borrowers who consent; disseminating information about the ombudsman's availability to assist others; seek the assistance of financial institutions or the Finance Authority of Maine in the resolution of student loan borrower complaints; and other necessary actions.

2. It requires the superintendent to submit an annual report by January 1st of each year in regard to the effectiveness of the student loan ombudsman and to recommend additional steps necessary to gain regulatory control over

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licensing and enforcement with respect to student loan servicers.

3. It establishes a licensing procedure for student loan servicers, which includes an investigation of an applicant, along with a license fee and an investigation fee and requires the costs of the investigation to be paid by the licensee or person being investigated.
4. It identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.
5. It identifies duties of the superintendent in regard to investigations and examinations of student loan servicers.
6. It exempts from the student loan servicer requirements imposed by this legislation most financial institutions licensed by the State, including licensed banks and credit unions, supervised financial organizations, Maine financial institutions and mutual holding companies whose home state is Maine and the Finance Authority of Maine. Those exempt organizations are required to work with the student loan ombudsman to resolve student loan borrower complaints and provide information as requested by the ombudsman.
7. It requires student loan servicers to comply with all applicable federal laws and regulations related to student education loan servicing.
8. It requires the superintendent to adopt routine technical rules necessary to carry out the provisions in this bill.

Committee Amendment "A" (S-225)

This amendment makes the following changes to the bill:

1. It makes the requirements for the filing of financial statements with an application for licensure as a student loan servicer consistent with licensure requirements for mortgage loan servicers;
2. It clarifies that a license is required for each physical location where a student loan servicer does business;
3. It authorizes the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to require student loan servicers to file license applications electronically and to use the nationwide mortgage loan servicer licensing system and registry;
4. It adds a provision authorizing the automatic licensure of student loan servicers under contract with the federal Department of Education;
5. It provides that funding from license and investigation fees for student loan servicers may not be used for purposes other than to cover the costs of administering the Maine Revised Statutes, Title 9-A, Article 14;
6. It replaces language in the bill with language from laws in other states regulating student loan servicing to maintain consistency; and
7. It adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 431 does the following.

1. It creates a position of student loan ombudsman under the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection. The student loan ombudsman's duties include: receiving, reviewing and, if possible, resolving complaints from student loan

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borrowers; compiling and analyzing student loan borrower data; assisting student loan borrowers to understand their rights and responsibilities; providing information to the public, agencies and Legislators regarding concerns of student loan borrowers and making recommendations to resolve them; analyzing and monitoring the development and implementation of other legislation and policies that affect student loan borrowers and recommending necessary changes; reviewing student education loan history for borrowers who consent; disseminating information about the ombudsman's availability to assist others; seek the assistance of financial institutions or the Finance Authority of Maine in the resolution of student loan borrower complaints; and other necessary actions.

2. It requires the superintendent to submit an annual report by January 1st of each year in regard to the effectiveness of the student loan ombudsman and to recommend additional steps necessary to gain regulatory control over licensing and enforcement with respect to student loan servicers.

3. It establishes a licensing procedure for student loan servicers, which includes an investigation of an applicant, along with a license fee and an investigation fee and requires the costs of the investigation to be paid by the licensee or person being investigated. A license is required for each physical location where a student loan servicer does business. It authorizes the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to require student loan servicers to file license applications electronically and to use the nationwide mortgage loan servicer licensing system and registry.

4. It authorizes the automatic licensure of student loan servicers under contract with the federal Department of Education.

5. It exempts from the student loan servicer requirements imposed by the law most financial institutions licensed by the State, including licensed banks and credit unions, supervised financial organizations, Maine financial institutions and mutual holding companies whose home state is Maine and the Finance Authority of Maine. Those exempt organizations are required to work with the student loan ombudsman to resolve student loan borrower complaints and provide information as requested by the ombudsman.

6. It requires student loan servicers to comply with all applicable federal laws and regulations related to student education loan servicing. It also identifies prohibited acts for student loan servicers, including employing any scheme, device or artifice to defraud or mislead student loan borrowers.

LD 1009 An Act To Provide Protections for Maine Patients Facing Step Therapy

PUBLIC 295

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C SANBORN H	OTP-AM	H-432

This bill requires health insurance carriers to establish a process for prescription drug step therapy exceptions.

Committee Amendment "A" (H-432)

This amendment conforms the timeline for responding to a request for a step therapy override exception determination with the existing timeline for prior authorization requests. The amendment clarifies the meaning of exigent circumstances and makes clear that a carrier is required to continue to provide access to the prescription drug subject to step therapy protocol during the consideration of a request for a step therapy override exception determination. The amendment also adds a definition of "stable on a prescription drug" and clarifies that the provisions do not prevent a carrier from requiring an enrollee to try an interchangeable biological product. The amendment also changes the allocation of a new section of the statutory provision to avoid a numbering problem.

Enacted Law Summary

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Public Law 2019, chapter 295 requires health insurance carriers to establish a process for prescription drug step therapy exceptions. The law conforms the timeline for responding to a request for a step therapy override exception determination with the existing timeline for prior authorization requests. The law clarifies the meaning of exigent circumstances and makes clear that a carrier is required to continue to provide access to the prescription drug subject to step therapy protocol during the consideration of a request for a step therapy override exception determination.

Public Law 2019, chapter 295 applies to health plans issued or renewed by health insurance carriers on or after January 1, 2020.

LD 1025 An Act To Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals

PUBLIC 165

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R SANBORN L	OTP-AM OTP-AM	H-213

This bill does the following.

1. It defines "conversion therapy" as any practice or course of treatment that seeks or purports to change an individual's sexual orientation or gender identity, except for any practice or treatment that assists an individual undergoing a gender transition; any practice or treatment that provides acceptance, support and understanding to an individual; and any practice or treatment that facilitates an individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation or gender identity, and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity.
2. It prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from advertising, offering or administering conversion therapy to individuals under 18 years of age. Advertising, offering or administering conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license, certification or registration, including but not limited to suspension or revocation of the license, certification or registration.
3. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.
4. It includes a statement of legislative findings and intent.

Committee Amendment "A" (H-213)

This amendment is the majority report of the committee. The amendment clarifies the definition of "conversion therapy." The bill provides that evidence that a certified school psychologist or guidance counselor has advertised, offered or administered conversion therapy to a child within the last 5 years is grounds for discipline; the amendment retains this provision but removes the 5-year limitation. The amendment also removes a similar 5-year limitation added by the bill to the current law that provides that evidence that an applicant for such a certification has injured the health or welfare of a child through abuse or exploitation is grounds for a denial of the certification. The amendment also adds an additional finding and makes other clarifying changes to the legislative findings and intent section.

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Committee Amendment "B" (H-214)

This amendment is the minority report of the committee and replaces the bill. In place of the bill, the amendment incorporates the substance of L.D. 1296, An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy. The amendment does the following.

1. It defines "conversion therapy" as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity. The amendment defines "aversive practice or treatment" as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.
2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.
3. It prohibits school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license, certification or registration, including but not limited to suspension or revocation of the license, certification or registration.
4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-222)

This amendment replaces Committee Amendment "A" and the bill to incorporate the substance of L.D. 1296, An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy. The amendment does the following.

1. It defines "conversion therapy" as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity. The amendment defines "aversive practice or treatment" as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.
2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.
3. It prohibits school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license,

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certification or registration, including but not limited to suspension or revocation of the license, certification or registration.

4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

House Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-111)

This amendment replaces Committee Amendment "A" and the bill to incorporate the substance of L.D. 1296, An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy. This amendment does the following.

1. It defines "conversion therapy" as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity. The amendment defines "aversive practice or treatment" as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.
2. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.
3. It prohibits school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license, certification or registration, including but not limited to suspension or revocation of the license, certification or registration.
4. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

Senate Amendment "A" to Committee Amendment "A" was not adopted.

Enacted Law Summary

Public Law 2019, chapter 165 prohibits certified school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from advertising, offering or administering conversion therapy to individuals under 18 years of age. Advertising, offering or administering conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license, certification or registration, including but not limited to suspension or revocation of the license, certification or registration.

The law defines "conversion therapy" as any practice or course of treatment that seeks or claims to change an individual's sexual orientation or gender identity, except for any practice or treatment that assists an individual undergoing a gender transition; any practice or treatment that provides acceptance, support and understanding to an

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individual; and any practice or treatment that facilitates an individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation or gender identity, and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek or claim to change the individual's sexual orientation or gender identity.

The law prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

Public Law 2019, chapter 165 also includes a statement of legislative findings and intent.

LD 1047 An Act To Prohibit Consideration of Naloxone Purchases in Life Insurance Underwriting

PUBLIC 203

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H TEPLER D	OTP-AM ONTP	S-106

This bill prohibits a denial or limitation of coverage or an increase in insurance premiums under a life insurance policy based on the fact that an individual has been issued a prescription for naloxone or has purchased naloxone.

Committee Amendment "A" (S-106)

This amendment is the majority report and replaces the bill. The amendment prohibits a denial or limitation of coverage or an increase in insurance premiums under a life insurance policy based on the fact that an individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride. The amendment also provides an exception to the prohibition when the individual has a demonstrated history of opioid use disorder.

Enacted Law Summary

Public Law 2019, chapter 203 prohibits a denial or limitation of coverage or an increase in insurance premiums under a life insurance policy based on the fact that an individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride. The law provides an exception to the prohibition when the individual has a demonstrated history of opioid use disorder.

LD 1072 An Act To Promote Workforce Education on Alzheimer's Disease and Dementia

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M GRATWICK G	ONTP	

This bill requires health care practitioners to disclose a diagnosis of Alzheimer's disease or dementia to an authorized representative or a family or household member except for a person that is expressly prohibited by the individual diagnosed. The health care practitioner making the diagnosis must also provide information regarding care planning services, including assistance understanding the diagnosis, and medical and nonmedical options for treatment, services and supports and information on how to access those options.

The bill requires that by January 1, 2023 every hospital must have a policy regarding the recognition and management of patients with Alzheimer's disease and dementia within that hospital and have the policy on file. The hospital must consult with the Department of Health and Human Services and statewide organizations with expertise in the field of Alzheimer's disease and dementia and include relevant portions of the federal Department of Health and Human Services, Centers for Disease Control and Prevention "Healthy Brain Initiative" publication and

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any succeeding plans and the state plan regarding Alzheimer's disease and related dementias in Maine developed by the Department of Health and Human Services.

The bill also requires continuing education requirements to be adopted by the Board of Licensure in Medicine, the Board of Osteopathic Licensure and the State Board of Nursing that relate to diagnosis, behavioral symptoms, respectful and effective communication, safety, signs of abuse and neglect and identifying signs of self-neglect by persons living alone with Alzheimer's or dementia. It also requires physician assistants to receive the same continuing education.

The bill also requires the Department of Health and Human Services to provide four hours of education and training to all employees of adult protective services at the beginning of employment.

LD 1082 An Act To Provide for Alternative Pain Treatment before Treatment ONTP
with Opioids

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T STANLEY S	ONTP	

This bill prohibits an individual licensed to prescribe opioid medication from prescribing opioid medication to a patient who does not have an active prescription for opioid medication unless the patient has completed 24 sessions of alternative pain treatment. This bill exempts from this requirement patients who have pain associated with cancer treatment, palliative care in conjunction with a serious illness, end-of-life and hospice care, medication-assisted treatment for substance use disorder and other circumstances determined in rule by the Department of Health and Human Services. This bill requires an individual licensed to prescribe opioid medication to discuss alternative pain treatment with a patient who has an active prescription for opioid medication. This bill also provides that a referral from an individual licensed under the Maine Revised Statutes, Title 32 whose scope of practice includes prescribing opioid medication is not required for coverage for alternative pain treatment and that the cost of covered alternative pain treatment may not exceed the cost of a visit to a primary care provider.

LD 1085 An Act To Ensure That Maine Residents Have Adequate and Affordable CARRIED OVER
Access to Health Care

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L HUBBELL B		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to ensure that consumer protections in health insurance are maintained under state law.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1089 An Act To Ban Discretionary Clauses in Disability Income Insurance PUBLIC 179
Policies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-89

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This bill adds a provision in the individual and group life insurance and health insurance and health maintenance organization provisions in the Maine Insurance Code that prohibits the inclusion or enforcement of a contract provision allowing the insurer sole or absolute discretion to interpret the terms of the insurance contract.

Committee Amendment "A" (S-89)

This amendment replaces the bill. The amendment prohibits the inclusion or enforcement of a contract provision in individual and group disability income insurance policies allowing the insurer sole or absolute discretion to interpret the insurance contract.

Enacted Law Summary

Public Law 2019, chapter 179 prohibits the inclusion or enforcement of a contract provision in individual and group disability income insurance policies allowing the insurer sole or absolute discretion to interpret the insurance contract.

LD 1105 An Act To Allow Acupuncture Detoxification Specialists To Administer PUBLIC 269
an Auricular Acupuncture Treatment for Substance Use and
Co-occurring Disorders

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

This bill directs the Department of Professional and Financial Regulation, Board of Complementary Health Care Providers to license acupuncture detoxification specialists and establishes standards for the provision of auricular acupuncture detoxification. The bill directs the board to adopt rules to implement the requirements.

Committee Amendment "A" (H-337)

This amendment replaces the bill and directs the Department of Professional and Financial Regulation, Board of Complementary Health Care Providers to license acupuncture detoxification specialists. The amendment also establishes standards for the provision of auricular acupuncture detoxification.

Enacted Law Summary

Public Law 2019, chapter 269 directs the Department of Professional and Financial Regulation, Board of Complementary Health Care Providers to license acupuncture detoxification specialists. The law also establishes standards for the provision of auricular acupuncture detoxification.

LD 1138 An Act To Ensure Health Insurance Coverage for Treatment for CARRIED OVER
Childhood Postinfectious Neuroimmune Disorders Including Pediatric
Autoimmune Neuropsychiatric Disorders Associated with Streptococcal
Infections and Pediatric Acute-onset Neuropsychiatric Syndrome

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D DESCHAMBAULT S		

This bill requires health insurance coverage for treatment of childhood postinfectious neuroimmune disorders, a group of medical conditions that includes autoinflammatory encephalopathic conditions including pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset

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neuropsychiatric syndrome. The treatments authorized include certain treatments described as the standard of care in a series of articles in the 2017 Journal of Child and Adolescent Psychopharmacology, Volume 27, Number 7. The requirements apply to all individual and group policies and contracts issued or renewed on or after January 1, 2020.

Pursuant to Maine Revised Statutes, Title 24-A, Section 2752, the committee referred this bill to the Bureau of Insurance for review and evaluation of the financial impact, social impact and medical efficacy of the mandated health benefit proposal. This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1155 An Act To Protect Patients and the Prudent Layperson Standard

PUBLIC 238

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S FOLEY R	OTP-AM	H-372

This bill establishes a definition of "emergency medical condition" in the law governing utilization review in the Maine Insurance Code and makes clear that the determination of an emergency medical condition relies on the prudent layperson standard regardless of the final diagnosis that is given. The bill also prohibits a carrier from requiring prior authorization for emergency services and requires that utilization review of benefit determinations for emergency services be conducted by a clinical peer, who is a licensed provider in the same or similar specialty as typically manages the medical condition, procedure or treatment under review.

Committee Amendment "A" (H-372)

This amendment makes several changes to the bill, as follows.

1. It removes the reference to inadequately controlled pain and uses the phrase "severe pain" to maintain consistency with the definition used in the federal Patient Protection and Affordable Care Act.
2. It clarifies the definition of "emergency service" so that it applies to services provided in an emergency setting or facility and makes other changes to maintain consistent language within the definition.
3. It removes the reference to prior authorization for emergency services in section 2 of the bill because it is redundant with changes made in section three.
4. It clarifies that before a carrier denies benefits or reduces payment for an emergency service based on a determination of the absence of an emergency medical condition or a determination that a lower level of care was needed, the carrier's utilization review must be done by a board-certified emergency physician who is licensed in this State and that the review must include a review of the enrollee's medical record related to the emergency medical condition subject to dispute.
5. It provides that any rules adopted by the Department of Professional and Financial Regulation, Bureau of Insurance to amend current rules to conform to changes made in this legislation are routine technical rules.

Enacted Law Summary

Public Law 2019, chapter 238 establishes a definition of "emergency medical condition" and "emergency service" in the law governing utilization review in the Maine Insurance Code and makes clear that the determination of an emergency medical condition relies on the prudent layperson standard regardless of the final diagnosis that is given. The law clarifies the definition of "emergency service" so that it applies to services provided in an emergency setting or facility and makes other changes to maintain consistent language within the definition.

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The law also prohibits a carrier from requiring prior authorization for emergency services and requires that, before a carrier denies benefits or reduces payment for an emergency service based on a determination of the absence of an emergency medical condition or a determination that a lower level of care was needed, the carrier's utilization review must be done by a board-certified emergency physician who is licensed in this State and that the review must include a review of the enrollee's medical record related to the emergency medical condition subject to dispute.

LD 1162 An Act To Further Expand Drug Price Transparency

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E TEPLER D	OTP-AM	S-252

This bill requires that, if a prescription drug has a wholesale acquisition cost of more than \$40 for a course of therapy and there is an increase in the wholesale acquisition cost of that prescription drug of more than 16%, including the proposed increase and the cumulative increases that occurred within the previous two calendar years prior to the current year, the manufacturer of the prescription drug must provide notice to certain registered purchasers.

Under current law the Maine Health Data Organization, referred to as the "organization," is required to collect and report information with regard to the 25 prescription drugs that are the most frequently prescribed in the State, the 25 costliest as determined by the total amount spent on those drugs in the State and the 25 drugs that have the highest year-over-year cost increases in total spending in the State. This bill requires the organization to post online a list of the identified prescription drugs, along with the corresponding wholesale acquisition cost and the percentage of wholesale acquisition cost increase, if applicable, for each identified prescription drug.

The bill directs the organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state and national agencies and organizations to determine how to conduct the data collection. The organization is required to submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2020. That committee may report out legislation to the First or Second Regular Session of the 130th Legislature.

Using the plan developed and reported to the Legislature, starting in 2021 the organization must require the manufacturer of each drug on the list to disclose drug production, research and development costs, marketing and advertising costs and actual costs paid by purchasers. The manufacturer must certify the accuracy of the information and provide it within 60 days after the information is requested by the organization. The organization is authorized to request additional information related to the required information. The information that the manufacturers are directed to provide to the organization, unless the information is already publicly accessible or available or previously released in the public domain, must be held confidential at the request of the manufacturer. The organization may release information that was previously accessible or available or released in the public domain. The organization may release additional information as long as the information released is not a trade secret. The organization must treat the information as "Level II" information as required by rules that have already been adopted by the organization.

This amendment provides that the manufacturer may voluntarily provide any other information the manufacturer determines relevant to the increase in wholesale acquisition cost, including but not limited to information about all manufacturer-sponsored assistance programs for that drug in the previous year, including the terms of the programs, the total amount of financial assistance provided to residents of the State and the average amount of assistance per resident of the State for whom assistance was provided. This information is not considered confidential and the

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organization may release it, identifying both the manufacturer and the individual drug. The organization is required to submit an annual report to the Legislature based on the list of up to 75 drugs and the wholesale acquisition cost information. The organization may include in the report recommendations for increasing prescription drug pricing transparency. Once the organization starts collecting information from manufacturers in 2021, the report must also include at least a summary of the manufacturer information. The organization is required to post the report online.

The bill provides that when a manufacturer violates the reporting requirements, the Board of Directors of the Maine Health Data Organization may impose a fine of not more than \$10,000 per day after the deadline for reporting required information. If the manufacturer fails to pay a fine, or if an injunction is necessary, the board may refer the matter to the Attorney General. The Attorney General may bring an action in Superior Court for injunctive relief, enforcement of fines, costs, attorney's fees and any other appropriate remedy.

The legislation does not restrict the legal ability of a prescription drug manufacturer to change prices to the extent permitted under federal law.

Committee Amendment "A" (S-252)

This amendment replaces the bill. The amendment does the following.

The amendment requires prescription drug manufacturers to report annually to the Maine Health Data Organization no later than January 30, 2020 and annually thereafter, on prescription drug prices when the manufacturer has during the prior calendar year increased the wholesale acquisition cost of a brand-name drug by more than 20% per pricing unit, increased the wholesale acquisition cost of a generic drug that costs at least \$10 per pricing unit by more than 20% per pricing unit or introduced a new drug for distribution in this State when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program.

The amendment also requires prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers to provide pricing component data per pricing unit of a drug within 60 days of a request by the Maine Health Data Organization. The amendment defines "pricing component data" as data unique to each manufacturer, wholesale drug distributor or pharmacy benefits manager that evidences the cost to make a prescription drug available to consumers and the payments received by each manufacturer, wholesale drug distributor or pharmacy benefits manager to make a prescription drug available to consumers, taking into account any price concessions, and that is measured uniformly among the entities, as determined by rules adopted by the organization.

The amendment provides that reported information is confidential, except that information may be shared in the aggregate and with the Department of Professional and Financial Regulation, Bureau of Insurance for enforcement purposes.

Beginning November 1, 2020 and annually thereafter, the amendment requires the Maine Health Data Organization to produce and post on its publicly accessible website an annual report, including information developed from the notifications and disclosures received from prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers on trends in the cost of prescription drugs, an analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing and other information the organization determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the State.

Enacted Law Summary

Public Law 2019, chapter 470 requires prescription drug manufacturers to report annually to the Maine Health Data Organization no later than January 30, 2020 and annually thereafter, on prescription drug prices when the manufacturer has during the prior calendar year increased the wholesale acquisition cost of a brand-name drug by more than 20% per pricing unit, increased the wholesale acquisition cost of a generic drug that costs at least

\$10 per pricing unit by more than 20% per pricing unit or introduced a new drug for distribution in this State when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program.

The law also requires prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers to provide pricing component data per pricing unit of a drug within 60 days of a request by the Maine Health Data Organization. The law defines "pricing component data" as data unique to each manufacturer, wholesale drug distributor or pharmacy benefits manager that evidences the cost to make a prescription drug available to consumers and the payments received by each manufacturer, wholesale drug distributor or pharmacy benefits manager to make a prescription drug available to consumers, taking into account any price concessions, and that is measured uniformly among the entities, as determined by rules adopted by the organization.

The law provides that reported information is confidential, except that information may be shared in the aggregate and with the Department of Professional and Financial Regulation, Bureau of Insurance for enforcement purposes.

Beginning November 1, 2020 and annually thereafter, the law requires the Maine Health Data Organization to produce and post on its publicly accessible website an annual report, including information developed from the notifications and disclosures received from prescription drug manufacturers, wholesale drug distributors and pharmacy benefits managers on trends in the cost of prescription drugs, an analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing and other information the organization determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the State.

LD 1197 An Act To Amend the Law Prohibiting the Denial by Health Insurers of Referrals by Out-of-network Providers PUBLIC 178

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R MORRIS J	OTP-AM	S-90

This bill provides that the law that prohibits carriers from denying payment for covered health care services solely on the basis that the referral for services was made by an out-of-network provider applies only to referrals made by out-of-network direct primary care providers. It also allows a carrier to require a direct primary care provider who is not a member of the carrier's provider network and who makes a referral to meet appropriate credentialing standards consistent with other primary care providers participating in the carrier's provider network.

Committee Amendment "A" (S-90)

This amendment replaces the bill. The amendment provides that the law that prohibits carriers from denying payment for covered health care services solely on the basis that the referral for services was made by an out-of-network provider applies only to referrals made by out-of-network direct primary care providers. It prohibits a carrier from requiring an enrollee to pay a greater cost-sharing amount than the cost-sharing that would apply to the same service if the service was referred by a participating primary care provider. It also allows a carrier to require a direct primary care provider who is not a member of the carrier's provider network to attest that the provider is a direct primary care provider through a written attestation or copy of the direct primary care agreement with the enrollee.

Enacted Law Summary

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Public Law 2019, chapter 178 provides that the law that prohibits carriers from denying payment for covered health care services solely on the basis that the referral for services was made by an out-of-network provider applies only to referrals made by out-of-network direct primary care providers. It prohibits a carrier from requiring an enrollee to pay a greater cost-sharing amount than the cost-sharing that would apply to the same service if the service was referred by a participating primary care provider. It also allows a carrier to require a direct primary care provider who is not a member of the carrier's provider network to attest that the provider is a direct primary care provider through a written attestation or copy of the direct primary care agreement with the enrollee.

LD 1236 An Act To Clarify the Laws Governing the Licensing of Paramedics ONTP

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

This bill defines paramedic and paramedic emergency medical treatment in the laws governing the provision of emergency medical treatment. It also authorizes the Emergency Medical Services' Board to establish by rule appropriate licensure levels for paramedics and the qualifications for persons to hold those licenses.

LD 1243 An Act To Assist Small Businesses in Providing Health Care for Their Employees ONTP

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

This bill requires the Bureau of Insurance, Consumer Health Care Division to provide education and resources to employers with 50 or fewer employees to assist with making decisions related to health care coverage for their employees.

See related bill, LD 1274.

LD 1260 An Act Regarding Short-term, Limited-duration Health Plans PUBLIC 330

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY V JACKSON T	OTP-AM	H-476

This bill limits the issuance of short-term, limited-duration individual health insurance policies in this State to policies with a term that is 3 months or less and further restricts an insurer or the insurer's agent or broker from issuing a short-term, limited-duration policy that replaces a prior short-term, limited-duration policy if the combined term of the new policy and all prior successive policies exceeds 3 months in any 12-month period. The bill prohibits an insurer from imposing any preexisting condition exclusion on a short-term, limited-duration policy. The bill also requires that insurers make specific written disclosures related to the terms and benefits of policies in at least 14-point type, including the types of benefits and consumer protections that are and are not included in the policies. The bill prohibits the issuance of a policy without prior approval from the Superintendent of Insurance.

The requirements of the bill apply to policies issued or renewed in this State on or after January 1, 2020.

Committee Amendment "A" (H-476)

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This amendment replaces the bill. The amendment does the following.

1. It limits the issuance of short-term, limited-duration individual health insurance policies in this State to policies with a term that ends on December 31st of the calendar year in which they are issued and allows an insurer or the insurer's agent or broker to issue a short-term, limited-duration policy that replaces a prior short-term, limited-duration policy only if the combined term of the new policy and all prior policies does not exceed 24 months and as long as the individual has not been covered under any short-term, limited-duration policy for at least 12 months prior to the issuance of a policy.
2. It requires that insurers make specific written disclosures related to the terms and benefits of policies in at least 14-point type, including the types of benefits and consumer protections that are and are not included in the policies, a summary of plan benefits, limits and exclusions in a standardized format, information about the circumstances in which covered benefits may be subject to balance billing and examples of how charges may be applied toward any cost sharing under the policy and billed to the individual policyholder, and a comparison of the short-term, limited-duration policy to a qualified health plan in the terms, benefits and conditions of the policy, any exclusions, medical loss ratio requirements or the provisions of guaranteed renewal and continuity of coverage. It also requires an insurer to make the documents and information required to be disclosed to be made available on the insurer's publicly accessible website.
3. It prohibits a short-term, limited-duration policy from being actively marketed or sold during any open enrollment period except for a policy that terminates coverage on December 31st.
4. It restricts the sale of short-term, limited-duration policies to in-person encounters with an insurer or an insurer's agent or broker.
5. It requires that an insurer or an insurer's agent or broker, upon offering an individual short-term, limited-duration policy for purchase, assess an individual making an application for eligibility for an advanced premium tax credit or cost-sharing reduction for coverage under a qualified health plan purchased on the exchange pursuant to the federal Patient Protection and Affordable Care Act and provide an estimate of the cost for coverage under a qualified health plan after applying any advanced premium tax credit or cost-sharing reduction.
6. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to issue, no later than 30 days following the effective date of this legislation, a bulletin related to short-term, limited-duration health insurance policies describing the statutory requirements for the policies, including the requirements enacted in this legislation and the required mandated benefits applicable to all short-term, limited-duration policies.
7. It makes the requirements of this legislation apply to policies issued or renewed in this State on or after January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 330 does the following.

1. It limits the issuance of short-term, limited-duration individual health insurance policies in this State to policies with a term that ends on December 31st of the calendar year in which they are issued and allows an insurer or the insurer's agent or broker to issue a short-term, limited-duration policy that replaces a prior short-term, limited-duration policy only if the combined term of the new policy and all prior policies does not exceed 24 months and as long as the individual has not been covered under any short-term, limited-duration policy for at least 12 months prior to the issuance of a policy.
2. It requires that insurers make specific written disclosures related to the terms and benefits of policies in at least 14-point type, including the types of benefits and consumer protections that are and are not included in the policies,

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a summary of plan benefits, limits and exclusions in a standardized format, information about the circumstances in which covered benefits may be subject to balance billing and examples of how charges may be applied toward any cost sharing under the policy and billed to the individual policyholder, and a comparison of the short-term, limited-duration policy to a qualified health plan in the terms, benefits and conditions of the policy, any exclusions, medical loss ratio requirements or the provisions of guaranteed renewal and continuity of coverage. It also requires an insurer to make the documents and information required to be disclosed to be made available on the insurer's publicly accessible website.

3. It prohibits a short-term, limited-duration policy from being actively marketed or sold during any open enrollment period except for a policy that terminates coverage on December 31st.

4. It restricts the sale of short-term, limited-duration policies to in-person encounters with an insurer or an insurer's agent or broker.

5. It requires that an insurer or an insurer's agent or broker, upon offering an individual short-term, limited-duration policy for purchase, assess an individual making an application for eligibility for an advanced premium tax credit or cost-sharing reduction for coverage under a qualified health plan purchased on the exchange pursuant to the federal Patient Protection and Affordable Care Act and provide an estimate of the cost for coverage under a qualified health plan after applying any advanced premium tax credit or cost-sharing reduction.

6. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to issue, no later than 30 days following the effective date of this legislation, a bulletin related to short-term, limited-duration health insurance policies describing the statutory requirements for the policies, including the requirements enacted in this legislation and the required mandated benefits applicable to all short-term, limited-duration policies.

The requirements of Public Law 2019, chapter 330 apply to policies issued or renewed in this State on or after January 1, 2020.

LD 1261 An Act To Authorize Certain Health Care Professionals To Perform Abortions

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S SANBORN H	OTP ONTP	

This bill allows a physician assistant or an advanced practice registered nurse licensed as such in this State to perform abortions, in addition to a licensed allopathic or osteopathic physician.

Enacted Law Summary

Public Law 2019, chapter 262 allows a physician assistant or an advanced practice registered nurse licensed as such in this State to perform abortions, in addition to a licensed allopathic or osteopathic physician.

LD 1263 An Act Regarding Telehealth

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G TALBOT ROSS R	OTP-AM ONTP	S-176

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This bill does the following.

1. It provides immunity from liability to health care practitioners who voluntarily provide health care services through telehealth in the same manner as immunity is provided to health care practitioners who voluntarily provide health care services in person.
2. It requires carriers that offer health plans in this State to provide coverage for health care services provided through telehealth services in the same manner as coverage is provided for services provided in person and sets forth certain standards for coverage of telehealth services.
3. It clarifies that carriers may apply prior approval and credentialing requirements for providers for services provided through telehealth services only if the requirements are the same as are applied for services provided in person.
4. It makes the bill's provisions apply to health insurance policies issued or renewed on or after January 1, 2020.

Committee Amendment "A" (S-176)

This amendment does the following.

1. It strikes the references in the bill to "enrollee originating site" and "provider distant site" and removes those definitions.
2. It requires that a clinical evaluation be required before a provider may write a covered prescription through telehealth. The bill requires a physical exam.
3. It removes the prohibition for coverage of prescribed schedule I, II or III controlled substances.
4. It clarifies the telemonitoring requirements and provides that telephonic services are covered when scheduled telehealth services are technologically unavailable at the time of the scheduled telehealth service for an existing enrollee.
5. It removes the exclusions section of the bill.
6. It adds language exempting the bill from the provisions of the Maine Revised Statutes, Title 24-A, section 2752.

Enacted Law Summary

Public Law 2019, chapter 289 does the following.

1. It provides immunity from liability to health care practitioners who voluntarily provide health care services through telehealth in the same manner as immunity is provided to health care practitioners who voluntarily provide health care services in person.
2. It requires carriers that offer health plans in this State to provide coverage for health care services provided through telehealth services in the same manner as coverage is provided for services provided in person and sets forth certain standards for coverage of telehealth services.
3. It clarifies that carriers may apply prior approval and credentialing requirements for providers for services provided through telehealth services only if the requirements are the same as are applied for services provided in person.

Joint Standing Committee on Health Coverage, Insurance and Financial Services

LD 1274 An Act To Enact the Health Insurance Consumer Assistance Program

PUBLIC 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GRAMLICH L	OTP-AM	S-110 S-338 BREEN C

This bill establishes the Health Insurance Consumer Assistance Program in the Department of Professional and Financial Regulation, Bureau of Insurance to provide support for consumers, including prospective consumers, of health insurance and to health insurance customer assistance programs and health insurance ombudsman programs. Some of the services the new program may provide include assisting with filing complaints and appeals regarding decisions made by a group health plan, health insurance carrier or independent review organization and obtaining health insurance premium tax credits on behalf of consumers. The Superintendent of Insurance is required to contract with a nonprofit, independent health insurance consumer assistance entity that is not an insurer to operate the consumer assistance program, and funding is provided for that requirement.

Committee Amendment "A" (S-110)

This amendment transfers the responsibility for contracting for the Health Insurance Consumer Assistance Program from the Bureau of Insurance to the Attorney General. The amendment also makes other clarifying changes to the bill.

Senate Amendment "A" To Committee Amendment "A" (S-338)

This amendment requires, in fiscal year 2019-20 and fiscal year 2020-21, the State Controller to transfer \$200,000 from available balances in the Bureau of Insurance Other Special Revenue Funds account within the Department of Professional and Financial Regulation to the Department of the Attorney General. The amendment also provides an Other Special Revenue Funds allocation to the Department of the Attorney General and makes other technical changes.

Enacted Law Summary

Public Law 2019, chapter 522 establishes the Health Insurance Consumer Assistance Program to provide support for consumers, including prospective consumers, of health insurance and to health insurance customer assistance programs and health insurance ombudsman programs. The services the new program will provide include assisting with filing complaints and appeals regarding decisions made by a group health plan, health insurance carrier or independent review organization and obtaining health insurance premium tax credits on behalf of consumers. The Attorney General is required to contract with a nonprofit, independent health insurance consumer assistance entity that is not an insurer to operate the consumer assistance program.

LD 1281 Resolve, To Create a Committee To Explore Regional Cooperation for Affordable Health Insurance

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D FOLEY R	ONTP	

This resolve establishes the Committee To Explore Regional Cooperation for Affordable Health Insurance, which is required to study providing a more affordable health insurance option to middle-income individuals and small businesses, including convening a multistate conference to draft a proposal for a nonprofit health insurance cooperative.

Joint Standing Committee on Health Coverage, Insurance and Financial Services

LD 1296 An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy

**Died On
Adjournment**

Sponsor(s)

AUSTIN S
DOW D

Committee Report

Amendments Adopted

This bill does the following.

1. It defines "conversion therapy" as any aversive practice or treatment that seeks to change an individual's sexual orientation or gender identity except for talk therapy; counseling or treatment intended to assist an individual undergoing a gender transition; counseling intended to provide acceptance, support and understanding to the individual; and counseling intended to facilitate the individual's coping, social support or identity exploration and development, including any therapeutic intervention that is neutral with regard to sexual orientation and that seeks to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change the individual's sexual orientation or gender identity.
2. It defines "aversive practice or treatment" as any practice or treatment that is intended to induce changes in behavior through unpleasant stimuli or punishment and provides examples of aversive practices or treatments.
3. It provides that advertising, offering or administering conversion therapy to individuals under 18 years of age in the State is an unfair trade practice. Court actions involving conversion therapy brought against health care providers under the Maine Unfair Trade Practices Act are not governed by the specialized procedures set forth in the Maine Health Security Act for actions involving professional negligence.
4. It prohibits school psychologists and guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists and pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech-language pathologists and assistants and audiologists from administering conversion therapy to individuals under 18 years of age. Administration of conversion therapy to an individual under 18 years of age in violation of this prohibition is grounds for discipline of the professional by the department or board that issued the professional's license, certification or registration, including but not limited to suspension or revocation of the license, certification or registration.
5. It prohibits MaineCare reimbursement for conversion therapy administered to an individual who is under 18 years of age.

See related bill, LD 1025, "An Act to Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals," which was enacted as Public Law 2019, chapter 165.

LD 1303 An Act To Establish the State Board of Dental Hygiene

**Leave to Withdraw
Pursuant to Joint
Rule**

Sponsor(s)

MASTRACCIO A

Committee Report

Amendments Adopted

Joint Standing Committee on Health Coverage, Insurance and Financial Services

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

This bill proposes to establish the State Board of Dental Hygiene as a board affiliated with the Department of Professional and Financial Regulation that is separate from, but shares resources with, the Board of Dental Practice. The State Board of Dental Hygiene would regulate the licensing, practice and discipline of dental hygienists.

LD 1314 An Act To Extend Protections for Genetic Information

PUBLIC 208

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITE B	OTP-AM	H-271

Under current law, when considering the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity, an insurer may consider an applicant's genetic information or the results of an applicant's genetic test as long as the consideration of genetic information or test results does not constitute "unfair discrimination." This bill strikes language that authorizes the consideration of genetic information or test results and instead prohibits an insurer from discriminating against an individual on the basis of genetic information or the results of a genetic test in the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity.

Committee Amendment "A" (H-271)

This amendment replaces the bill. The amendment requires that an insurer obtain the informed written consent of an individual before requesting, requiring, purchasing or using any information from an entity providing direct-to-consumer genetic testing in connection with the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity.

Enacted Law Summary

Public Law 2019, chapter 208 requires that an insurer obtain the informed written consent of an individual before requesting, requiring, purchasing or using any information from an entity providing direct-to-consumer genetic testing in connection with the issuance, withholding, extension or renewal of an insurance policy for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit accident insurance or an annuity.

LD 1349 An Act To Create a Licensing Board and Licensure Requirements for Intentional Peer Support Specialists

ONTP

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

This bill creates the State Board of Intentional Peer Support Specialists and licensing requirements for the practice of intentional peer support in the State, modeled on the laws governing alcohol and drug counselors.

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LD 1353 An Act To Establish Transparency in Primary Health Care Spending

PUBLIC 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L JORGENSEN E	OTP-AM	S-156

This bill requires insurers to report primary care expenditures to the Maine Health Data Organization and for the Maine Quality Forum to use this data to report annually to the Department of Health and Human Services and the Legislature the percentage of total medical expenditures paid for primary care by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education Association benefits trust respectively, the average of the percentage of total medical expenses paid for primary care across all organizations and the methods used by these organizations to pay for primary care. This bill also requires the Maine Quality Forum to conduct a study on best practices in health care spending reporting and submit its findings to the Department of Health and Human Services and the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (S-156)

This amendment replaces the bill. The amendment requires the Maine Quality Forum to submit an annual report, beginning January 15, 2020, to the Department of Health and Human Services and the joint standing committee of the Legislature having jurisdiction over health coverage and health insurance matters, based on claims data reported to the Maine Health Data Organization and information on methods of reimbursement for primary care reported by insurers. The annual report is required to include the percentage of total medical expenditures paid for primary care by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education Association benefits trust, the average percentage of total medical expenditures paid for primary care across all payors and the methods used by these organizations to pay for primary care. The amendment also requires the Maine Quality Forum to consult with other state and national agencies and organizations on best practices in health care spending reporting.

Enacted Law Summary

Public Law 2019, chapter 244 requires the Maine Quality Forum to submit an annual report, beginning January 15, 2020, to the Department of Health and Human Services and the joint standing committee of the Legislature having jurisdiction over health coverage and health insurance matters, based on claims data reported to the Maine Health Data Organization and information on methods of reimbursement for primary care reported by insurers. The annual report is required to include the percentage of total medical expenditures paid for primary care by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education Association benefits trust, the average percentage of total medical expenditures paid for primary care across all payors and the methods used by these organizations to pay for primary care. The law also requires the Maine Quality Forum to consult with other state and national agencies and organizations on best practices in health care spending reporting.

LD 1361 An Act Regarding Health Care Providers and Patient Trust

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL M GRATWICK G		

Joint Standing Committee on Health Coverage, Insurance and Financial Services

This bill prevents the State from requiring persons licensed by the Board of Osteopathic Licensure or the Board of Licensure in Medicine, including physician assistants, or the State Board of Nursing to give patients information that is medically inaccurate or perform medical services that are inconsistent with evidence-based standards. It also provides that the State may not prohibit a person licensed under these professional boards from providing patients with medically accurate information or evidence-based medical services.

LD 1384 An Act Relating to Complementary and Alternative Medicine Licensure ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE M TUELL W	ONTP	

This bill establishes a licensing requirement for holistic health practitioners, defines "holistic health practitioner," establishes applicant eligibility requirements and license renewal requirements and establishes the scope of practice.

See related bill, LD 364.

LD 1387 An Act To Increase Access to Safe and Affordable Prescription Drugs CARRIED OVER

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

Under the Federal Food, Drug, and Cosmetic Act, the importation of unapproved new prescription drugs, including foreign-made versions of prescription drugs that have been approved by the federal Department of Health and Human Services, Food and Drug Administration, is prohibited. However, the Food and Drug Administration has developed guidance that allows the personal importation of certain drugs.

This bill, using the guidance developed by the federal Department of Health and Human Services, Food and Drug Administration, enacts the Maine Pharmaceutical Drug Safety Act to allow an individual in Maine to import prescription drugs from Canada as long as specific criteria are met, including that the drug is imported for personal use, that the individual importing the drug has a valid prescription, that the drug does not present an unreasonable risk to the individual and that no more than a 90-day supply of the drug is imported. The prescription drug to be imported must also meet specific requirements. The importation of controlled substances and prescription drugs for sale or resale is specifically prohibited.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1389 An Act To Address Transparency, Accountability and Oversight of Pharmacy Benefit Managers ONTP

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

This bill requires that pharmacy benefit managers, which are entities that manage an insurer's prescription drug coverage, be registered by the Department of Health and Human Services. It sets standards for registration

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including:

1. Allowing the department to revoke, suspend or place on probation a pharmacy benefit manager's registration for fraudulent activities, to protect the safety and interest of a consumer or if the pharmacy benefit manager violates state law;
2. Setting out required pharmacy benefit manager business practices, including:
 - A. Placing a fiduciary duty on the managers with respect to the insurers who are the managers' clients;
 - B. Prohibiting the manager from entering into a contract that prohibits a pharmacy or pharmacist from recommending a lower cost or alternative prescription medication than the medication under a covered person's prescription drug plan;
 - C. Prohibiting the manager from requiring accreditation or certification for a pharmacy inconsistent with, more stringent than or in addition to those required by the Maine Board of Pharmacy and other state and federal authorities;
 - D. Limiting the amount of payment required by a covered person for a prescription drug at the point of sale; and
 - E. Prohibiting conflicts of interest; and
3. Requiring an annual report from a pharmacy benefit manager that details the rebates received by the pharmacy benefit manager from pharmaceutical manufacturers for use of the manufacturers' prescription drugs and the disposition of those rebates.

See related bill, LD 1504.

LD 1402 An Act To Allow State-chartered Credit Unions To Service Medical and ONTP
Adult Use Marijuana Business Accounts

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

This bill allows state-chartered credit unions to procure private insurance in lieu of share insurance from the National Credit Union Administration to facilitate the provision of financial services to registered dispensaries or registered caregivers authorized under the Maine Medical Use of Marijuana Act, to entities licensed under the Marijuana Legalization Act and to their employees.

LD 1406 An Act To Require Certification of Radiologic Technologists Who Are ONTP
Licensed Chiropractic Assistants

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N HAMPER J	ONTP	

This bill requires the certification of radiologic technologists who produce x-rays while employed as licensed chiropractic assistants. Certification requirements include satisfactory completion of a radiologic technology course of instruction of at least 50 hours and passing an examination approved by the Board of Chiropractic Licensure.

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Accreditation.

2. It identifies the educational requirement as a master's degree in dental therapy. It also clarifies that a dental therapy program must either be accredited by the American Dental Association Commission on Dental Education or approved by the Board of Dental Practice by rulemaking consistent with the curriculum standards of a dental therapy program as adopted by the American Dental Association Commission on Dental Education.
3. It requires a provisional dental therapist and a dental therapist to maintain a current certification in advanced cardiac life support.
4. It clarifies the level of supervision of a provisional dental therapist to require both direct and general supervision as identified in a written practice agreement with a supervising dentist. It authorizes a dental therapist to practice under the general supervision instead of direct supervision of a dentist pursuant to a written practice agreement.
5. It removes the practice setting requirements.

Committee Amendment "A" (H-503)

This amendment clarifies the educational requirements for dental therapists.

The amendment removes language proposing to clarify statutory language related to supervision of dental therapists and replaces it with a provision requiring further study of the issues by the Board of Dental Practice. The Board of Dental Practice is directed to recommend changes to the statutory definitions of supervision and to recommend a definition of "teledentistry" for the purpose of aligning current supervision practices and reflecting advancements in technology. The Board of Dental Practice is required to submit its recommendations to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than February 1, 2020. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 129th Legislature based on the board's recommendations.

Enacted Law Summary

Public Law 2019, chapter 388 makes the following changes to the laws affecting dental therapists.

1. It changes the name of the occupation licensed from "dental hygiene therapist" to "dental therapist" to conform to the name used by other state licensing boards and the American Dental Association Commission on Dental Accreditation.
2. It identifies the educational requirement as a master's degree in dental therapy. It also clarifies that a dental therapy program must either be accredited by the American Dental Association Commission on Dental Education or approved by the Board of Dental Practice by rulemaking consistent with the curriculum standards of a dental therapy program as adopted by the American Dental Association Commission on Dental Education.
3. It requires a provisional dental therapist and a dental therapist to maintain a current certification in advanced cardiac life support.

Public Law 2019, chapter 388 also requires further study of issues related to supervision of dental therapists by the Board of Dental Practice. The Board of Dental Practice is directed to recommend changes to the statutory definitions of supervision and to recommend a definition of "teledentistry" for the purpose of aligning current supervision practices and reflecting advancements in technology. The Board of Dental Practice is required to submit its recommendations to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than February 1, 2020. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 129th Legislature based on the board's recommendations.

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LD 1472 An Act To Create a Commission To Establish a State Bank

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D ACKLEY K	ONTP	

This bill establishes the State Bank and Tax Reduction Commission, which is charged with making recommendations and suggesting legislation for a legal and organizational framework for the establishment and oversight of a state-owned bank and tax rate reduction policy.

LD 1499 An Act To Establish the Maine Prescription Drug Affordability Board

PUBLIC 471

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON S	OTP-AM ONTP	S-251

This bill creates the Maine Prescription Drug Affordability Board to determine the reasonableness of the costs for certain prescription drug products. The bill requires prescription drug manufacturers to notify the board when the introductory price or proposed price increase for a brand-name or generic drug reaches a specified threshold. The board is directed to review the information submitted by manufacturers to justify the price or increase. The bill requires the board to have a public process for each prescription drug required to be reviewed based on certain criteria. The board is directed to determine if the cost to the health care system of appropriate utilization of a drug is commensurate with its benefit to the system and whether the drug is affordable to state residents. If the board finds that the cost in the State is not affordable to state health care systems and state residents, the board is authorized to establish a cost or payment rate for the drug to which all state programs, local governments, licensed commercial health plans, including state marketplace plans, licensed pharmacies, wholesalers and distributors must abide. These covered entities are prohibited from paying more for the drugs than the board-established rate.

Committee Amendment "A" (S-251)

This amendment is the majority report of the committee. This amendment replaces the bill. The amendment, as in the bill, establishes the Maine Prescription Drug Affordability Board but removes the provisions that allow rate setting by the board and require the board to determine excess prescription drug costs based upon certain thresholds for prescription drug prices and price increases. The amendment instead provides that the board determines prescription drug spending targets for public entities, including for specific prescription drugs, based upon a 10-year rolling average of the medical care services component of the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index plus a reasonable percentage for inflation and minus a spending target determined by the board for pharmacy savings and in consideration of information received about the public entity's prescription drug spending and information collected by the Maine Health Data Organization. The board makes recommendations on prescription drug spending targets, including spending targets for specific prescription drugs, with input from representatives of those public entities. The recommendations may include establishing a common prescription drug formulary among public payors, purchasing prescription drugs in bulk or through a single purchasing agreement, collaborating with other states and state prescription drug purchasing consortia to purchase prescription drugs in bulk or to jointly negotiate rebates, allowing health insurance carriers providing coverage to small businesses in the State to participate in a public payor prescription drug benefit for a fee, procuring common pharmacy benefit management services and actuarial services, negotiating specific rebates and removing drugs for which a manufacturer does not negotiate a sufficient rebate from a formulary and other methods determined by the board. The board is required to report its prescription drug spending targets and the

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methods recommended to meet those targets to the Legislature annually.

Enacted Law Summary

Public Law 2019, chapter 471 establishes the Maine Prescription Drug Affordability Board. The law provides that the board determines prescription drug spending targets for public entities, including for specific prescription drugs, based upon a 10-year rolling average of the medical care services component of the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index plus a reasonable percentage for inflation and minus a spending target determined by the board for pharmacy savings and in consideration of information received about the public entity's prescription drug spending and information collected by the Maine Health Data Organization. The board makes recommendations on prescription drug spending targets, including spending targets for specific prescription drugs, with input from representatives of those public entities. The recommendations may include establishing a common prescription drug formulary among public payors, purchasing prescription drugs in bulk or through a single purchasing agreement, collaborating with other states and state prescription drug purchasing consortia to purchase prescription drugs in bulk or to jointly negotiate rebates, allowing health insurance carriers providing coverage to small businesses in the State to participate in a public payor prescription drug benefit for a fee, procuring common pharmacy benefit management services and actuarial services, negotiating specific rebates and removing drugs for which a manufacturer does not negotiate a sufficient rebate from a formulary and other methods determined by the board. The board is required to report its prescription drug spending targets and the methods recommended to meet those targets to the Legislature annually.

LD 1504 **An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management**

PUBLIC 469

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H TEPLER D	OTP-AM OTP-AM	S-253

This bill replaces the current registration requirement for pharmacy benefits managers doing business in this State with a licensing requirement beginning January 1, 2020. The bill imposes the following requirements on a carrier that provides prescription drug benefits.

1. It makes a carrier responsible for monitoring all activities carried out by the carrier, or all activities carried out on behalf of the carrier by a pharmacy benefits manager, related to a carrier's prescription drug benefits and for ensuring that all requirements of the law are met.
2. If a carrier contracts with a pharmacy benefits manager to perform any activities related to the carrier's prescription drug benefits, it makes the carrier responsible for ensuring that the pharmacy benefits manager acts as the carrier's agent and owes a fiduciary duty to the carrier.
3. It prohibits a carrier from entering into a contract or agreement or allowing a pharmacy benefits manager or any person acting on the carrier's behalf to enter into a contract or agreement that prohibits a pharmacy provider from providing a consumer with the option of paying the cash price for the purchase of a prescription drug and not filing a claim with the consumer's carrier if the cash price is less than the covered person's cost-sharing amount or providing information to a state or federal agency, law enforcement agency or the Superintendent of Insurance when such information is required by law.
4. It prohibits a carrier or pharmacy benefits manager from requiring a consumer to make an excessive payment at the point of sale for a covered prescription drug.
5. It requires a carrier to provide a reasonably adequate retail pharmacy network and specifies that a mail order

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pharmacy may not be included in determining the adequacy of a retail pharmacy network.

6. It replaces and updates current law related to the use of a maximum allowable cost list by a carrier or pharmacy benefits manager under contract with a carrier. It also clarifies how a carrier or pharmacy benefits manager may determine the average wholesale price of a brand-name drug or generic drug not included on the maximum allowable cost list.

7. It specifies how to calculate the amount paid by a carrier or a carrier's pharmacy benefits manager to a pharmacy provider under contract with the carrier or the carrier's pharmacy benefits manager for dispensing a prescription drug.

8. It requires that all compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler, directly or indirectly, to a carrier or to a pharmacy benefits manager related to its prescription drug benefits must be remitted to, and retained by, the carrier and used to lower the premium for covered persons. The bill requires a carrier to file annual reports beginning March 1, 2021 demonstrating how the carrier has complied with this requirement.

9. It requires a carrier to use a prescription drug formulary and specifies certain requirements for accessibility and disclosure of the formulary to covered persons. The bill also prohibits a carrier from allowing a person to be a member of its pharmacy and therapeutics committee if the member has a conflict of interest because of a relationship with, or compensation from, a pharmaceutical manufacturer, developer, labeler, wholesaler or distributor.

10. It requires a carrier to maintain certain records related to the administration and provision of prescription drug benefits under a health plan and authorizes the carrier to audit those activities. The bill also authorizes the superintendent to have access to records upon request.

11. If a carrier uses a pharmacy benefits manager to administer or manage prescription drug benefits provided for the benefit of covered persons, it provides that any pharmacy benefits manager compensation constitutes an administrative cost incurred by a carrier for purposes of calculating the anticipated loss ratio. "Pharmacy benefits manager compensation" is defined in the bill as the difference between the value of payments made by a carrier of a health plan to its pharmacy benefits manager and the value of payments made by the pharmacy benefits manager to dispensing pharmacists for the provision of prescription drugs or pharmacy services with regard to pharmacy benefits covered by the health plan.

12. It provides that the provisions in the bill take effect January 1, 2020.

Committee Amendment "A" (S-253)

This amendment makes the following changes to the bill.

1. It clarifies the provision related to excess payments at the point of sale.
2. It requires that all compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler, directly or indirectly, to a carrier or to a pharmacy benefits manager related to its prescription drug benefit must be remitted directly to the covered person at the point of sale or to the carrier to offset premiums for covered persons.
3. It removes the provision related to prescription drug formularies used by carriers as it is duplicative of other provisions in current law.
4. It clarifies that the definition of "carrier" does not include a multiple-employer welfare arrangement if the

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multiple-employer welfare arrangement contracts with a 3rd-party administrator to manage and administer health benefits, including benefits for prescription drugs.

Committee Amendment "B" (S-254)

This amendment is the minority report of the committee and replaces the bill. The amendment repeals the current registration requirement for pharmacy benefits managers and replaces it with a licensing requirement.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 469 replaces the current registration requirement for pharmacy benefits managers doing business in this State with a licensing requirement beginning January 1, 2020. The law imposes the following requirements on a carrier that provides prescription drug benefits.

1. It makes a carrier responsible for monitoring all activities carried out by the carrier, or all activities carried out on behalf of the carrier by a pharmacy benefits manager, related to a carrier's prescription drug benefits and for ensuring that all requirements of the law are met.
2. If a carrier contracts with a pharmacy benefits manager to perform any activities related to the carrier's prescription drug benefits, it makes the carrier responsible for ensuring that the pharmacy benefits manager acts as the carrier's agent and owes a fiduciary duty to the carrier.
3. It prohibits a carrier from entering into a contract or agreement or allowing a pharmacy benefits manager or any person acting on the carrier's behalf to enter into a contract or agreement that prohibits a pharmacy provider from providing a consumer with the option of paying the cash price for the purchase of a prescription drug and not filing a claim with the consumer's carrier if the cash price is less than the covered person's cost-sharing amount or providing information to a state or federal agency, law enforcement agency or the Superintendent of Insurance when such information is required by law.
4. It prohibits a carrier or pharmacy benefits manager from requiring a consumer to make an excessive payment at the point of sale for a covered prescription drug.
5. It requires a carrier to provide a reasonably adequate retail pharmacy network and specifies that a mail order pharmacy may not be included in determining the adequacy of a retail pharmacy network.
6. It replaces and updates current law related to the use of a maximum allowable cost list by a carrier or pharmacy benefits manager under contract with a carrier. It also clarifies how a carrier or pharmacy benefits manager may determine the average wholesale price of a brand-name drug or generic drug not included on the maximum allowable cost list.
7. It specifies how to calculate the amount paid by a carrier or a carrier's pharmacy benefits manager to a pharmacy provider under contract with the carrier or the carrier's pharmacy benefits manager for dispensing a prescription drug.
8. It requires that all compensation remitted by or on behalf of a pharmaceutical manufacturer, developer or labeler, directly or indirectly, to a carrier or to a pharmacy benefits manager related to its prescription drug benefit must be remitted directly to the covered person at the point of sale or to the carrier to offset premiums for covered persons. The law requires a carrier to file annual reports beginning March 1, 2021 demonstrating how the carrier has complied with this requirement.
9. It prohibits a carrier from allowing a person to be a member of its pharmacy and therapeutics committee if the

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member has a conflict of interest because of a relationship with, or compensation from, a pharmaceutical manufacturer, developer, labeler, wholesaler or distributor.

10. It requires a carrier to maintain certain records related to the administration and provision of prescription drug benefits under a health plan and authorizes the carrier to audit those activities. The law also authorizes the superintendent to have access to records upon request.

11. If a carrier uses a pharmacy benefits manager to administer or manage prescription drug benefits provided for the benefit of covered persons, it provides that any pharmacy benefits manager compensation constitutes an administrative cost incurred by a carrier for purposes of calculating the anticipated loss ratio. "Pharmacy benefits manager compensation" is defined in the law as the difference between the value of payments made by a carrier of a health plan to its pharmacy benefits manager and the value of payments made by the pharmacy benefits manager to dispensing pharmacists for the provision of prescription drugs or pharmacy services with regard to pharmacy benefits covered by the health plan.

12. It clarifies that the definition of "carrier" does not include a multiple-employer welfare arrangement if the multiple-employer welfare arrangement contracts with a 3rd-party administrator to manage and administer health benefits, including benefits for prescription drugs.

The provisions in Public Law 2019, chapter 469 take effect January 1, 2020.

LD 1582 An Act Relating to Surgical Technologists and the Practice of Surgical Technology ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C VITELLI E	ONTP	

Surgical technologists are individuals with specialized education who function as members of a surgical team by providing support during every phase of a surgical case. This bill requires health care facilities to employ or contract with only certified surgical technologists for this function. A surgical technologist who is not certified, but who is practicing surgical technology on the effective date of this legislation, may continue in that employment after the effective date. After the effective date, a health care facility may hire a noncertified surgical technologist who is a recent graduate, but the individual is required to obtain certification within 6 months of graduation in order to remain employed. Further, a critical access hospital may employ a noncertified surgical technologist if that facility is unable to recruit certified personnel and maintains a record detailing its recruitment efforts. All employed surgical technologists, regardless of certification status, must meet stated continuing education requirements. Nothing in the bill prohibits a licensed practitioner from performing surgical technology duties that fall within the scope of that person's license.

LD 1591 An Act To Provide Access to Health Care for Maine Citizens CARRIED OVER

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

This bill specifies that the base year for the hospital tax imposed under the Maine Revised Statutes, Title 36, section 2892 is 2018. It directs the Department of Health and Human Services to submit a plan to the Joint Standing Committee on Health and Human Services regarding how the additional state revenue resulting from that change can be used for the Medicare Buy-in Program and for subsidies under the federal Patient Protection and Affordable

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Care Act.

Current law provides that each hospital may voluntarily hold its consolidated operating margin to no more than 3% and its increase in its expense per casemix-adjusted inpatient and volume-adjusted outpatient discharge to no more than 110% of the forecasted increase in the hospital market basket index for the coming federal fiscal year. The bill does not change those percentages but requires the Department of Health and Human Services to annually establish recommended percentages for each hospital.

The bill requires the Department of Health and Human Services, in consultation with relevant other state agencies, federal agencies and interested parties, to design a wholesale prescription drug importation program. It requires the department to submit the design for the wholesale prescription drug importation program to the Joint Standing Committee on Health Coverage, Insurance and Financial Services and authorizes the committee to report out a bill to the Second Regular Session of the 129th Legislature.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1599 An Act To Allow Certain State Regulators To Lower Fees by Order

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL D HAMPER J	ONTP OTP-AM	

This bill authorizes the Superintendent of Insurance, the Superintendent of Consumer Credit Protection, the Superintendent of Financial Institutions and the Director of the Office of Professional and Occupational Regulation to lower or suspend certain fees specified in law by order.

Committee Amendment "A" (H-371)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

This amendment was not adopted.

LD 1611 An Act To Support Universal Health Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS H BELLOWS S		

This bill establishes the Maine Health Plan to provide universal health care coverage to all residents of this State. The bill is modeled on proposed legislation considered in Minnesota.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1613 An Act Regarding Women's Health and Economic Security

CARRIED OVER

Sponsor(s)

GIDEON S

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to support the health and economic security of women in the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1615 An Act To Enact the Peer-to-peer Car Sharing Insurance Act

PUBLIC 367

Sponsor(s)

STANLEY S

Committee Report

OTP-AM
ONTP

Amendments Adopted

H-540
S-278 SANBORN H

This bill modernizes state law to regulate private vehicle rentals.

Part A requires private vehicle rentals to comply with the same laws that apply to rental vehicles, rental vehicle transactions and rental vehicle companies. Part A also allows rental vehicle companies to comply with certain notice and record-keeping requirements electronically or through a master agreement.

Part B of the bill establishes insurance requirements for private vehicle rentals.

Committee Amendment "A" (H-540)

This amendment is the majority report of the committee. This amendment replaces the bill. The amendment removes the provisions of Part A of the bill, which require private vehicle rentals to comply with the same laws that apply to rental vehicles, rental vehicle transactions and rental vehicle companies.

The amendment replaces the provision relating to insurance requirements for private vehicle rentals, using different terminology to describe the practice as peer-to-peer car sharing and establishing insurance requirements for peer-to-peer car sharing programs. The amendment also sets forth parameters for liability when a loss or injury occurs during a car sharing period or while a motor vehicle is under the control of a peer-to-peer car sharing program.

Senate Amendment "B" To Committee Amendment "A" (S-278)

This amendment clarifies the requirement for a peer-to-peer car sharing program provider to procure liability insurance coverage and specifies that the requirement for a peer-to-peer car sharing program provider to procure property and casualty coverage begins June 1, 2020. The amendment also replaces the requirement that property and casualty insurance coverage for physical loss to a shared vehicle be provided to the same extent that coverage for physical loss is provided under a shared vehicle owner's policy with a requirement that coverage be provided in an amount not less than the replacement cost of a shared vehicle.

Enacted Law Summary

Public Law 2019, chapter 367 establishes insurance requirements for peer-to-peer car sharing programs. The law

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also sets forth parameters for liability when a loss or injury occurs during a car sharing period or while a motor vehicle is under the control of a peer-to-peer car sharing program.

LD 1617 An Act To Create a Single-payer Health Care Program in Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M BELLOWS S		

This bill establishes a single-payer health care program in the State that provides health care services for Maine residents. The bill directs the Department of Health and Human Services to consult with the Department of Labor and the Department of Professional and Financial Regulation, Bureau of Insurance to develop the program. The bill requires the State to implement the program in three phases, based on income, beginning in 2022 for those residents not eligible for the MaineCare program. The bill also creates the Single-payer Implementation Task Force to advise the departments and make recommendations to fully implement the single-payer health care program. The program may not be implemented in 2022 without prior legislative approval.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1648 An Act To Improve Access to Experienced Primary Care Providers in
Maine**

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws regarding the supervision and duties of licensed physician assistants.

See related bill, LD 1660.

LD 1650 An Act To Strengthen Consumer Protections in Health Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIPPING R SANBORN L		

This bill makes changes to the rating provisions for individual and small group health insurance plans to reduce the rating band for age and to require that the ratio on the basis of geographic area is 1.5 to 1 and that the ratio for age and geographic area may not exceed 2.5. The changes in the bill reinstate the rating provisions in place before the enactment of Public Law 2011, chapter 90.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1660 An Act To Improve Access to Physician Assistant Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L STEWART T		

This bill makes the following changes to the laws governing the licensing and scope of practice of physician assistants.

1. It increases the membership of the Board of Osteopathic Licensure and the Board of Licensure in Medicine from 10 to 11 members by changing the number of members on each board who are physician assistants from one member to two members.
2. It establishes provisions for the scope of practice, insurance coverage of services and immunity from liability for providing volunteer medical services during emergencies or disasters and clarifies that physician assistants are primary care providers when practicing in a medical specialty required for a physician to be a primary care provider.
3. It removes registration and physician supervisory requirements.
4. It establishes requirements for physician assistant collaboration and consultation with physicians and other health care professionals.
5. It changes the initial licensing fee from \$250 to \$300.
6. It provides a transition provision for physician assistant licenses that are current and not subject to disciplinary action.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1661 An Act To Create the Drug Donation and Redispensing Program

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-227

This bill establishes the drug donation and redispensing program under the Department of Health and Human Services. The program collects donations of unused prescription and legend drugs from health care providers, health care facilities and other sources, including at drop-off locations throughout the State, and redispenses the drugs through participating pharmacies to qualified low-income persons.

Committee Amendment "A" (S-227)

This amendment adds a provision to protect a person from civil or criminal liability and from professional discipline of a licensing board for actions taken by a person in good faith in accordance with the requirements of the drug donation and redispensing program established in the bill.

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compliance of health insurance carriers doing business in this State with federal and state mental health parity laws. The Superintendent of Insurance is required to either authorize a market conduct examination or use a survey tool to assess compliance and to report back to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 30, 2020. The committee is authorized to report out legislation to the Second Regular Session of the 129th Legislature based on the results.

Enacted Law Summary

Resolve 2019, chapter 72 requires the Superintendent of Insurance to determine the compliance of health insurance carriers doing business in this State with federal and state mental health parity laws. The Superintendent of Insurance is required to either authorize a market conduct examination or use a survey tool to assess compliance and to report back to the Joint Standing Committee on Health Coverage, Insurance and Financial Services no later than January 30, 2020. The committee is authorized to report out legislation to the Second Regular Session of the 129th Legislature based on the results.

LD 1704 An Act To Establish the Securities Restitution Assistance Fund for CARRIED OVER
Victims of Securities Violations

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T CARPENTER M	OTP-AM	H-569

This bill establishes in the Department of Professional and Financial Regulation, Office of Securities the Securities Restitution Assistance Fund. The fund will be used to provide financial assistance to victims of securities violations that have been awarded restitution in a final order issued by the Securities Administrator or were awarded restitution in a final order in a legal action initiated by the administrator and that have not received the full amount of restitution ordered before the application for restitution assistance is due. The fund will be funded initially by a one-time transfer of \$350,000 from the dedicated revenue of the Office of Securities. Thereafter, the fund will be funded by the civil fines ordered or agreed to by the administrator, a portion of broker-dealer agent and investment adviser representative renewal fees and any grants, donations or other money received by the administrator for victim restitution assistance.

Committee Amendment "A" (H-569)

This amendment replaces the appropriations and allocations section in the bill.

This bill was reported out of committee and then carried over to any special or regular session, or both, on the Special Appropriations Table by joint order, H.P. 1322.

LD 1712 An Act To Amend and Clarify the Maine Uniform Securities Act and To PUBLIC 252
Make a Technical Correction in the Law Concerning Financial Planners

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

Part A corrects a late fee provision that is currently applied to certain securities filings that are made between 16 and 30 days after the first sale of the securities in the State. This Part applies the late fee to any applicable filing made 16 or more days after the first sale of the securities in the State.

Part B makes a technical correction by repealing a statute enacted in 1985 governing financial planners.

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Enacted Law Summary

Public Law 2019, chapter 252 corrects a late fee provision that is currently applied to certain securities filings that are made between 16 and 30 days after the first sale of the securities in the State. The law applies the late fee to any applicable filing made 16 or more days after the first sale of the securities in the State.

Public Law 2019, chapter 252 also makes a technical correction by repealing a statute enacted in 1985 governing financial planners.

LD 1716 An Act To Update the Licensing Laws for Occupational Therapy Practice

PUBLIC 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A	OTP-AM	H-402

This bill updates language in the laws governing occupational therapy practice, including occupational therapists and occupational therapy assistants, establishes an inactive license status for licensees and repeals the continuing education requirement for licensees. The bill also repeals a residency provision for applicants and the character reference requirement for foreign-trained applicants.

Committee Amendment "A" (H-402)

This amendment removes the section of the bill authorizing an occupational therapy practitioner to apply for an inactive license as the licensing board already has the authority to take that action by rule under the Maine Revised Statutes, Title 10, section 8003.

Enacted Law Summary

Public Law 2019, chapter 287 updates language in the laws governing occupational therapy practice, including occupational therapists and occupational therapy assistants, establishes an inactive license status for licensees and repeals the continuing education requirement for licensees. The law also repeals a residency provision for applicants and the character reference requirement for foreign-trained applicants.

LD 1755 An Act To Move Maine Toward Affordable Health Care for Everyone

CARRIED OVER

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

This bill requires the Commissioner of Health and Human Services to submit a waiver under Section 1332 of the federal Patient Protection and Affordable Care Act to establish a MaineCare purchase option so that residents of Maine who are not otherwise eligible for the MaineCare program may participate in the program. The waiver must include authority for individuals who qualify for advance tax credits and cost-sharing credits to use them to purchase coverage through the MaineCare program. Individuals participating in the MaineCare purchase option may access the same services as other MaineCare members. The commissioner is required to implement mechanisms to ensure the long-term sustainability of the MaineCare purchase option. Rates are set by the Department of Health and Human Services and determined actuarially, and the open enrollment period is the same as the period for individuals purchasing insurance on the federal exchange. The department is required to submit a progress report on the request for the waiver as well as annual reports to the joint standing committees of the Legislature having jurisdiction over health and human services matters and insurance matters.

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This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1764 An Act To Update the Maine Insurance Code

CARRIED OVER

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

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

This bill proposes to amend the Maine Insurance Code to prevent denial of life insurance for persons who take preexposure prophylaxis medication to prevent HIV infection.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1767 An Act To Increase the Efficiency of Certain Consumer Credit Protection Laws

CARRIED OVER

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

Part A of this bill does the following.

1. It clarifies the jurisdiction of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection to regulate transactions entered into by mail, telephone or electronic mail or using a creditor's website when the consumer is located in Maine.
2. It establishes that an automobile seller is regularly engaged in credit sales if the seller sells more than 15 cars per year on credit. Currently, a dealer can sell up to 25 cars a year on credit without complying with any disclosure, rate cap or repossession standards.
3. It defines a supervised lender to include a company that purchases and collects on supervised loans, regardless of whether the company maintains an office in this State. Current law already holds in-state companies to this standard.
4. It clarifies confidentiality provisions by referencing an exception currently found in another section of the Maine Consumer Credit Code.
5. It authorizes the Superintendent of Consumer Credit Protection to adjust fees to support the costs of compliance and staff attorney positions with revenues derived from nonbank mortgage companies. It also allows the superintendent to reduce fees by order.
6. It corrects a reference to the Superintendent of Consumer Credit Protection.
7. It specifically provides that the Superintendent of Consumer Credit Protection or the Superintendent of Financial Institutions has the authority, after notice to the licensee and opportunity to be heard, to suspend, revoke or deny

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renewal of a payroll processor's license.

8. It confirms the ability of the Bureau of Consumer Credit Protection to regulate transmission of digital.
9. It clarifies the definition of "debt buyer" as a regular purchaser of delinquent debt, regardless of whether the delinquent debt has been charged off and removed as an account from the books of the creditor as an asset and treated as a loss or expense.
10. It establishes the Superintendent of Consumer Credit Protection's authority over debt collectors consistent with authority granted the administrator with respect to other license types.
11. It adds to the laws governing debt collectors routine enforcement authority consistent with authority currently applied with respect to consumer lenders and creditors.
12. It adds to the laws governing debt collectors an assurance of discontinuance as an enforcement option consistent with current law applicable to consumer lenders and creditors.

Part B repeals mortgage lending restrictions applicable to nonbank mortgage lenders that have been made unnecessary due to subsequent enhancements to federal mortgage lending laws.

Part C does the following.

1. It permits the use of a nationwide multistate licensing system to process licenses and registrations with respect to general creditors, debt collectors, money transmitters and other entities regulated by the Bureau of Consumer Credit Protection. It also authorizes the use of that system by large, national companies that already use the system for their licenses in other states.
2. It amends a notification date provision in the law to permit the Bureau of Consumer Credit Protection to use the nationwide mortgage licensing system for different business types.

Part D does the following.

1. It repeals language that requires annual reports to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters.
2. It repeals language that requires a report to the Legislature every 90 days on the activities of the Bureau of Consumer Credit Protection's foreclosure intake, counseling and referral program.
3. It consolidates accounts within the Bureau of Consumer Credit Protection.
4. It repeals language that requires the Bureau of Consumer Credit Protection to report to the Legislature every six months on the budgetary aspects of the bureau's foreclosure intake, counseling and referral program.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1793 An Act To Update the Laws Governing Personal Vehicle Rental Coverage

PUBLIC 376

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H	OTP-AM	S-255

This bill amends the definition of "private passenger motor vehicle" in the laws governing personal automobile insurance and rental vehicle coverage in the Maine Insurance Code. It clarifies that "private passenger motor vehicle" includes a sport utility vehicle, a pickup truck and a van, which are commonly rented vehicles.

Committee Amendment "A" (S-255)

This amendment requires the Superintendent of Insurance to adopt rules, including rules to further define the term "private passenger motor vehicle."

Enacted Law Summary

Public Law 2019, chapter 376 amends the definition of "private passenger motor vehicle" in the laws governing personal automobile insurance and rental vehicle coverage in the Maine Insurance Code. It clarifies that "private passenger motor vehicle" includes a sport utility vehicle, a pickup truck and a van, which are commonly rented vehicles and requires the Superintendent of Insurance to adopt rules, including rules to further define the term "private passenger motor vehicle."

LD 1829 An Act Regarding Insurance Licensees

PUBLIC 382

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R	OTP-AM	S-264

This bill provides a fee of \$150 for surplus lines authority. It authorizes the Superintendent of Insurance to cancel the Maine license or authority of a nonresident insurance licensee subject to the Maine Revised Statutes, Title 24-A, chapter 16. Such a cancellation applies to a nonresident licensee only in the event that the licensee's license authority in the licensee's home state is no longer active and the Maine license has been granted on a reciprocal basis. It removes language that prohibits an adjuster seeking to provide adjusting services to an insured for a fee to be paid by the insured from soliciting an adjustment services contract to any person for at least 36 hours after an accident or occurrence as a result of which the person might have a potential claim.

Committee Amendment "A" (S-264)

This amendment adds a provision authorizing the Joint Standing Committee on Health Coverage, Insurance and Financial Services to report out a bill to the Second Regular Session of the 129th Legislature relating to the law governing the activities of licensed insurance adjusters.

Enacted Law Summary

Public Law 2019, chapter 382 provides a fee of \$150 for surplus lines authority. It authorizes the Superintendent of Insurance to cancel the Maine license or authority of a nonresident insurance licensee subject to the Maine Revised Statutes, Title 24-A, chapter 16. Such a cancellation applies to a nonresident licensee only in the event that the licensee's license authority in the licensee's home state is no longer active and the Maine license has been granted on a reciprocal basis. It removes language that prohibits an adjuster seeking to provide adjusting services to an insured for a fee to be paid by the insured from soliciting an adjustment services contract to any person for at least 36 hours

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after an accident or occurrence as a result of which the person might have a potential claim.

Public Law 2019, chapter 382 also authorizes the Joint Standing Committee on Health Coverage, Insurance and Financial Services to report out a bill to the Second Regular Session of the 129th Legislature relating to the law governing the activities of licensed insurance adjusters.

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Enacted

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LD 899	An Act To Increase Access to Health Care by Attracting Qualified Physicians to Maine	ONTP
LD 943	An Act To Allow Laser Spine Surgery in the State	ONTP
LD 1072	An Act To Promote Workforce Education on Alzheimer's Disease and Dementia	ONTP
LD 1236	An Act To Clarify the Laws Governing the Licensing of Paramedics	ONTP
LD 1303	An Act To Establish the State Board of Dental Hygiene	Leave to Withdraw Pursuant to Joint Rule 310
LD 1349	An Act To Create a Licensing Board and Licensure Requirements for Intentional Peer Support Specialists	ONTP
LD 1384	An Act Relating to Complementary and Alternative Medicine Licensure	ONTP
LD 1406	An Act To Require Certification of Radiologic Technologists Who Are Licensed Chiropractic Assistants	ONTP
LD 1434	An Act To Allow Certified Registered Nurse Anesthetists To Bill for Their Services	CARRIED OVER
LD 1582	An Act Relating to Surgical Technologists and the Practice of Surgical Technology	ONTP
LD 1648	An Act To Improve Access to Experienced Primary Care Providers in Maine	ONTP
LD 1660	An Act To Improve Access to Physician Assistant Care	CARRIED OVER

LD 1666 **An Act To Require Certain Health Care Providers To Provide Patients Detailed Information on the Risks Associated with the Use of Opioid Medications and Schedule II Drug** **ONTP**

Prescription Drugs

Enacted

LD 659 **An Act Regarding the Use of Interchangeable Biological Products** **PUBLIC 34**

LD 1162 **An Act To Further Expand Drug Price Transparency** **PUBLIC 470**

LD 1499 **An Act To Establish the Maine Prescription Drug Affordability Board** **PUBLIC 471**

LD 1504 **An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management** **PUBLIC 469**

Not Enacted

LD 641 **An Act To Save Lives through Epinephrine Autoinjector Accessibility** **ONTP**

LD 1387 **An Act To Increase Access to Safe and Affordable Prescription Drugs** **CARRIED OVER**

LD 1389 **An Act To Address Transparency, Accountability and Oversight of Pharmacy Benefit Managers** **ONTP**

LD 1409 **An Act To Improve Price Transparency of Prescription Drugs Sold in Maine** **ONTP**

LD 1661 **An Act To Create the Drug Donation and Redispensing Program** **CARRIED OVER**

LD 1673 **An Act To Prohibit Prescription Drug Advertising** **CARRIED OVER**

Securities

Enacted

LD 566 **An Act To Protect Vulnerable Adults from Financial Exploitation** **PUBLIC 17**

LD 1712 **An Act To Amend and Clarify the Maine Uniform Securities Act and To Make a Technical Correction in the Law Concerning Financial Planners** **PUBLIC 252**

Not Enacted

LD 366 An Act To Protect Elderly Persons from Financial Abuse CARRIED OVER

**LD 1704 An Act To Establish the Securities Restitution Assistance Fund for Victims CARRIED OVER
of Securities Violations**

State Employees, Office of Employee Health and Benefits

Enacted

LD 376 An Act To Expand Health Insurance Options for Town Academies PUBLIC 424

Student Loans

Enacted

**LD 995 An Act To Establish a Student Loan Bill of Rights To License and Regulate PUBLIC 431
Student Loan Servicers**

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2019

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Joint Standing Committee on Health and Human Services

LD 20 An Act To Provide Coverage for Abortion Services for MaineCare Members

Leave to Withdraw Pursuant to Joint Rule

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

This bill requires the Department of Health and Human Services to provide coverage to a MaineCare member for legal abortion services. The bill provides that abortion services that are not approved Medicaid services must be funded by the State. The bill also directs the Department of Health and Human Services to adopt rules no later than March 1, 2020.

LD 21 An Act To Prohibit the Use of Electroconvulsive Therapy for Certain Populations

Leave to Withdraw Pursuant to Joint Rule

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

This bill prohibits the use of electroconvulsive therapy on a child under 18 years of age or a person over 65 years of age or a person who is pregnant.

LD 40 Resolve, To Establish the Commission To Study Children's Mental Health

RESOLVE 96 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C BELLOWS S	OTP-AM ONTP	H-246

This resolve establishes the Commission To Study Children's Mental Health to study the mental health of children in the State and federal and state laws, regulations, rules and policies governing the diagnosis and treatment of children with mental health issues.

Committee Amendment "A" (H-246)

This amendment is the majority report of the committee and it incorporates a fiscal note.

Enacted Law Summary

Resolve 2019, chapter 96 establishes the Commission To Study Children's Mental Health to study the mental health of children in the State and federal and state laws, regulations, rules and policies governing the diagnosis and treatment of children with mental health issues.

Resolve 2019, chapter 96 was finally passed as an emergency measure effective June 26, 2019.

Joint Standing Committee on Health and Human Services

LD 45 An Act To Amend the Law Regarding Maine's Background Check Center ONTP

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

This bill grants the Department of Health and Human Services the authority to request state and national criminal history records, including fingerprint-based criminal history records, for direct access workers undergoing a background check under the Maine Background Check Center Act.

LD 46 Resolve, To Establish the Cumberland County Jail Substance Use Disorder Rehabilitation Pilot Project CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHENETTE J	OTP-AM	H-354

This bill provides funding to create a substance use disorder clinic at the Cumberland County jail.

Committee Amendment "A" (H-354)

This amendment replaces the bill with a resolve. It provides funding to the Department of Corrections to establish a 24-month pilot project at the Cumberland County jail to assist in the rehabilitation of individuals incarcerated or detained at the jail who need substance use disorder treatment. The pilot project must focus on the health of the individual and provide services that include counseling, medication-assisted treatment, education and employment opportunities and community service. The contract must include outcome measures for those who are no longer in the jail.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 78 An Act To Facilitate Access to the MaineCare Family Planning Benefit PUBLIC 420

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J SANBORN H	OTP-AM	H-132

This bill establishes presumptive eligibility for individuals who are likely to qualify for the family planning benefit under the Maine Revised Statutes, Title 22, section 3173-G and requires the Department of Health and Human Services to provide for presumptive eligibility. It requires the department to automatically review an individual's eligibility for the family planning benefit if, upon application, the individual is found ineligible under Title 22, section 3174-G, subsection 1, paragraph A, C, D, E, F, G or H and to enroll the individual if found eligible for the family planning benefit. It requires the department to automatically review an individual's eligibility for the family planning benefit after an individual loses eligibility for the MaineCare pregnancy benefit under Title 22, section 3174-G, subsection 1, paragraph A due to the birth of a child or an increase in income and to enroll the individual, if found eligible, for the family planning benefit. It also requires the department to use a single application form for individuals applying for eligibility for the family planning benefit under Title 22, section 3173-G and under the adult expansion provisions under Title 22, section 3174-G, subsection 1, paragraph H. The bill directs the Department of Health and Human Services to adopt rules to carry out these requirements.

Joint Standing Committee on Health and Human Services

Committee Amendment "A" (H-132)

This amendment, which is the unanimous report of the committee, removes the requirement that the Department of Health and Human Services automatically review an individual's eligibility for the family planning benefit if the individual is found ineligible under another MaineCare section. It also removes the requirement that the department use a single application form. This amendment clarifies that presumptive eligibility must be implemented in accordance with 42 United States Code, Section 1396r-1, which outlines the timing and other requirements of presumptive eligibility for states.

Enacted Law Summary

Public Law 2019, chapter 420 establishes presumptive eligibility for individuals who are likely to qualify for the family planning benefit under the Maine Revised Statutes, Title 22, section 3173-G and requires the Department of Health and Human Services to provide for presumptive eligibility. It clarifies that presumptive eligibility must be implemented in accordance with 42 United States Code, Section 1396r-1, which outlines the timing and other requirements of presumptive eligibility for states and directs the Department of Health and Human Services to adopt rules to carry out these requirements.

LD 80 An Act To Create the Department of Substance Use Disorder Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A HERBIG E	ONTP	

This bill establishes the Department of Substance Use Disorder Services as a separate cabinet-level department. It removes from the Department of Health and Human Services, and transfers to the Department of Substance Use Disorder Services, functions and services for individuals with substance use disorders, prevention programs and administrative assistance for the Substance Use Disorder Services Commission.

LD 84 Resolve, Directing the Department of Health and Human Services To RESOLVE 102 Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	OTP-AM	H-135 S-322 BREEN C

This resolve requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the current federal 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by spouses who are employed as personal support specialists to provide those services. It requires the department to amend its rules after the amended waiver approval has been received from the federal government. The resolve requires the department to provide an interim report regarding the progress in applying for, receiving and implementing the amended waiver and a final report with data on the number of individuals receiving services from spouses, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid.

Committee Amendment "A" (H-135)

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

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Senate Amendment "A" To Committee Amendment "A" (S-322)

This amendment strikes and replaces the appropriations and allocations section to limit funding to the allowance for eligible MaineCare members to receive services provided by spouses.

Enacted Law Summary

Resolve 2019, chapter 102 requires the Department of Health and Human Services to submit a request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the State's federal 1915(c) waiver so that eligible members receiving home and community-based services under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 19 will be able to receive services provided by spouses who are employed as personal support specialists to provide those services. The department is required to provide to the joint standing committee having jurisdiction over health and human services matters, an interim report regarding the progress in applying for, receiving and implementing the amended waiver and a final report with data on the number of individuals receiving services from spouses, any information about costs or savings and recommendations about the feasibility for similarly expanding other MaineCare programs or other potential waiver programs available under Medicaid.

LD 99 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 17
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-63

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

Committee Amendment "A" (H-63)

This amendment, which is the unanimous report of the committee, amends the resolve. It authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder only if the rule is amended in Appendix I to increase the rate for procedure code T2017 QC from \$1.63 per 1/4 hour to \$2.00 per 1/4 hour. The amendment is necessary to ensure that this procedure code is reimbursed consistently under Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29 and Section 21.

Enacted Law Summary

Resolve 2019, chapter 17 authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder only if the rule is amended in Appendix I to increase the rate for procedure code T2017 QC from \$1.63 per 1/4 hour to \$2.00 per 1/4 hour.

Resolve 2019, chapter 17 was finally passed as an emergency measure effective April 30, 2019.

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LD 115 An Act To Appropriate Funds for Home Visiting Services To Provide CARRIED OVER
Child Development Education and Skills Development for New Parents

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M	OTP-AM	H-137

This bill appropriates funds for home visiting services to provide child development education and skills development for new parents.

Committee Amendment "A" (H-137)

This amendment, which is the unanimous report of the committee, directs the Board of the Maine Children's Trust Incorporated to use state funds it receives to maximize its receipt of federal funds. This amendment also adds an appropriation of funds to stabilize the workforce by bringing salaries of home visitors in line with comparable positions. It reduces the additional funding provided in the bill for home visiting services from \$4,000,000 for fiscal year 2019-20 and \$3,000,000 for fiscal year 2020-21 to \$500,000 for each year and provides that the funding must be used to reduce any waiting lists for home visiting services. It directs these funds to go to the Maine Children's Trust.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 129 An Act To Protect a Child from Misuse of Identity ONTP

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

This bill directs the Department of Health and Human Services to adopt rules to protect a child from the misuse of the identity of the child for household, business or commercial purposes. The rules must provide for releases to make an inquiry, to review information and to refer a matter to the Attorney General if the department finds that a child's identity has been misused. The bill requires the department to report by April 1st each year to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of child identity inquiries, reviews of information and referrals.

LD 142 An Act To Increase Funding for the Fund for a Healthy Maine To ONTP
Reduce Smoking

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L CYRWAY S	ONTP	

This bill adjusts funding between the Maine Center for Disease Control and Prevention program and the Medical Care Payments to Providers program in the Fund for a Healthy Maine within the Department of Health and Human Services to fund tobacco cessation services.

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**LD 152 An Act To Prohibit the Possession and Use of Electronic Smoking
Devices on School Grounds**

PUBLIC 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R CARNEY A	OTP-AM	S-32

This bill includes in the prohibition against tobacco use in elementary or secondary schools the possession of an electronic smoking device, which is defined as a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

Committee Amendment "A" (S-32)

Current law prohibits in elementary or secondary schools and on school grounds the use of smokeless tobacco and the possession of a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke. This committee amendment repeals and replaces existing law so that the following is included in the prohibition against tobacco use in elementary or secondary schools and on school grounds:

1. The possession of a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form;
2. The use or possession of an electronic smoking device;
3. The possession of any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus; and
4. The possession of components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids.

The amendment also prohibits tobacco use on a school bus and at any school-sponsored event and removes the exception that permitted tobacco use in classrooms as part of a bona fide demonstration during a class lesson.

Enacted Law Summary

Public Law 2019, chapter 61 prohibits the following items from elementary or secondary schools and on school grounds:

1. A lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form;
2. An electronic smoking device;
3. Any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus; and
4. Components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, pipes

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and liquids.

It also prohibits tobacco use on a school bus and at any school-sponsored event and removes the exception that permitted tobacco use in classrooms as part of a bona fide demonstration during a class lesson.

LD 153 An Act To Strengthen Testing for Lead in School Drinking Water

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MADIGAN C	OTP-AM OTP-AM	S-84

This bill requires all schools to test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water to an approved laboratory for lead testing. It directs the Department of Health and Human Services to establish by major substantive rule water lead levels, testing protocols, appropriate abatement and mitigation methods and public notification requirements. It directs the department to provisionally adopt major substantive rules and submit them to the Legislature no later than 5:00 p.m. on January 10, 2020. It provides that the department has the authority to issue an order reducing exposure to lead until the elevated water lead levels are abated or mitigated. It provides that water lead abatement or mitigation efforts will receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank.

Committee Amendment "A" (S-84)

This amendment, which is the majority report of the committee, amends the bill to provide that the State is not establishing a mandate on school administrative units. It provides that a school must test water used for drinking or culinary purposes for lead to the extent the Department of Health and Human Services provides the necessary resources to the school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue. It directs the department to adopt rules regarding testing and guidance to reduce exposure to lead but provides that the department may not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue in implementing the rules. It further provides that the department may provide resources to schools within its existing resources or identify alternative means to achieve the purposes of the legislation. It requires the Department of Health and Human Services to report annually beginning January 1, 2021 on lead testing in schools.

Committee Amendment "B" (S-85)

This amendment, which is the minority report of the committee, replaces the bill. It provides that school boards may adopt a policy governing testing for lead in school drinking water and abating or mitigating lead in school drinking water. It provides that water lead abatement or mitigation efforts receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 158 provides that a school must test water used for drinking or culinary purposes for lead to the extent the Department of Health and Human Services provides the necessary resources to the school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue. It directs the department to adopt rules regarding testing and guidance to reduce exposure to lead but provides that the department may not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue in implementing the rules. It further provides that the department may provide resources to schools within its existing resources or identify alternative means to achieve the purposes of the legislation and provides that water lead abatement or mitigation efforts will receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank. It

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requires the Department of Health and Human Services to report annually beginning January 1, 2021 on lead testing in schools.

LD 154 An Act To Amend the Law Governing MaineCare Coverage of Chiropractic Treatment CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MARTIN J	OTP-AM ONTP	S-37

This bill requires all chiropractic services that are within the scope of practice of chiropractic doctors and performed by a licensed chiropractic doctor to be reimbursed under the MaineCare program. Under current law, the Department of Health and Human Services is required to reimburse for only chiropractic evaluation and management examinations. The bill also corrects a numbering problem created by Public Law 2017, chapters 421 and 454, which enacted two substantively different provisions with the same section number.

Committee Amendment "A" (S-37)

This amendment, which is the majority report of the committee, requires the Department of Health and Human Services to apply for a state plan amendment to allow for Medicaid reimbursement for all chiropractic services within the scope of practice of chiropractic doctors no later than January 1, 2020. If the state plan amendment is not approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, chiropractic doctors will not be reimbursed by MaineCare for any additional chiropractic services not currently eligible for reimbursement. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 177 Resolve, To Improve Access to Bariatric Care CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A GRATWICK G	OTP-AM	H-472

This resolve requires the Department of Health and Human Services to provide 16 new specialized bariatric care beds in one or more nursing facilities to serve individuals with a body mass index greater than 40.

Committee Amendment "A" (H-472)

This amendment replaces the resolve. It requires the Department of Health and Human Services to develop a plan to provide up to 16 new specialized bariatric care nursing facility beds by September 1, 2020. The amendment also adds an emergency preamble and emergency clause.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 181 An Act To Provide Funding to the Department of Health and Human Services To Support Free Health Clinics in the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	ONTP OTP-AM	H-11

This bill provides funding to support free health clinics in the State.

Committee Amendment "A" (H-11)

This amendment, which is the minority report of the committee, clarifies that the health clinics being funded provide all services to the public at no charge. It also clarifies that the additional funding in the bill is only in the 2020-21 biennium and the funding is distributed through a request for proposals.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 192 An Act To Require an Annual Report on the Activities of the Maine Child Welfare Advisory Panel

PUBLIC 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-21

This bill requires the Department of Health and Human Services to submit an annual report by January 1, 2020 and annually thereafter, to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of and reports produced by the child welfare advisory panel formed pursuant to the federal Children's Justice Act.

Committee Amendment "A" (H-21)

This amendment removes the date by which the Department of Health and Human Services is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of and reports produced by the child welfare advisory panel formed pursuant to the federal Children's Justice Act.

Enacted Law Summary

Public Law 2019, chapter 28 requires the Department of Health and Human Services to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities of and reports produced by the child welfare advisory panel formed pursuant to the federal Children's Justice Act.

LD 195 An Act To Continue MaineCare Coverage for Parents During the Rehabilitation and Reunification Process

PUBLIC 130

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-133

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This bill requires the Department of Health and Human Services to submit a waiver request no later than January 1, 2020 to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the provisions of this bill that require the department to continue to provide MaineCare coverage to a parent who is a MaineCare member and who is participating in rehabilitation and reunification efforts in accordance with a rehabilitation and reunification plan. The department is required to take all reasonable and necessary steps to seek approval of the waiver. Upon approval of the waiver, the department is directed to adopt rules no later than 180 days after receiving approval. The department is required to report its progress in seeking a waiver and implementing rules on a quarterly basis beginning October 1, 2019 until the process is complete.

Committee Amendment "A" (H-133)

This amendment clarifies that parents who are eligible for the MaineCare program prior to having their minor children removed from the home remain eligible for the MaineCare program if they are engaged in rehabilitation and reunification efforts regardless of any other provision of law. The reference in the bill did not account for new eligibility under Initiated Bill 2017, chapter 1. The amendment also requires the Department of Health and Human Services to provide an annual report, beginning in 2021, on the number of individuals and families who benefit from this provision.

Enacted Law Summary

Public Law 2019, chapter 130 requires the Department of Health and Human Services to submit a waiver request no later than January 1, 2020, to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to allow the department to continue to provide MaineCare coverage to a parent who was eligible for MaineCare coverage prior to having their minor children removed from the home as long as the parent is participating in rehabilitation and reunification efforts. Upon approval of the waiver, the department is directed to adopt rules no later than 180 days after receiving approval. The department is required to report its progress in seeking a waiver and implementing rules on a quarterly basis beginning October 1, 2019 until the process is complete, and an annual report on the number of individuals and families to whom this provision applies.

LD 222	An Act To Prohibit Child Care Providers from Requiring Payment during Vacation Closures	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS M	ONTP	

This bill prohibits a nursery school, a certified family child care provider, a licensed child care facility or a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds from charging any fee for any period of time the provider is closed because the provider is on vacation. It prohibits the Department of Health and Human Services from reimbursing providers of child care services or recipients for child care services for any period of time the provider is closed because the provider is on vacation.

LD 227	An Act To Strengthen Maine's Public Health Infrastructure	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CARSON B		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to strengthen the State's public health infrastructure by:

1. Identifying community-level geographic regions where essential public health services, including competent and

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qualified comprehensive community health coalitions, can be funded equitably;

2. Ensuring that basic and essential public health services be delivered in each public health district and tribal health district;
3. Identifying emerging nonclinical public health workers, including community health workers, community paramedics, recovery coaches and resiliency coaches, who can strengthen the efficiency and effectiveness of public health service delivery;
4. Facilitating, when possible, the integration and collaboration of public and private public health professionals with public safety professionals and emergency preparedness professionals; and
5. Enabling the operation of public health professionals, public safety professionals and emergency preparedness professionals as a cohesive and coordinated public health team to improve the visibility and understanding of public health among Maine children and adults.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 230 An Act To Improve Access to Preventive, Cost-saving Dental Services ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a managed care dental services program within the MaineCare program. It also proposes to provide coverage under the MaineCare program for adult preventive dental services and comprehensive dental services.

LD 231 An Act To Improve Public Health by Maximizing Federal Funding Opportunities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CARSON B		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to increase federal funding to improve the State's public health outcomes and workforce by designating the Maine Public Health Institute within the University of Southern Maine's Edmund S. Muskie School of Public Service as an agent of the Department of Health and Human Services for the purpose of applying for federal funds to support public health research and programming. To provide guidance to the Maine Public Health Institute in carrying out this duty, this bill would establish an advisory board composed of officials from the department, including the Director of the Maine Center for Disease Control and Prevention, and representatives of statewide public health organizations and care providers. The bill would require that the Maine Public Health Institute report every two years to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

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LD 232 An Act To Change the Process by Which Designated Nonstate Mental Health Institutions Petition the District Court To Admit Certain Patients to a Progressive Treatment Program CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MOORE M		

This bill changes the process by which a petition to the District Court is made to admit a patient at a designated nonstate mental health institution to a progressive treatment program. Current law provides that the superintendent or chief administrative officer of a psychiatric hospital, including a designated nonstate mental health institution, directly petition the District Court. This bill provides that the superintendent or chief administrative officer of a designated nonstate mental health institution request the Commissioner of Health and Human Services to petition the District Court on the superintendent's or chief administrative officer's behalf.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order H.P. 1322.

LD 234 Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J LIBBY N	OTP-AM ONTP	H-22

This bill requires the Department of Health and Human Services, by January 1, 2020, to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 15 to increase reimbursement rates for chiropractic services for manipulative treatments under procedure codes 98940, 98941 and 98942 to no less than 70% of the federal Medicare reimbursement rate for these services as long as the rate is no lower than the rate reimbursed as of January 1, 2019. If the department conducts a rate study of chiropractic services for manipulative treatments, the department may adopt new rates. The rules adopted are routine technical rules.

Committee Amendment "A" (H-22)

This amendment, which is the majority report of the committee, amends the appropriations and allocations section of the bill to reflect a more accurate estimate of the cost of the bill.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 238 An Act To Increase the Minimum Area of Usable Space per Child Required in the Outdoor Area of a Child Care Center ONTP

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

This bill requires a child care facility to provide an outdoor play area that provides a minimum net area of 45 square feet of usable space per child.

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**LD 239 Resolve, Directing the Department of Health and Human Services To
Explore the Development of a Behavioral Health Unit at the
Cumberland County Jail**

RESOLVE 43

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D SANBORN H	OTP	

This resolve directs the Department of Health and Human Services and the Cumberland County Sheriff's Office to jointly explore the development of a behavioral health unit at the Cumberland County Jail to determine the competency of inmates to stand trial. This resolve directs the Department of Health and Human Services and the Cumberland County Sheriff's Office to submit the results of this directive along with recommendations to the Joint Standing Committee on Health and Human Services, which may report out legislation to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 43 directs the Department of Health and Human Services and the Cumberland County Sheriff's Office to jointly explore the development of a behavioral health unit at the Cumberland County Jail to determine the competency of inmates to stand trial. It directs the Department of Health and Human Services and the Cumberland County Sheriff's Office to submit the results of this directive along with recommendations to the Joint Standing Committee on Health and Human Services no later than January 10, 2020. The committee is authorized to report out legislation pursuant to the report.

**LD 266 An Act To Eliminate the 2-year Limit on MaineCare Coverage for
Approved Drugs for Opioid Use Disorder**

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L HYMANSON P		

This bill repeals the 24-month limit on MaineCare coverage or reimbursement for buprenorphine and naloxone combination drugs, also known as Suboxone, for the treatment of addiction to opioids.

Public Law 2019, chapter 4 (the supplemental budget) included a repeal of the 24-month limit.

**LD 282 Resolve, Regarding Legislative Review of Portions of Chapter 101:
MaineCare Benefits Manual, Chapter III, Section 21: Allowances for
Home and Community Benefits for Adults with Intellectual Disabilities
or Autism Spectrum Disorder, a Major Substantive Rule of the
Department of Health and Human Services**

**RESOLVE 20
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism

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Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2019, chapter 20 authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2019, chapter 20 was finally passed as an emergency measure effective April 30, 2019.

LD 284 An Act To Improve Care Provided to Forensic Patients

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C		

This bill establishes a residential forensic step-down facility, which provides treatment of forensic patients who no longer require hospital level care but cannot be safely treated in a community setting, in Augusta in the Capitol Area. It authorizes the Commissioner of Health and Human Services to maintain and operate the 21-bed forensic step-down facility. It provides that the facility must be licensed and that the Department of Health and Human Services must adopt rules that apply specifically to the licensure of a forensic step-down facility and that include the admission and discharge standards of the facility, the staffing model, security, patients' access to treatment and patient rights protections. It requires that the department provisionally adopt rules to implement the licensure of the forensic step-down facility no later than January 11, 2020. It creates an advisory committee to participate in and guide the planning process for the facility and to report to the Joint Standing Committee on Health and Human Services. It authorizes the committee to report out a bill based on the advisory committee's report. It requires the department to report to the committee on the progress of creating the facility and developing rules. It provides that the transfer of a forensic patient into the forensic step-down facility must be approved by a court of appropriate jurisdiction. It includes the forensic step-down facility in the Maine Revised Statutes, Title 34-B, chapter 1 as a "state institution."

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 297 An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors

PUBLIC 488

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEPLER A GRATWICK G	OTP-AM	H-134

This bill authorizes the Department of Health and Human Services to enter into contracts with organizations representing individuals with a brain injury and their families, bringing together state and national expertise to provide core brain injury support for underserved populations of individuals with an acquired brain injury.

Committee Amendment "A" (H-134)

This amendment adds victims of domestic violence to the list of underserved populations of individuals with an acquired brain injury. It also clarifies that the Department of Health and Human Services may adopt rules rather than being required to adopt rules.

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Enacted Law Summary

Public Law 2019, chapter 488 authorizes the Department of Health and Human Services to enter into contracts with organizations to provide core brain injury support services to underserved populations of individuals with an acquired brain injury. These support services include access to a helpline, information and resource education, and family caregiver training.

LD 303 An Act To Require Recovery Residences for Persons with Substance Use Disorder Be Equipped with Naloxone and To Exempt from Criminal Liability Persons Administering Naloxone

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T DILL J	OTP-AM	H-406

This bill requires organizations that provide housing to persons with substance use disorder to store one unit of naloxone hydrochloride for every three residents. It also requires these organizations to provide training to full-time employees so that an employee may possess and administer naloxone hydrochloride to an individual who appears to be experiencing an opioid-related drug overdose. It directs the Department of Health and Human Services to adopt rules to implement these requirements.

Committee Amendment "A" (H-406)

This amendment, which is the unanimous report of the committee, strikes and replaces the bill and does the following.

1. It makes the requirements of the bill apply only to recovery residences and not to other housing-based programs and expands the definition of "recovery residence."
2. It changes the requirement for on-site storage of naloxone hydrochloride from at least one unit for every three residents of a housing-based program to at least two units for each floor of a recovery residence.
3. It exempts from arrest or prosecution a person who in good faith administers naloxone hydrochloride to another person experiencing a drug-related overdose. The person may not be arrested or prosecuted for a violation of laws prohibiting the unlawful possession of scheduled drugs, acquiring drugs by deception, the illegal possession of hypodermic apparatuses or the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's administering naloxone hydrochloride.
4. It removes the requirement that full-time employees of a housing-based program receive training and provides instead that residents of a recovery residence, employees of a recovery residence and all other persons involved in the administration of a recovery residence are required to successfully complete training in the administration of naloxone hydrochloride that meets the protocols and criteria established by the Department of Health and Human Services.

Enacted Law Summary

Public Law 2019, chapter 292 requires recovery residences to store on-site at least two units of naloxone hydrochloride for each floor of the recovery residence and requires that residents of a recovery residence, employees of a recovery residence and all other persons involved in the administration of a recovery residence are required to successfully complete training in the administration of naloxone hydrochloride that meets the protocols and criteria established by the Department of Health and Human Services. It also exempts from arrest or prosecution a person who in good faith administers naloxone hydrochloride to another person experiencing a drug-related overdose.

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LD 304 An Act To Improve Stroke Care in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T SANBORN L	ONTP	

This bill provides funding to the Department of Health and Human Services, Maine Center for Disease Control and Prevention for evidence-based education efforts designed to inform residents of the State about the causes, signs and symptoms of stroke, focusing on populations and geographic areas most affected by stroke, and to improve stroke surveillance and epidemiology efforts of the Maine Center for Disease Control and Prevention. The bill also provides funding for one Stroke Care Coordinator position in the Maine Center for Disease Control and Prevention.

LD 315 Resolve, To Promote Healthy Living in Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C POULIOT M	OTP-AM	H-197

This bill appropriates funds for evidence-based programs to promote healthy living of the State's older adults.

Committee Amendment "A" (H-197)

This amendment replaces the bill with a resolve that directs the Department of Health and Human Services to establish a two-year program designed to support and improve the health and well-being of the State's older adults and reduce health care treatment costs by preventing disease, injury and falls. It directs the department to contract for the implementation of this program with one or more community-based organizations that have a demonstrated ability to deliver evidence-based programs to serve older adults statewide, especially in rural, underserved and unserved areas of the State. The amendment describes the criteria that a community-based organization must meet in order to be awarded a contract. It also changes the appropriations and allocations section to indicate that it is one-time funding.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 325 An Act To Provide Emergency Funds for Clients of the Adult Protective Services System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	OTP-AM ONTP	H-140

This bill provides funding for emergency funds for Adult Protective Services caseworkers to access for needy clients.

Committee Amendment "A" (H-140)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th

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Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 336 An Act To Require That Notice of Lead Abatement Orders Be Filed with
the Registry of Deeds**

PUBLIC 100

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUTIER K CLAXTON N	OTP-AM	H-136

This bill requires the Department of Health and Human Services to file a notice of the existence of an environmental lead hazard in the registry of deeds in the county in which the relevant property is located. It also requires the department to file a notice in the registry of deeds when the department determines that the environmental lead hazard no longer exists.

Committee Amendment "A" (H-136)

This amendment, which is the unanimous report of the committee:

1. Amends the bill to refer to an order directing that lead-based substances be removed, replaced or securely and permanently covered;
2. Requires that the book and page in the registry of the owner's deed be identified on the notice filed with the registry of deeds that the owner complied with the order issued by the Department of Health and Human Services;
3. Requires that a notice filed with the registry of deeds include a notarized signature of the person issuing the notice; and
4. Directs the Department of Health and Human Services to adopt routine technical rules, including for the form of the notice to be filed in the registry of deeds.

Enacted Law Summary

Public Law 2019, chapter 100 requires the Department of Health and Human Services to file a notice when it issues an order directing that lead-based substances be removed, replaced or securely and permanently covered in the registry of deeds in the county in which the relevant property is located. It also requires the department to file a notice in the registry of deeds when the department determines that the owner has complied with the order.

**LD 343 An Act To Promote Equity in Business Opportunity for Tobacco
Specialty Stores**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	ONTP OTP-AM	

This bill allows a tobacco specialty store to be licensed as a cigar lounge, which may serve nonalcoholic and alcoholic beverages. A cigar lounge may not sell cigarettes or prepare food on premises for sale. A tobacco specialty store that is a cigar lounge must provide notice about the dangers of environmental tobacco smoke to applicants for employment and employees. The cigar lounge license fee is \$100 per year.

Committee Amendment "A" (H-23)

This amendment, which is the minority report of the committee, replaces the bill. It provides that the on-premises consumption of food or drink is not prohibited in a tobacco specialty store. It requires a tobacco specialty store to

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provide notice to all applicants for employment and employees that working in a tobacco specialty store may cause serious negative health effects, including an increased risk of cancer and heart disease and that no level of exposure to environmental tobacco smoke is safe.

This amendment was not adopted.

LD 362 Resolve, To Require the Department of Health and Human Services To CARRIED OVER
Submit a State Plan Amendment To Exempt Retirement and
Educational Assets from Calculations for Medicaid Eligibility

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HARNETT T		

This resolve requires the Department of Health and Human Services to prepare and submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in order to make a change in Medicaid eligibility requirements for individuals with disabilities under 65 years of age who have dependent children living in the home by disregarding assets held in qualifying retirement and education accounts.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 363 An Act To Protect Residents of Assisted Living Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D ALLEY R	ONTP	

This bill requires nursing facilities and assisted living and residential care facilities that provide services to a person who requires assistance with activities of daily living to perform cardiopulmonary resuscitation or use an automated external defibrillator in the event of a suspected sudden cardiac arrest unless the person has made a health care decision that includes an order not to resuscitate. It requires those facilities to store the necessary equipment to perform cardiopulmonary resuscitation or use an automated external defibrillator. It requires those facilities to provide training to their employees on how to perform cardiopulmonary resuscitation and use an automated external defibrillator. The bill also directs those facilities to establish a process for quickly determining in the event of a medical emergency whether an individual residing in the facility has made a health care decision that includes an order not to resuscitate.

LD 373 An Act To Provide MaineCare Coverage for Dental Services to Adults CARRIED OVER
with Intellectual Disabilities or Autism Spectrum Disorder, Brain
Injuries and Other Related Conditions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D GRATWICK G	OTP-AM	H-353

This bill directs the Department of Health and Human Services to extend MaineCare dental services to a person 21 years of age or older who receives support services for adults with intellectual disabilities or autism spectrum disorder. Dental services provided to such a person must be the same as those provided under the MaineCare

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program to an eligible person under 21 years of age.

Committee Amendment "A" (H-353)

This amendment expands the adult dental benefit proposed in the bill to include individuals receiving home-based or community-based services under the brain injury and other related conditions waivers under Medicaid. It requires the Department of Health and Human Services to seek any necessary amendments to the waivers from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. It also reallocates the provisions of the bill to the existing section in the Maine Revised Statutes governing adult dental services under the MaineCare program. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 392 An Act To Fund Maine's School-based Health Centers

PUBLIC 425

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	OTP-AM OTP-AM	H-156

This bill provides ongoing funding for school-based health centers from the Fund for a Healthy Maine within the Department of Health and Human Services.

Committee Amendment "A" (H-156)

This amendment, which is the majority report of the committee, incorporates a fiscal note.

Committee Amendment "B" (H-157)

This amendment, which is the minority report of the committee, changes the funding source for ongoing funding for school-based health centers from the Fund for a Healthy Maine to the General Fund.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 425 provides ongoing funding for school-based health centers from the Fund for a Healthy Maine.

LD 399 An Act To Align Wages for Direct Care Workers for Persons with Intellectual Disabilities or Autism with the Minimum Wage

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M LIBBY N	ONTP OTP-AM	H-412

This bill specifies that the MaineCare reimbursement rate for direct care workers for adults with intellectual disabilities or autism must be at least 125% of the state minimum wage.

Committee Amendment "A" (H-412)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.

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This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 408 Resolve, To Require the Department of Health and Human Services To **RESOLVE 88
Develop a Plan for Neurobehavioral Beds**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S	OTP-AM	H-471

This resolve requires the Department of Health and Human Services to provide by September 1, 2020, 16 new neurobehavioral beds in one or more neurobehavioral centers to serve individuals with significant behavioral challenges and complex medical needs who need short-term evaluation and treatment before transitioning to a long-term care environment in either the community or a long-term care facility.

Committee Amendment "A" (H-294)

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

This amendment was not adopted.

This resolve was reported out of committee with this amendment and then recommitted to committee.

Committee Amendment "B" (H-471)

This amendment is the unanimous report of the committee after the bill was recommitted. It requires the Department of Health and Human Services to develop a plan to provide up to 16 new neurobehavioral beds in the State to serve individuals with brain injury and accompanying significant behavioral challenges who need short-term treatment for no longer than one year before transitioning to a long-term care environment. These individuals must be unable to be served appropriately in the community or in a nursing facility lacking specialized neurobehavioral services but must not need hospitalization. The department shall submit a report with the plan, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

Enacted Law Summary

Resolve 2019, chapter 88 requires the Department of Health and Human Services to develop a plan to provide up to 16 new neurobehavioral beds in the State to serve individuals with brain injury and accompanying significant behavioral challenges who need short-term treatment for no longer than one year before transitioning to a long-term care environment. These individuals must be unable to be served appropriately in the community or in a nursing facility lacking specialized neurobehavioral services but must not need hospitalization. The department shall submit a report with the plan, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

LD 414 An Act To Increase the Number of Intensive Case Managers **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J HERBIG E	OTP-AM	H-196

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This bill directs the Department of Health and Human Services to create additional intensive case manager positions so that counties that do not have a county jail or regional jail will have an intensive case manager. An intensive case manager oversees persons who are detained by a law enforcement officer and who have intellectual disabilities or mental health conditions or have misused substances and connects them to the services for which they qualify, works with the court system to ensure that they receive due process and speedy trials and assists persons who qualify for the MaineCare program to apply for and receive MaineCare benefits and services while being detained or incarcerated, including during the implementation of diversion and reentry plans.

Committee Amendment "A" (H-196)

This amendment, which is the unanimous report of the committee, replaces the bill. It provides funding for four additional Intensive Case Manager positions in the Department of Health and Human Services.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 416	An Act To Allow Eating Establishments To Permit Smoking Tobacco in Designated Outdoor Eating Areas	Accepted Majority (ONTP) Report
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS J TIMBERLAKE J	ONTP OTP-AM	

This bill allows an eating establishment to permit smoking tobacco in a designated outdoor eating area if no one under 21 years of age is allowed in the designated outdoor eating area.

Committee Amendment "A" (H-62)

This amendment, which is the minority report of the committee, replaces the bill. It amends the laws about smoking in public places to not prohibit smoking in an outdoor eating area of an eating establishment as long as no one under 21 years of age is permitted in the outdoor eating area. It requires an eating establishment that allows smoking to prohibit employees of the eating establishment from providing dining and beverage service in an outdoor eating area, require its patrons to obtain and purchase food and drink in an area of the eating establishment that prohibits smoking and maintain and enforce policies that limit the circumstances in which employees of an eating establishment may enter an outdoor eating area during the times in which smoking is allowed.

This amendment was not adopted.

LD 421	Resolve, To Amend the State Plan Regarding the Processing of Vouchers under the Special Supplemental Nutrition Program for Women, Infants and Children by Farmers' Markets	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TERRY M	ONTP	

This resolve directs the Department of Health and Human Services to amend its state plan to authorize farmers' markets to redeem coupons from the federal Special Supplemental Nutrition Program for Women, Infants and Children.

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LD 428 An Act To Establish Wage and Employment Parity between Adult and Child Protective Services Caseworkers in the Department of Health and Human Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	ONTP OTP-AM	H-139 H-549 MADIGAN C

This bill requires the Department of Health and Human Services to provide at least one week of training to new employees engaged in adult protective services. It requires the number of supervisory positions in adult protective services and child protective services to be identical. It provides funding for the recruitment and retention of employees in Adult Protective Services Caseworker positions and Adult Protective Services Caseworker Supervisor positions with a \$5 per wage-hour stipend payment.

Committee Amendment "A" (H-139)

This amendment, which is the minority report of the committee, amends the bill to require the Department of Health and Human Services to provide at least one week of training to any employee engaged in adult protective services instead of to only new employees. It clarifies that it is the ratio of supervisors to caseworkers, instead of the number of supervisors, that must be identical in adult protective services and child protective services. The amendment also provides that Adult Protective Services Caseworker positions, Adult Protective Services Caseworker Supervisor positions, Adult Protective Services Public Service Manager I positions and Adult Protective Services Public Service Manager II positions receive a \$1 per wage-hour stipend for employees holding or obtaining a relevant master's degree. It provides that the \$5 per wage-hour stipend payment and \$1 per wage-hour stipend payment authorized for Adult Protective Services Caseworker positions, Adult Protective Services Caseworker Supervisor positions, Adult Protective Services Public Service Manager I positions and Adult Protective Services Public Service Manager II positions must be considered part of those employees' base pay for purposes of transfers, promotions, cost-of-living adjustments, merit increases and collectively bargained wage increases. The amendment also replaces the appropriations and allocations section.

House Amendment "A" To Committee Amendment "A" (H-549)

This amendment removes language requiring the Department of Health and Human Services to provide at least one week of training to new employees and removes language regarding the ratio of supervisors to caseworkers. It provides funding to support the recruitment and retention of certain employees in the Department of Health and Human Services, Office of Aging and Disability Services with a stipend payment of up to \$5 per wage-hour and an additional \$1 per wage-hour stipend payment for employees holding a relevant master's degree.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 439 Resolve, Directing the Commissioner of Health and Human Services To Convene a Task Force To Study the Need for Long-term Acute Care Beds

RESOLVE 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-145

This resolve requires the Commissioner of Health and Human Services to convene a task force to evaluate the need for long-term acute care beds in the State. The commissioner is required to submit a report detailing findings of the task force and recommended legislation to the Joint Standing Committee on Health and Human Services, which may

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submit a bill related to the report to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (S-145)

This amendment clarifies that the Commissioner of Health and Human Services is required to convene a task force of stakeholders to evaluate the need for long-term acute care beds in the State. It changes the reporting date for the department from December 1, 2019 to January 2, 2020.

Enacted Law Summary

Resolve 2019, chapter 69 requires the Commissioner of Health and Human Services to convene a task force to evaluate the need for long-term acute care beds in the State. The commissioner is required to submit a report detailing findings of the task force and recommended legislation to the Joint Standing Committee on Health and Human Services no later than January 2, 2020. The committee is authorized to report out a bill related to the report to the Second Regular Session of the 129th Legislature.

LD 443 An Act To Prevent Vitamin K Deficiency Bleeding and Eye Damage in Infants

PUBLIC 426

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L MASTRACCIO A	OTP-AM	S-153

This bill requires every physician, midwife or nurse in charge at the birth of an infant to administer vitamin K to an infant intramuscularly to prevent vitamin K deficiency bleeding in infants. This bill also removes the exemption for religious tenets and practices for the administration of a prophylactic solution instilled into an infant's eyes at birth.

Committee Amendment "A" (S-153)

This amendment, which is the unanimous report of the committee, replaces the bill. Current law requires every physician, midwife or nurse in charge to instill or cause to be instilled into the eyes of an infant within 24 hours after the infant's birth prophylactic eye drops, except for an infant whose parents object to this procedure on the grounds that it conflicts with their religious tenets and practices. This amendment updates the term "eye drops" to "ophthalmic ointment" to reflect current practice, removes the civil penalties for noncompliance and removes the exemption based on religious tenets and practices.

This amendment also requires every physician, midwife or nurse in charge at the birth of an infant to administer vitamin K to an infant intramuscularly to prevent vitamin K deficiency bleeding in infants within six hours after the infant's birth.

It requires the Department of Health and Human Services to adopt rules to implement this section, including, but not limited to, creating and making publicly available a brochure about the medical benefits and risks of administering the prophylactic ophthalmic ointment and vitamin K injection and providing a form on which a parent can refuse the prophylactic ophthalmic ointment and vitamin K injection for the infant of that parent.

It also requires the Department of Health and Human Services to amend its newborn blood spot screening refusal form to include a section permitting a parent to refuse the prophylactic ophthalmic ointment and vitamin K injection for the infant of that parent.

Enacted Law Summary

Public Law 2019, chapter 426 requires every physician, midwife or nurse in charge at the birth of an infant to administer vitamin K to an infant intramuscularly to prevent vitamin K deficiency bleeding in infants within six hours after the infant's birth and requires every physician, midwife or nurse in charge at the birth of an infant to install or cause to be instilled into the eyes of an infant ophthalmic ointment within 24 hours after the infant's birth.

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It removes the civil penalties for noncompliance and removes the exemption based on religious tenets and practices. It requires the Department of Health and Human Services to adopt rules, including, but not limited to, creating and making publicly available a brochure about the medical benefits and risks of administering the prophylactic ophthalmic ointment and vitamin K injection and providing a form on which a parent can refuse the prophylactic ophthalmic ointment and vitamin K injection for the infant of that parent. It also requires the Department of Health and Human Services to amend its newborn blood spot screening refusal form to include a section permitting a parent to refuse the prophylactic ophthalmic ointment and vitamin K injection for the infant of that parent.

LD 447 An Act Regarding the Substance Use Disorder Continuum of Care

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G MCCREIGHT J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide support for persons with substance use disorder along a continuum of care that includes prevention, law enforcement diversion, treatment, harm reduction and recovery. The bill proposes to provide:

1. Funding for programs that reduce the use of marijuana and so-called "vaping" by youth in Maine in order to reduce the likelihood of neural pathway changes that can lead to addiction later in life;
2. Ongoing support for detoxification as a path to recovery;
3. Reimbursement under the MaineCare program for substance use disorder peer recovery coaches;
4. Funding to the Bangor Area Recovery Network for addiction recovery support;
5. Support for regional 2-1-1 hotlines to offer referrals to persons with substance use disorder for local services; and
6. Access to evidence-based approaches to prevent substance use and treat substance use disorder in rural areas.

LD 459 An Act Regarding Presumptive Eligibility and Homelessness under the General Assistance Laws

PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN B	OTP-AM ONTP	S-215 S-363 BREEN C

This bill defines "homelessness" for the purposes of the laws governing general assistance and specifies that a person experiencing or facing homelessness who meets the conditions for receiving emergency assistance in current law is eligible for emergency general assistance.

Committee Amendment "A" (S-215)

This amendment, which is the majority report of the committee, changes the definition of "homelessness" in the bill to remove references to a need for permanent or safe housing. It adds a requirement for the Department of Health and Human Services to reimburse a municipality 100% of direct general assistance costs after a person has spent 90 consecutive nights homeless or in an emergency shelter for the homeless. It also establishes presumptive eligibility for general assistance for 30 days for persons who are provided shelter at emergency shelters for the homeless and specifies that no other municipality may be determined to be the municipality of responsibility during that 30-day

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period. It also requires the Department of Health and Human Services to establish a work group of stakeholders to examine the municipal general assistance program and report findings to the Joint Standing Committee on Health and Human Services no later than January 2, 2020.

Senate Amendment "A" To Committee Amendment "A" (S-363)

This amendment removes the language requiring the Department of Health and Human Services to reimburse a municipality 100% of direct general assistance costs after a person has spent 90 consecutive nights homeless or living in an emergency shelter for the homeless.

Enacted Law Summary

Public Law 2019, chapter 515 defines "homelessness" for the purposes of the laws governing general assistance and specifies that a person experiencing or facing homelessness who meets the conditions for receiving emergency assistance in current law is eligible for emergency general assistance. It also establishes presumptive eligibility for general assistance for 30 days for persons who are provided shelter at emergency shelters for the homeless and specifies that no other municipality may be determined to be the municipality of responsibility during that 30-day period. The Department of Health and Human Services is required to establish a work group of stakeholders to examine the municipal general assistance program and report findings to the Joint Standing Committee on Health and Human Services no later than January 2, 2020.

LD 463 An Act To Reduce Obesity Rates in Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE T SANBORN L	ONTP	

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to develop a comprehensive state plan relating to the reduction of unhealthy weight and obesity. The plan must include coordination of activities within the Department of Health and Human Services and among state departments, efforts to monitor rates of unhealthy weight and obesity, including a survey of food and drink consumption and physical exercise, and a media plan to reduce the consumption of sugary drinks. The department is required to submit the plan to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2020 and every two years thereafter. The bill also includes a position within the Maine Center for Disease Control and Prevention, or contracted for by the department, as a coordinator of the state plan. The bill also appropriates funds to develop and implement the plan, to improve surveillance and epidemiology related to obesity and to fund one Obesity Care Coordinator position in the Maine Center for Disease Control and Prevention.

LD 472 An Act To Provide Meals to Homebound Individuals

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATLACK A MIRAMANT D	OTP-AM	H-12

This bill provides for the appropriation of funding to provide meals to homebound individuals. This bill also establishes a work group to research food access barriers and make recommendations to the Joint Standing Committee on Health and Human Services about how to leverage resources to ensure regular, adequate nutrition for homebound individuals in the State and to forecast future demand and identify the appropriate level of funding in the future.

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Committee Amendment "A" (H-12)

This amendment removes the work group to research food access barriers from the bill.

Public Law 2019, chapter 343 (the biennial budget) included some funding for two years to provide meals to homebound individuals.

LD 474 Resolve, To Establish a Medically Tailored Food Pilot Project

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L PIERCE T	OTP-AM	S-36

This resolve directs the Department of Health and Human Services to request the United States Department of Agriculture to waive the asset test for determining the eligibility for the federal supplemental nutrition assistance program of any household in which there is an individual who is 60 years of age or older. It also directs the department to develop a pilot project to provide home-delivered meals to individuals who are 60 years of age or older and who are homebound or at risk for readmission to a health care facility. It requires the department to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters at the conclusion of the pilot project. The bill also provides funding to eliminate the waiting list for home-delivered meals to homebound individuals who are over 60 years of age who cannot prepare meals and do not have others available to prepare meals for them.

Committee Amendment "A" (S-36)

This amendment removes from the resolve the provisions relating to requesting a waiver from the asset test for the federal supplemental nutrition assistance program and providing additional funds to eliminate the waiting list for home-delivered meals to homebound individuals. The amendment also clarifies that the demonstration waiver for medically tailored foods applies to individuals who are 60 years of age or older, homebound and at risk for readmission to a health care facility. It changes the date for reporting on the two-year pilot project to January 1, 2023 and clarifies that the pilot project goes forward only if the waiver is approved by the federal government. The amendment also includes an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 476 Resolve, To Review the Delivery of Services to the Citizens of the State
by the Department of Health and Human Services**

ONTP

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

This resolve requires the Commissioner of Health and Human Services, working with health and human services providers in York County and Cumberland County as well as with other stakeholders, to review the programs, services and operations of the Department of Health and Human Services and determine if any of those programs, services and operations can be delivered more efficiently at the county level. The commissioner is required to submit a report to the Joint Standing Committee on Health and Human Services detailing the findings of the review. The committee is authorized to submit legislation based on the report to the Second Regular Session of the 129th Legislature.

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**LD 493 An Act To Provide Lung Cancer Counseling and Screening for
MaineCare Recipients**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D	OTP-AM	S-223

This bill requires that shared decision-making counseling and annual screening for lung cancer for certain recipients be reimbursed under the MaineCare program. The Department of Health and Human Services may adopt routine technical rules to implement this requirement.

Committee Amendment "A" (S-223)

This amendment adds an appropriations and allocations section. The amendment also reallocates the statutory language to avoid a numbering conflict with a prior enacted section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 494 An Act To Update the Family Planning Statutes

PUBLIC 236

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GATTINE D	OTP-AM OTP-AM	S-151

This bill updates language in the laws governing family planning.

Committee Amendment "A" (S-151)

This amendment, which is the majority report of the committee, amends the bill to remove conflicts with other provisions in statute relating to consent by minors. Current law provides that the treatment of a minor for a sexually transmitted infection does not require the consent of the minor's parent or guardian. This amendment provides that the prevention or treatment of a sexually transmitted infection does not require the consent of the minor's parent or guardian. Current law also provides that family planning services may be provided to a minor who is a parent, who is married, with the consent of the minor's guardian or if the minor will suffer probable health hazards. This amendment provides that a health care provider may provide family planning services to a minor without requiring the consent of the minor's parent or guardian, just as with sexually transmitted infections. This amendment clarifies that the provisions of the Maine Revised Statutes, Title 22, chapter 406 regarding family planning services are not intended to change the scope of practice of a health care provider. It also makes other technical changes.

Committee Amendment "B" (S-152)

This amendment, which is the minority report of the committee, amends the bill to remove conflicts with other provisions in statute relating to consent by minors. Current law provides that the treatment of a minor for a sexually transmitted infection does not require the consent of the minor's parent or guardian. The amendment provides that the prevention or treatment of a sexually transmitted infection does not require the consent of the minor's parent or guardian. The amendment clarifies that the provisions of the Maine Revised Statutes, Title 22, chapter 406 regarding family planning services are not intended to change the scope of practice of a health care provider. It also makes other technical changes.

This amendment was not adopted.

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Enacted Law Summary

Public Law 2019, chapter 236 updates language in the laws governing family planning, makes technical changes and removes conflicts with other provisions in statute relating to consent by minors. It clarifies that the provisions of the Maine Revised Statutes, Title 22, chapter 406 regarding family planning services are not intended to change the scope of practice of a health care provider.

LD 498 Resolve, Regarding Reimbursement of Physical Medicine and Rehabilitation Codes under MaineCare CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L BRENNAN M	OTP-AM	S-144

This resolve sets the reimbursement rates for occupational therapy and physical therapy services under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 68 and 85 at 70% of the federal Medicare reimbursement rate as long as the rate is no lower than the rate in effect on January 1, 2019.

Committee Amendment "A" (S-144)

This amendment adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 500 An Act To Extend the Limitation on Prescribing Opioids for Certain Individuals with Chronic Pain ONTP

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

Current law prohibits an individual licensed to prescribe opioid medication from prescribing more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. This bill allows an individual licensed to prescribe opioid medication to prescribe no more than a six-month supply of an opioid medication to a patient under treatment for chronic pain who has been prescribed medication for chronic pain continually for at least five years or is 63 years of age or older.

LD 508 Resolve, To Study the Protection of Youth and Young Adults from Addiction and Premature Death by Restricting Marketing of Tobacco Products CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GROHOSKI N MOORE M		

This resolve requires the Office of the Attorney General to research marketing practices by the tobacco industry and regulatory options for the State to employ to curb youth and young adult use of and addiction to tobacco products, including electronic nicotine delivery systems. The Office of the Attorney General is required to report its findings to the Joint Standing Committee on Health and Human Services by February 1, 2020, and the committee is required

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to submit a bill to the Second Regular Session of the 129th Legislature related to the report.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 511	An Act To Create a Position within the Department of Health and Human Services To Coordinate Dementia Programs and Services	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN M SANBORN L	OTP-AM	H-159

This bill establishes a position within the Department of Health and Human Services, Office of Aging and Disability Services for coordinating programs and services to Maine's population with Alzheimer's disease and other dementias across departments and branches of State Government. The coordinator is required to implement recommendations developed by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and national organizations such as the Alzheimer's Association and plans developed by the Department of Health and Human Services relating to Alzheimer's disease and other dementias. The department is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters outlining the activities and progress of the coordinator and the department. The bill includes funding for the coordinator position.

Committee Amendment "A" (H-159)

This amendment replaces references to "Alzheimer's disease and other dementias" from the bill and uses the term "dementia" instead. It also clarifies that the coordinator oversees the implementation of any state or federal plans related to dementia and that programs and services are for both individuals with dementia and their families.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 538	An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients	PUBLIC 209 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM	H-347

This bill repeals the provision of the Maine Medical Use of Marijuana Act that requires visiting qualifying patients to designate a registered caregiver or dispensary in order to obtain harvested marijuana.

Committee Amendment "A" (H-347)

This amendment, which is the unanimous report of the committee, adds an emergency preamble and emergency clause to the bill. It removes the requirement that a visiting qualifying patient obtain valid written certification pursuant to Maine law from the visiting patient's medical provider. It also directs the Department of Administrative and Financial Services to maintain a list of other jurisdictions that authorize the medical use of marijuana and the images of the valid medical marijuana certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries.

Enacted Law Summary

Public Law 2019, chapter 209 removes the requirement that a visiting qualifying patient obtain valid written certification pursuant to Maine law from the visiting patient's medical provider. It also directs the Department of

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Administrative and Financial Services to maintain a list of other jurisdictions that authorize the medical use of marijuana and the images of the valid medical marijuana certifications from those jurisdictions and make that information available to registered caregivers and registered dispensaries.

Public Law 2019, chapter 209 was enacted as an emergency measure effective June 6, 2019.

LD 539 Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Nursing Facilities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREA D MILLETT R	OTP-AM	H-131

This resolve directs the Department of Health and Human Services to amend its MaineCare rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities. The rules are designated as routine technical rules.

Committee Amendment "A" (H-131)

This amendment increases the personal needs allowance for residents of nursing facilities to \$50 rather than the \$70 required in the resolve. It removes the section of the resolve that increases the personal needs allowance for residents of residential care facilities. The amendment also specifies the rule chapter of the Department of Health and Human Services that is changed, changes the title of the resolve and adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 551 An Act To Ban Nicotine Liquid Containers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M DILLINGHAM K	ONTP	

This bill prohibits, beginning January 1, 2020, a person from selling, furnishing or giving away a nicotine liquid container.

LD 552 An Act Relating to Penalties for an Employer for the Retail Sale of Tobacco Products to a Minor when the Employer Possesses a Driver's License Reader ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B ORDWAY L	ONTP	

This bill provides that an employer who sells tobacco products and who has an electronic age verification device is not subject to a civil violation if a person employed by the employer does not use the electronic age verification device to verify a person's age for the sale of tobacco products and sells a tobacco product to a person who has not attained 21 years of age.

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LD 578 Resolve, To Create a Pilot Program To Assist the Transition to Recovery of Persons Suffering from Opioid Use Disorder ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P BELLOWS S	ONTP	

This resolve directs the Commissioner of Health and Human Services to develop a pilot program designed to assist the transition to recovery of persons suffering from opioid use disorder. The resolve directs the commissioner, by December 2, 2020, to submit a written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters summarizing the results of the pilot program, together with any recommendations for continuation of the program, and authorizes the joint standing committee to submit a bill relating to the subject matter of the report to the First Regular Session of the 130th Legislature.

LD 583 Resolve, Directing the Department of Health and Human Services To Study the State's Long-term Services and Supports System for Older Adults ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J MOORE M	ONTP	

This resolve directs the Department of Health and Human Services to perform a study to determine how to most efficiently manage and fund the various long-term care support programs for older adults operated by the department. It allows the department to accept outside funding to fund the costs of the study and directs the department to report by January 15, 2020, the results of the study to the Joint Standing Committee on Health and Human Services, which is authorized to report out a bill regarding the results of the study to the Second Regular Session of the 129th Legislature.

LD 593 Resolve, To Stabilize the Behavioral Health Workforce and Avert More Expensive Treatments CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C MADIGAN C	OTP-AM ONTP	S-143 S-161 BREEN C

This resolve provides funding to increase rates by 8% in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services. The resolve also specifies that the increase in reimbursement rates must be applied to wages and benefits for employees who provide direct care services and not to administrators or managers and that to qualify for the rate increase an agency providing services must demonstrate, to the satisfaction of the Department of Health and Human Services, that an increase in wages and benefits has been granted to employees providing direct care services that equals the amount of the projected increase in reimbursement to be received.

Committee Amendment "A" (S-143)

This amendment, which is the majority report of the committee, updates the appropriations and allocations section to reflect a more recent estimate of the cost.

Senate Amendment "A" To Committee Amendment "A" (S-161)

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This amendment removes the emergency preamble and clause and changes the date by which the Department of Health and Human Services must amend its rule.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 606 Resolve, To Require the Department of Health and Human Services To Provide Cost-based Reimbursement to Maine Veterans' Homes **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L GATTINE D	OTP-AM	S-120

This resolve requires the Department of Health and Human Services to amend its rules governing MaineCare reimbursement in order to provide cost-based reimbursement to Maine Veterans' Homes nursing facilities.

Committee Amendment "A" (S-120)

This amendment adds an appropriations and allocations section.

Public Law 2019, chapter 343 (the biennial budget), Part XXXX, provided one-time funding of \$750,000 in each fiscal year of the biennium for supplemental payments to Maine Veterans' Homes nursing facilities.

LD 613 Resolve, Concerning the Adoption of Rules To Carry Out the Purpose of the Bridging Rental Assistance Program **RESOLVE 60**

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

This resolve directs the Department of Health and Human Services to adopt rules for the Bridging Rental Assistance Program in order to ensure fairness, equity and access to the program for those persons with mental illness who qualify for the program. The department is required to submit a report to the Joint Standing Committee on Health and Human Services if the department anticipates a delay in the adoption of the rules.

Enacted Law Summary

Resolve 2019, chapter 60 directs the Department of Health and Human Services to adopt rules for the Bridging Rental Assistance Program in order to ensure fairness, equity and access to the program for those persons with mental illness who qualify for the program. The department is required to submit a report to the Joint Standing Committee on Health and Human Services if the department anticipates a delay in the adoption of the rules.

LD 615 An Act To Protect the Integrity of the MaineCare Program **PUBLIC 266**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P GRATWICK G	OTP-AM	H-306

This bill provides that, without authorization from the Legislature by proper enactment of a law, the Department of Health and Human Services may not implement changes in the Medicaid program or the federal State Children's Health Insurance Program that significantly change enrollment in the program, the category or scope of covered

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services or the funding mechanisms for the program, unless required by federal law.

Committee Amendment "A" (H-306)

This amendment, which is the unanimous report of the committee, adds language describing the situations in which the Department of Health and Human Services may not implement changes in the Medicaid program or the federal State Children's Health Insurance Program without proper authorization from the Legislature.

Enacted Law Summary

Public Law 2019, chapter 266 provides that, without authorization from the Legislature by proper enactment of a law, the Department of Health and Human Services may not implement changes in the Medicaid program or the federal State Children's Health Insurance Program that significantly change enrollment in the program, the category or scope of covered services or the funding mechanisms for the program, unless required by federal law.

LD 633 An Act To Create a Kinship Care Navigator Program within the Department of Health and Human Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S	OTP-AM	H-195

This bill requires the Commissioner of Health and Human Services to appoint one person to administer all issues related to the placement of a child with a relative.

Committee Amendment "A" (H-195)

This amendment, which is the unanimous report of the committee, replaces the bill. It establishes within the Department of Health and Human Services the kinship care navigator program to provide resources and information to persons providing kinship care to children in the State. It requires the Commissioner of Health and Human Services to designate one person to administer the program. It also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 646 An Act To Improve Trust with Regard to Home Visitation by the Department of Health and Human Services by Requiring That Certain Visits Be Videotaped

ONTP

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

This bill requires Department of Health and Human Services staff who visit the home of a child to investigate or assess an allegation of abuse or neglect to videotape all interviews conducted during the visit.

LD 653 Resolve, To Establish the Task Force To Study Opportunities for Improving Home and Community-based Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J SANBORN H		

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This resolve establishes the Task Force To Study Opportunities for Improving Home and Community-based Services. The task force membership consists of Legislators, representatives of entities knowledgeable about or involved in home and community-based services, one provider of such services, one recipient of such services, the Commissioner of Health and Human Services, the Commissioner of Labor and one member of the public. The task force's duties include examination and review of the unmet need for home and community-based services, adequacy of the workforce providing home and community-based services, current systems for delivering home and community-based services and reimbursement arrangements in the home and community-based services sector. The task force is required to publish an interim report by October 15, 2019 and then seek input from stakeholders around the State. The task force must report its findings and recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Health and Human Services by December 15, 2019.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 683 An Act To Provide Social Workers to Persons with Mental Illness to Help Them Avoid Incarceration ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide social workers to persons with mental illness who are in crisis or pose a threat to themselves or others in order for them to avoid incarceration and protect their safety and the safety of others.

LD 684 Resolve, Relating to the Prevention and Management of Neonatal Abstinence Syndrome ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C FARRIN B	ONTP	

This resolve requires the Department of Health and Human Services to develop recommendations for measures related to the prevention and management of neonatal abstinence syndrome.

LD 692 Resolve, To Address Reimbursement Rates for Licensed Clinical Social Workers under MaineCare CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L BELLOWS S	OTP-AM	H-407

This resolve directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III to increase reimbursement rates for counseling services provided by licensed clinical social workers to no less than the lowest reimbursement rate for the same counseling services paid by an insurance carrier licensed in this State. The rules are routine technical rules and must be amended no later than January 1, 2020.

Committee Amendment "A" (H-407)

This amendment specifies that the services provided by independent licensed clinical social workers are provided

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under Section 65 of rule Chapter 101: MaineCare Benefits Manual, Chapter III. Rather than increasing rates to the lowest reimbursement rate for the same service paid by an insurance carrier licensed in Maine, the amendment increases rates to 70% of the Medicare rate for the closest equivalent service, since there is no exact equivalent rate under Medicare. The amendment also adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 697 Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S PEOPLES A		

This resolve directs the Department of Health and Human Services to review and update its rules governing the provision of and reimbursement for in-home personal care assistance services to ensure the provision of high-quality care and to provide protections to vulnerable people who receive personal care assistance services.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 699 Resolve, To Provide for Outreach Programs To Assist Women at Risk of Giving Birth to Substance-exposed Infants RESOLVE 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM	S-121 S-328 BREEN C

This resolve requires the Department of Health and Human Services to contract with a community-based nonprofit organization to develop outreach and educational programs regarding reproductive and sexual health care for women and adolescents at highest risk of experiencing an unintended pregnancy. The programming must emphasize the right to individual self-determination regarding family planning and childbearing and be targeted to women and adolescents experiencing substance use disorder, homelessness or other circumstances that indicate a need for family planning services or who are involved in the correctional system.

Committee Amendment "A" (S-121)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-328)

This amendment changes the funding source from the General Fund to the Fund for a Healthy Maine.

Enacted Law Summary

Resolve 2019, chapter 103 requires the Department of Health and Human Services to contract with a community-based nonprofit organization to develop outreach and educational programs regarding reproductive and sexual health care for women and adolescents at highest risk of experiencing an unintended pregnancy. The programming must emphasize the right to individual self-determination regarding family planning and childbearing and be targeted to women and adolescents experiencing substance use disorder, homelessness or other circumstances that indicate a need for family planning services or who are involved in the correctional system. The

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funding for the contracts comes from the Fund for a Healthy Maine.

LD 706 An Act To Reduce the Incidence of Obesity and Chronic Disease in the State CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-33

This bill provides for reimbursement under the MaineCare program for medical nutritional therapy and prescription drug therapy.

Committee Amendment "A" (S-33)

This amendment, which is the unanimous report of the committee, amends the bill by changing the term "medical nutritional therapy" to "medical nutrition therapy" to accurately reflect common usage of the term. It adds physician assistants to the group of medical providers authorized to provide medical nutrition therapy that is reimbursable under MaineCare. It clarifies that medical nutrition therapy is reimbursable by MaineCare in any setting in which the authorized medical provider practices. It also removes the provisions of the bill that provide for the reimbursement under the MaineCare program for certain prescription drugs to treat obesity.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 717 An Act To Provide Comprehensive Mental Health Treatment Reform ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a seamless crisis services system that allows high-risk patients timely access to inpatient care and to increase communication within the crisis services system to better manage patients after discharge. The purpose of this bill is to save lives and improve the overall quality and integrity of the crisis services system by:

1. Creating a single point of entry for a high-risk patient by designating an independent entity of a hospital to provide clinical assessment of the patient and determine whether the patient meets inpatient criteria of care;
2. Adopting universal criteria under which priority admission for a patient is based on acuteness of crisis and length of stay in an emergency room;
3. Requiring hospitals to communicate with and make referrals to community providers for aftercare within 24 hours following discharge from the emergency room or inpatient treatment when patients are most at risk of suicide; and
4. Exploring further significant upgrades, access and training in developing prevention and postintervention services with the goal of avoiding hospitalization of patients with mental illness who are not in need of psychiatric hospitalization and can be stabilized in the community.

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LD 724 An Act To Amend the Maine Background Check Center Act To Provide ONTP
Employers Flexibility To Use Approved Alternate Vendors

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J HERBIG E	ONTP	

This bill allows an employer seeking to conduct a comprehensive background check for a direct access worker under the Maine Background Check Center Act to apply for and obtain at any time from the Department of Health and Human Services approval to use an approved alternate vendor instead of the Background Check Center as long as all other laws and rules pertaining to the use of alternate vendors are complied with in order for the employer to obtain approval.

LD 738 Resolve, Directing the Commissioner of Health and Human Services To ONTP
Convene a Study Group To Review the Crisis Response System in the
State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D SANBORN L	ONTP	

This resolve requires the Commissioner of Health and Human Services to convene a study group of interested parties to review the crisis response system in the State. The study group is required to submit its report, including any recommended legislation, to the Joint Standing Committee on Health and Human Services no later than December 15, 2019. The joint standing committee may submit legislation related to the report to the Second Regular Session of the 129th Legislature.

LD 745 An Act To Support the Northern New England Poison Center CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E CLAXTON N	OTP-AM	H-67

This bill appropriates funds to the Northern New England Poison Center to ensure continued access to 24-hour expert medical treatment advice and information on potentially harmful substances.

Committee Amendment "A" (H-67)

This amendment incorporates a fiscal note.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 752 An Act To Reduce Food Insecurity and Promote Economic Growth ONTP

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

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This bill accomplishes the following.

1. It directs the Department of Health and Human Services to seek a waiver beginning with federal fiscal year 2020, which begins October 1, 2019, and for each federal fiscal year thereafter to allow individuals otherwise subject to a three-month limit on federal food supplement program benefits to continue to receive benefits if those individuals reside in counties, labor market areas or other areas that qualify for a waiver because of high unemployment or a lack of a sufficient number of jobs to provide employment for those individuals.
2. It requires the Department of Health and Human Services to calculate the amount of the food stamp standard utility allowance using reliable data reflecting actual utility costs in Maine.
3. It directs the Department of Health and Human Services to request the United States Department of Agriculture to waive the asset test for determining the eligibility for the federal supplemental nutrition assistance program of any household in which there is an individual who is 60 years of age or older or an individual with a disability or that does not include children.

**LD 761 An Act To Ensure That Incarcerated Individuals Are Eligible for
Medicaid during Incarceration and Receive Food Supplement Program
Benefits upon Release**

PUBLIC 492

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M	OTP-AM	H-404

This bill clarifies current law regarding Medicaid eligibility for incarcerated individuals to ensure that individuals who are eligible for Medicaid coverage are able to renew their coverage while they are incarcerated and also establishes a mechanism to ensure that individuals who are uninsured and eligible for Medicaid coverage are able to apply for coverage while they are incarcerated. The bill also requires the Department of Health and Human Services to provide Medicaid coverage for treatment received by an incarcerated person outside a correctional facility as long as, at the time treatment is provided, the person is eligible for Medicaid.

Committee Amendment "A" (H-404)

This amendment, which is the unanimous report of the committee, clarifies the provisions in the bill regarding presumptive eligibility. It also directs the Department of Health and Human Services to apply for a waiver in order to provide food supplement program benefits to a person being released from incarceration. It directs the Department of Health and Human Services and the Department of Corrections to enter into a memorandum of understanding in order to assist an incarcerated person with applying for Medicaid benefits and food supplement program benefits. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 492 clarifies current law regarding Medicaid eligibility for incarcerated individuals to ensure that individuals who are eligible for Medicaid coverage are able to renew their coverage while they are incarcerated. It directs the Department of Health and Human Services and the Department of Corrections to enter into a memorandum of understanding in order to assist an incarcerated person with applying for Medicaid benefits and food supplement program benefits. It provides that persons who are uninsured and eligible for Medicaid receive presumptive eligibility at the time of medical treatment. It also directs the Department of Health and Human Services to apply for a waiver in order to provide food supplement program benefits to a person being released from incarceration.

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LD 763 An Act To Ensure the Availability of Community Integration Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP-AM ONTP	H-252 S-162 GRATWICK G

This bill provides funding to increase reimbursement rates in the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 17 for community integration services to \$24.25 per quarter-hour.

Committee Amendment "A" (H-252)

This amendment, which is the majority report of the committee, replaces the appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-162)

This amendment removes the emergency preamble and emergency clause, changes the date by which the reimbursement rate increase must start to October 1, 2019 and reduces the appropriation for fiscal year 2019-20 due to the delayed start.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 765 Resolve, To Review Asset Limits for Social Service Programs

RESOLVE 41

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C GRATWICK G	OTP-AM	H-247

This resolve directs the Department of Health and Human Services to review asset limits for social service programs and revise the limits to increase the effectiveness of the programs.

Committee Amendment "A" (H-247)

The amendment replaces the resolve. It requires the Department of Health and Human Services to convene a stakeholder group to examine the asset limits for eligibility applied to the elderly low-cost drug program, the Medicare savings program, the Temporary Assistance for Needy Families program and the statewide food supplement program, otherwise known as SNAP. The department and stakeholder group are required to examine the asset limits to determine if they meet the missions of the programs or present barriers and to determine compliance with federal laws and guidelines. The department is required to submit a report, together with its findings, legislative recommendations and any rulemaking activities to the Joint Standing Committee on Health and Human Services no later than December 1, 2019.

Enacted Law Summary

Resolve 2019, chapter 41 requires the Department of Health and Human Services to convene a stakeholder group to examine the asset limits for eligibility applied to the elderly low-cost drug program, the Medicare savings program, the Temporary Assistance for Needy Families program and the statewide food supplement program, otherwise known as SNAP. The department and stakeholder group are required to examine the asset limits to determine if they meet the missions of the programs or present barriers and to determine compliance with federal laws and guidelines. The department is required to submit a report, together with its findings, legislative recommendations

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and any rulemaking activities to the Joint Standing Committee on Health and Human Services no later than December 1, 2019.

LD 775 Resolve, To Direct the Department of Health and Human Services To Amend Its Rules for Eligibility for Community Support Services

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L MOORE M	OTP-AM ONTP	H-403

This bill directs the Department of Health and Human Services to amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services to include access to services to persons who have a diagnosis of bipolar disorder, major depressive disorder, panic disorder or post-traumatic stress disorder.

Committee Amendment "A" (H-403)

This amendment, which is the majority report of the committee, strikes and replaces the bill with a resolve. It directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services concerning eligibility criteria for services under that section. It requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2020 on the rulemaking process, proposed and provisionally adopted rules and justification for the adoption of the proposed rules. It authorizes the committee to report out legislation regarding the subject matter of the rules.

LD 803 An Act To Create 4 Regional Mental Health Receiving Centers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S		

This bill establishes four crisis intervention centers regionally throughout the State that will be operated and maintained by the Department of Health and Human Services. It requires the crisis intervention centers to provide treatment 24 hours a day, seven days a week and to provide sufficient staffing. It provides that the Department of Health and Human Services must adopt rules that include the certification of the crisis intervention centers; the location of the crisis intervention centers to ensure regional accessibility throughout the State; admission and discharge standards; requirements for notice of a person's admission; availability of and patients' access to treatment; the staffing model, with specific descriptions of staffing levels, roles and responsibilities; and patient rights protections; and that, to the extent possible, the rules must be consistent with the Maine Revised Statutes, Title 5, chapter 511; Title 34-B, chapter 1, subchapter 8; and Title 34-B, chapter 3, subchapter 4.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 821 Resolve, To Review Case Loads for Child Welfare Caseworkers

RESOLVE 34 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C BELLOWS S	OTP-AM	H-209

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This bill requires that the Department of Health and Human Services ensure that a caseworker in the Office of Child and Family Services is not assigned a number of cases that exceeds a number established by the department by rule. The number established by the department must be a number recommended by a national organization with expertise in maximum case loads that ensures caseworkers can adequately focus on each case. The bill also provides that the number of caseworkers assigned to any individual support staff may not exceed eight.

Committee Amendment "A" (H-209)

This amendment replaces the bill with a resolve requiring the Department of Health and Human Services to review case load standards for child welfare caseworkers and develop standard case load recommendations with input from child welfare caseworkers and the Public Consulting Group. The Public Consulting Group is currently contracted with the department to evaluate the child welfare program. The department is required to submit a report by October 1, 2019 with its findings and recommendations and then submit annual reports on staffing in the child welfare program in relation to the standard case load recommendations. The reports are submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint legislative committee established to oversee program evaluation and government accountability matters. The amendment adds an emergency preamble and an emergency clause.

Enacted Law Summary

Resolve 2019, chapter 34 requires the Department of Health and Human Services to review case load standards for child welfare caseworkers and develop standard case load recommendations with input from child welfare caseworkers and the Public Consulting Group. The Public Consulting Group is currently contracted with the department to evaluate the child welfare program. The department is required to submit a report by October 1, 2019, with its findings and recommendations and then submit annual reports on staffing in the child welfare program in relation to the standard case load recommendations. The reports are submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint legislative committee established to oversee program evaluation and government accountability matters.

Resolve 2019, chapter 34 was finally passed as an emergency measure effective May 21, 2019.

LD 836 An Act To Expand Maine's School-based Health Centers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J BELLOWS S	OTP-AM ONTP	H-158

This bill provides ongoing funding to the school-based health centers within the Fund for a Healthy Maine program within the Department of Health and Human Services to add an additional 15 school-based health center sites.

Committee Amendment "A" (H-158)

This amendment, which is the majority report of the committee, removes the reference to 15 new school-based health centers from the bill but retains the funding amount. The Department of Health and Human Services distributes the funding through a request for proposals process for the number of sites the funding will support.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 838 Resolve, To Ensure the Continuation of Services to Maine Children and Families ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P MOORE M	ONTP	

Resolve 2017, chapter 56 requires the Department of Health and Human Services to continue certain contractual agreements entered into by the department with Community Partnerships for Protecting Children until January 31, 2019. This resolve amends that resolve to require the department to extend the contractual agreements until at least the termination date specified in the contractual agreement. This resolve applies retroactively to January 31, 2019.

LD 864 An Act To Make Whole Family Support Available Statewide Leave to Withdraw Pursuant to Joint Rule

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

This bill requires community action agencies to establish support programs to serve families to assist parents with children as they pursue stable employment, pursue education intended to lead to employment or otherwise pursue self-sufficiency. The bill also provides funding for community action agencies to establish the support programs.

LD 876 Resolve, Directing the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services To Build Peer Respite Program Capacity in Maine by Implementing at Least One Peer Respite Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C DESCHAMBAULT S	ONTP	

This resolve directs the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services to implement by means of a request-for-proposals process at least one peer respite program in the State to provide a voluntary, short-term residential program designed to support individuals experiencing, or at risk of, a psychiatric crisis.

LD 880 Resolve, Regarding the Impact of Minimum Wage Increases and Paid Time Off Requirements on MaineCare Reimbursement Rates CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-470

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide methods of allowing the State to respond more quickly to changes in federal law affecting social programs used by citizens of Maine.

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Committee Amendment "A" (H-470)

This amendment replaces the bill with a resolve requiring the Department of Health and Human Services to study the impact of increases in the minimum wage and any statutory requirements for earned paid leave on the reimbursement rates for all services reimbursed under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III. The department is required to develop an assessment of future shortfalls and develop a plan to ensure that reimbursement rates remain sufficient to cover any future increases. The department may consult or contract with any experts or stakeholders that the department determines appropriate. The department shall report its findings, recommendations and suggested legislation to the Joint Standing Committee on Health and Human Services no later than March 1, 2020.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 915 An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T DILLINGHAM K	OTP-AM	S-104

This bill specifies that beginning September 1, 2019 the reimbursement rate for ambulance services under the MaineCare program may not be less than the average allowable reimbursement rate under Medicare and reimbursement for neonatal transport services under MaineCare must be at the average rate for critical care transport services under Medicare.

Committee Amendment "A" (S-104)

This amendment adds an appropriations and allocations section to provide funding to increase the reimbursement rate for ambulance services.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

The substance of this bill was incorporated in Public Law, chapter 530 (LD 1028 in TAX).

LD 931 An Act To Reduce Obesity by Reimbursing for Prescription Drug Therapy Provided by a Member of a Weight Management Team CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM ONTP	H-138

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing the Department of Health and Human Services.

Committee Amendment "A" (H-138)

This amendment, which is the majority report of the committee, strikes the bill, which is a concept draft, to provide for reimbursement under the MaineCare program for prescription drug therapy services to treat obesity. The amendment also adds an appropriations and allocations section.

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This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 934 Resolve, To Review the Implementation of the Maine Background Check Center Act

RESOLVE 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CLAXTON N	OTP-AM	H-348

This resolve directs the Commissioner of Health and Human Services to convene a study group to assess the effects of the implementation of the system of background checks established by the Maine Background Check Center Act. The commissioner is required to submit a report, including any recommended legislation, by December 15, 2019 to the Joint Standing Committee on Health and Human Services, which may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (H-348)

This amendment, which is the unanimous report of the committee, adds a directive to the study group to consider any barriers to implementing all required background checks under one background check system.

Enacted Law Summary

Resolve 2019, chapter 53 directs the Commissioner of Health and Human Services to convene a study group to assess the effects of the implementation of the system of background checks established by the Maine Background Check Center Act and to consider any barriers to implementing all required background checks under one background check system. The commissioner is required to submit a report, including any recommended legislation, by December 15, 2019 to the Joint Standing Committee on Health and Human Services, which may submit legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 935 An Act To Increase the Viability of Assisted Living Facilities by Increasing the Rate of Reimbursement

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A CLAXTON N	OTP-AM	H-198

Under current law, the MaineCare payment rates attributable to wages and salaries for personal care and related services for adult family care services, adult day services and homemaker services must be increased by a cost-of-living adjustment until the Department of Health and Human Services has completed a rate study conducted by a third party, including participation of providers, for adult family care services, adult day services or homemaker services and the rates in the rate study have been implemented. This bill requires that the rates determined by the department pursuant to the rate study also must be increased by a cost-of-living adjustment.

Committee Amendment "A" (H-198)

This amendment adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

Joint Standing Committee on Health and Human Services

LD 949 An Act To Prevent Overdose Deaths

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP OTP-AM	

This bill directs the Department of Health and Human Services to certify two facilities in the State to provide safe and secure locations for people to self-administer previously obtained drugs. The bill requires the facilities to have health care personnel and other trained staff, to provide information concerning drug overdoses and diseases associated with drug use, to administer first aid or other medications in case of an overdose and to provide referrals to other services that clients of the facilities may need. The bill provides immunity from arrest or prosecution to clients and staff members acting in accordance with the provisions of the bill and creates a tolerance zone within a half mile of each facility. The facilities are directed to report certain demographic and other information to the department, which is directed to analyze the information and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The department is also directed to review the effectiveness of the facilities to determine whether to open additional facilities.

Committee Amendment "A" (H-571)

This amendment, which is the minority report of the committee, replaces the bill. It makes the following changes to the bill.

1. It changes the term "safer drug use facility" to "overdose prevention site."
2. It establishes qualifications and requirements for an overdose prevention site.
3. It provides for a municipal referendum on the location of an overdose prevention site within that municipality.
4. It includes additional violations for which a person may not be arrested, prosecuted or subject to a revocation of probation.
5. It requires the State to defend in criminal or civil action or provide funding for private defense in the event that the Federal Government attempts to stop the operation of an overdose prevention site.
6. It changes the authority for the Department of Health and Human Services rulemaking from routine technical to major substantive.
7. It adds an appropriations and allocations section for funding for a contract with a third party for program evaluation and two positions within the Department of Health and Human Services, Division of Licensing and Regulatory Services.

This amendment was not adopted.

**LD 964 Resolve, To Study Housing Options for Persons with Mental Health
Challenges and Substance Use Disorder**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEEBE-CENTER P MOORE M	ONTP	

Joint Standing Committee on Health and Human Services

This resolve establishes the Study Commission to Assess Housing Needs of Persons with Mental Health Challenges and Substance Use Disorder and requires the study commission to assess the housing needs of persons who are living with mental health challenges and who have substance use disorder, with a focus on the needs of such individuals located in rural Maine. The study commission is required to explore methods of expanding the options and availability of housing for such individuals, including options that support the unique housing needs of such individuals, and report its findings and recommendations to the Second Regular Session of the 129th Legislature.

LD 966 An Act To Ensure Safer Childhood Vaccines

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require that patient intake forms used by all health care facilities, including hospitals, emergency rooms, urgent care facilities, health care clinics and doctor's offices, include a question on the form regarding the date of the patient's most recent vaccine. This vaccine-related information will then be provided to the United States Department of Health and Human Services to aid its efforts to ensure safer childhood vaccines.

LD 972 Resolve, To Increase Access to Brain Injury Waiver Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP-AM	H-245

This resolve directs the Department of Health and Human Services to increase the rates for services provided to MaineCare members receiving Home Support (Residential Habilitation) Level I under the brain injury waiver, rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 18, to no less than \$8.63 per quarter hour. It also allows up to 400 units of care coordination each year rather than only in the first year of receiving services under the waiver. The Department of Health and Human Services is directed to explore opportunities to provide additional telehealth services, including care coordination services, provided by both licensed medical personnel and nonlicensed personnel.

Committee Amendment "A" (H-245)

This amendment clarifies that the Department of Health and Human Services must seek approval from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to amend the brain injury waiver to increase rates for Home Support (Residential Habilitation) Level I to no less than \$8.63 per quarter hour. It also requires the department to include any findings from exploring telehealth opportunities for brain injury services to be submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters as part of the annual telehealth report. The amendment also adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 976 An Act To Require Additional Lead Screening for Children

PUBLIC 201

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V	OTP-AM	H-296

This bill amends the Lead Poisoning Control Act to require blood lead level testing of all children not covered by the MaineCare program at one year of age, two years of age and six years of age.

Committee Amendment "A" (H-296)

This amendment, which is the unanimous report of the committee, replaces the bill. It changes the definition of "lead poisoning" in the Lead Poisoning Control Act to mean a confirmed elevated level of blood lead that is equal to or exceeds five micrograms per deciliter. It also requires the Department of Health and Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters when the federal Department of Health and Human Services, Centers for Disease Control and Prevention changes the reference level at which it recommends public health actions be taken with respect to blood lead levels in children.

Enacted Law Summary

Public Law 2019, chapter 201 changes the definition of "lead poisoning" in the Lead Poisoning Control Act to mean a confirmed elevated level of blood lead that is equal to or exceeds five micrograms per deciliter. It also requires the Department of Health and Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters when the federal Department of Health and Human Services, Centers for Disease Control and Prevention changes the reference level at which it recommends public health actions be taken with respect to blood lead levels in children.

LD 981 An Act To Implement the State's Recently Approved Request for a Section 1115 Demonstration for MaineCare

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B TIMBERLAKE J	ONTP OTP-AM	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to implement the State's request for approval of a so-called Section 1115 demonstration for MaineCare that was recently granted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. Under the bill, an individual who receives MaineCare benefits will be required to:

1. Work 20 hours a week;
2. Pay monthly premiums of up to \$40; and
3. Contribute \$10 if the individual goes to an emergency department for a nonemergency issue.

Committee Amendment "A" (H-216)

This amendment replaces the concept draft and is the minority report of the committee. The amendment requires the Department of Health and Human Services to submit a request for a Section 1115 waiver similar to the waiver that was approved in 2018 and withdrawn in January 2019. The waiver would require MaineCare members 19 to 64 years of age who are considered able bodied to participate in work or similar activities for 20 hours a week and pay

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monthly premiums based on income. The department is required to examine the possibilities for MaineCare members earning 100% to 138% of the federal poverty level to purchase private health insurance, including on the federal marketplace exchange established under the Patient Protection and Affordable Care Act, and take all practicable steps to assist those members to purchase private insurance. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 982	Resolve, To Expand the Use of the Women, Infants and Children Special Supplemental Food Program at Farmers' Markets	RESOLVE 93
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-427

This resolve directs the Commissioner of Health and Human Services to amend the rules regarding the use of the Women, Infants and Children Special Supplemental Food Program at farmers' markets by expanding the program from seasonal to include all 12 months of the calendar year and by expanding the scope of food products that may be purchased through the program at a farmers' market from only fresh fruits and vegetables to all food products allowed to be purchased through the program in general.

Committee Amendment "A" (H-427)

This amendment strikes and replaces the resolve and adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2019, chapter 93 provides additional funding to the Maine Center for Disease Control and Prevention to expand the use of the Women, Infants and Children's Supplemental Food Program at farmers' markets.

LD 984	Resolve, To Develop Plans To Return to the State Children Housed in Residential Treatment Systems outside of the State	RESOLVE 54
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L LIBBY N	OTP-AM	H-352

This resolve requires the Department of Health and Human Services to coordinate with families of children who are receiving certain services out of state to develop plans to bring the children back to the State to receive the required services and care. The resolve also suspends current contracts regarding any psychiatric residential treatment facility licensed by the department and prohibits the department from issuing new contracts for such facilities. The suspension and moratorium are lifted 30 days after the department submits a report, as required by this resolve, to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services regarding the adequacy of beds and staffing levels in those facilities and the need to increase the MaineCare reimbursement rate to allow for additional facilities or staffing.

Additionally, the resolve provides funding to increase rates in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, Children's Home and Community Based Treatment and Section 97, Appendix D, Principles of Reimbursement for Child Care Facilities by 30% no later than October 1, 2019.

Committee Amendment "A" (H-352)

This amendment removes from the resolve the sections relating to psychiatric residential treatment facilities and

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increasing MaineCare reimbursement rates under rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 65 and Section 97, Appendix D. The amendment requires the Department of Health and Human Services to negotiate reimbursement rates with providers to provide services to children returning to the State, including deviating from reimbursement rates established by department rules in order to access additional services.

Enacted Law Summary

Resolve 2019, chapter 54 requires the Department of Health and Human Services to coordinate with families of children who are receiving certain services out of state to develop plans to bring the children back to the State to receive the required services and care. It authorizes the Department of Health and Human Services to negotiate reimbursement rates with providers to provide services to children returning to the State, including deviating from reimbursement rates established by department rules in order to access additional services.

**LD 986 An Act To Expand Lead Inspections to Other Properties of the Owner of ONTP
a Property Determined to Contain Lead**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J LIBBY N	ONTP	

This bill requires an owner of a dwelling unit determined by the Department of Health and Human Services to have a case of lead poisoning to provide the name, principal address and contact information for the owner of the dwelling unit. If the owner is a business entity, this bill requires the name, principal address and contact information for each partner, officer, director, member, principal or shareholder of that business entity. If an owner or a partner, officer, director, member, principal or shareholder owns or co-owns another residential property built prior to 1978 and located in a high-density lead poisoning area, the Department of Health and Human Services is authorized to inspect every dwelling unit of that other residential property unless the owner can produce a certified lead inspection report conducted within the past three years showing that the other property is lead-safe. This bill splits any fine for violating the provisions of the law between the Lead Poisoning Prevention Fund and the Lead Abatement Fund administered by the Maine State Housing Authority.

**LD 993 An Act To Expand Recovery Support Services Offered in Penobscot and ONTP
Piscataquis Counties and the Greater Bangor Region To Improve
Access, Treatment and Recovery for Those Affected by Substance Use
Disorder by Designating a Regional Peer-supported Recovery Center**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K VEROW A	ONTP	

This bill directs the Department of Health and Human Services to contract with a regional peer-supported recovery center to expand recovery support services to all areas in Penobscot and Piscataquis counties and the greater Bangor region and provides funding for the contract.

**LD 1005 Resolve, To Establish a Pilot Project To Save Lives and Support People RESOLVE 98
with Substance Use Disorder in Washington County EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MOORE M	OTP-AM	H-160

Joint Standing Committee on Health and Human Services

This resolve establishes a pilot project in Washington County to provide treatment and recovery services for people with substance use disorder. The pilot project is established under the Department of Health and Human Services. The department is required to work with Healthy Acadia to develop the pilot project. The department is required to assist Healthy Acadia with seeking federal funding for the pilot project. The pilot project requires the establishment of a central coordinating telephone system available to anyone in Washington County at any time to assist individuals with accessing services related to substance use disorder treatment and recovery. Individuals receiving the phone calls must be qualified to provide counseling services to all callers in addition to providing referrals. The pilot project establishes a coordinating council made up of representatives of the community and organizations in the area involved in the health and welfare of Washington County residents. The council is responsible for providing a coordinated system of services for substance use disorder prevention, treatment and recovery and for developing and implementing a recovery resource fund to provide additional individualized services as part of a wraparound continuum of support and services. It requires the department to report on the pilot project to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 30, 2020.

Committee Amendment "A" (H-160)

This amendment changes the dates in the resolve for the central coordinating telephone system to be established and the evaluation report to be submitted to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Enacted Law Summary

Resolve 2019, chapter 98 establishes a pilot project in Washington County to provide treatment and recovery services for people with substance use disorder. The pilot project is established under the Department of Health and Human Services. The department is required to work with Healthy Acadia to develop the pilot project. The department is required to assist Healthy Acadia with seeking federal funding for the pilot project. The pilot project requires the establishment of a central coordinating telephone system available to anyone in Washington County at any time to assist individuals with accessing services related to substance use disorder treatment and recovery. Individuals receiving the phone calls must be qualified to provide counseling services to all callers in addition to providing referrals. The pilot project establishes a coordinating council made up of representatives of the community and organizations in the area involved in the health and welfare of Washington County residents. The council is responsible for providing a coordinated system of services for substance use disorder prevention, treatment and recovery and for developing and implementing a recovery resource fund to provide additional individualized services as part of a wraparound continuum of support and services. It requires the department to report on the pilot project to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than November 30, 2022.

Resolve 2019, chapter 98 was finally passed as an emergency measure effective June 27, 2019.

LD 1006 *Resolve, To Require the Development of Strategies for Reducing Health Disparities Based on Social Determinants* ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D SANBORN L	ONTP	

This resolve directs the Department of Health and Human Services to present to the Joint Standing Committee on Health and Human Services an action plan detailing strategies for reducing health disparities based on social determinants.

Joint Standing Committee on Health and Human Services

LD 1007 Resolve, To Change the Educational Requirements of Certain Behavioral Health Professionals

RESOLVE 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D SANBORN L	OTP-AM	H-499

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to expand and enhance the State's behavioral health direct care workforce, including, but not limited to, community-based mental health rehabilitation technicians, direct support professionals and behavioral health professionals.

Committee Amendment "A" (H-499)

This amendment replaces the concept draft with a resolve. It changes the educational requirements for behavioral health professionals providing children's home and community-based treatment to replace the requirement for a bachelor's degree to a minimum of 60 credit hours in a related field, 90 credit hours in an unrelated field combined with a plan for supervision and training or a high school diploma or equivalent with three years of experience working in the field combined with a plan for supervision and training. The educational requirements do not change the required behavioral health professional training or the prescribed time frames for that training. It also requires the Department of Health and Human Services to amend or establish contracts for training behavioral health professionals to train any additional individuals within existing resources, and authorizes the department to opt to charge individuals or their employers fees for training.

Enacted Law Summary

Resolve 2019, chapter 99 changes the educational requirements for behavioral health professionals providing children's home and community-based treatment from requiring a bachelor's degree to a minimum of 60 credit hours in a related field, 90 credit hours in an unrelated field combined with a plan for supervision and training or a high school diploma or equivalent with three years of experience working in the field combined with a plan for supervision and training. The resolve also requires the Department of Health and Human Services to amend or establish contracts for training behavioral health professionals to train any additional individuals within existing resources, and authorizes the department to opt to charge individuals or their employers fees for training.

LD 1012 An Act To Provide Stable Funding and Support for Child Care Providers

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R GATTINE D	OTP-AM OTP-AM	S-211

This bill amends the child care services provisions in the following ways.

1. It establishes graduated quality differential rates for steps two to four in the four-step child care quality rating system currently required by law.
2. It requires that contracts with providers of child care services prioritize infants, toddlers and preschool children up to four years of age in a variety of ways.
3. It directs the Department of Health and Human Services to develop a shared services program for providers of child care services to realize efficiencies and achieve financial sustainability by sharing administrative and program services and costs.

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Committee Amendment "A" (S-211)

This amendment, which is the majority report, lowers the increases to graduated quality differential rates for child care services for children other than infants from the bill. It also clarifies that the Department of Health and Human Services may use state funds to pay a quality differential rate for high-quality child care services if it chooses to do so. It allows the Department of Health and Human Services to use up to 25% of the State's federal child care and development block grant funding for contracts for high-quality child care to underserved children and areas of the State rather than requiring use of funding for contracts. The department is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of contracts, the percentage of block grant funding used for the contracts and the number of children served. It allows, rather than requires as in the bill, the department to develop a shared services program.

Committee Amendment "B" (S-212)

This amendment, which is the minority report, removes the sections of the bill that require increased reimbursement levels for graduated quality differential rates for child care. It allows the Department of Health and Human Services to use up to 25% of the State's federal child care and development block grant funding for contracts for high-quality child care to underserved children and areas of the State rather than requiring the use of contracts. The department is required to submit an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number of contracts, the percentage of block grant funding used for the contracts and the number of children served. It allows, rather than requires as in the bill, the department to develop a shared services program.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1030 An Act To Amend the Laws Governing the Substance Use Disorder Services Commission

PUBLIC 432

Sponsor(s)

PERRY A

Committee Report

OTP-AM

Amendments Adopted

H-295

This bill revises the membership and duties of the Substance Use Disorder Services Commission.

Committee Amendment "A" (H-295)

This amendment, which is the unanimous report of the committee, amends the bill to require the Substance Use Disorder Services Commission to make recommendations related to substance use disorder to the Department of Health and Human Services and the Governor based on the commission's activities.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 432 revises the membership and duties of the Substance Use Disorder Services Commission and requires the Substance Use Disorder Services Commission to make recommendations related to substance use disorder to the Department of Health and Human Services and the Governor based on the commission's activities.

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LD 1032 An Act To Ensure Sufficient Representation of Adults Receiving Mental Health Services on Local Councils within the Consumer Council System of Maine ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY V MIRAMANT D	ONTP	

This bill amends the laws governing the membership of local councils within the Consumer Council System of Maine. It requires that at least 33% of the membership of a local council that consists of six or fewer members and at least 40% of the membership of a local council that consists of seven or more members must consist of adults receiving mental health services.

LD 1039 Resolve, To Establish and Fund Interventions for At-risk Families and Children CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C MOORE M	OTP-AM	H-250

This resolve requires the Department of Health and Human Services to provide grants to behavioral health providers to fund costs to attract, retain and train new professional employees to provide treatment services known as "functional family therapy - child welfare" and "multisystemic therapy for child abuse and neglect" to children and families involved in the child protective services. The department is required to develop a rate of reimbursement for these services under MaineCare and amend its rules in rule Chapter 101: MaineCare Benefits Manual, Sections 28 and 65 accordingly. The department is required to seek federal funding including under the Family First Prevention Services Act of 2017 for the grants. If federal funding is not available, the department is required to provide grants using General Fund money.

Committee Amendment "A" (H-250)

The amendment adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1052 An Act To Require Regular and Transparent Review of MaineCare Reimbursement Rates CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN H FARNSWORTH D		

This bill establishes a regular review process for MaineCare reimbursement rates. The Department of Health and Human Services shall review all rates over a three-year period except those that are already subject to regular review, based on cost, reimbursed at a capitated rate, or tied to Medicare or some other rates. The three-year schedule and the reviews are required to be submitted to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs. The results of reviews are also submitted to the Governor for consideration for inclusion in the biennial budget. The bill also establishes the MaineCare Reimbursement Rates Review Advisory Committee made up of stakeholders appointed by the

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Presiding Officers and the minority leaders in the Legislature to provide advice and input to the department on rate reviews. The advisory committee also submits an annual review of its activities to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs. The advisory committee is staffed by the Department of Health and Human Services.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1062 An Act To Support Maine Families by Providing for Transportation of Parents and Guardians of MaineCare Recipients under 18 Years of Age to Their Appointments **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C MILLETT R	ONTP OTP-AM	

This bill allows nonemergency medical transportation services that are currently available to MaineCare members for transportation to and from providers of medical services to be used by parents or guardians of MaineCare members under 18 years of age to and from providers of medical services when no other means of transportation is available to the parents or guardians. The bill also requires the Department of Health and Human Services to adopt or amend rules to implement this provision. The Department of Health and Human Services is required to apply for any Medicaid waivers or submit any state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to receive matching funds. In the event that no matching federal funds are available, the Department of Health and Human Services is required to cover the cost using General Fund money.

Committee Amendment "A" (H-428)

This amendment, which is the minority report, replaces the bill. It directs the Department of Health and Human Services to provide nonemergency medical transportation for a parent or guardian of a MaineCare member under 18 years of age who is in a residential care facility or receiving inpatient medical services if certain conditions are met: the transportation is to the facility where the MaineCare member under 18 years of age is receiving medical services, the presence of the parent or guardian at the facility is part of the treatment plan for that MaineCare member and the costs of the transportation are eligible for matching federal funds under the federal Medicaid program. The amendment directs the Department of Health and Human Services to submit any necessary Medicaid waivers or state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2020 to receive federal matching Medicaid funds for nonemergency medical transportation.

This amendment was not adopted.

LD 1079 An Act To Authorize Public Schools To Periodically Test for Radon **PUBLIC 172**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C GRATWICK G	OTP-AM	H-251

This bill requires school administrative units to test schools and other buildings for radon every five years. The radon testing must comply with the United States Environmental Protection Agency's recommended testing standards for schools. A school administrative unit must notify parents, faculty and staff of the test results and must report test results to the Department of Education and the Department of Health and Human Services. The

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Department of Health and Human Services must report these results every five years to the Governor and the Legislature.

The bill also requires school administrative units to build new schools and buildings using radon-resistant new construction techniques as recommended by the United States Environmental Protection Agency.

Committee Amendment "A" (H-251)

This amendment, which is the unanimous report of the committee, removes the requirement in the bill that school administrative units test for radon, but allows school administrative units to test for radon. It provides that any testing and new school construction must comply with rules adopted by the Department of Health and Human Services instead of recommendations of the United States Environmental Protection Agency as in the bill.

Enacted Law Summary

Public Law 2019, chapter 172 allows school administrative units to test schools and other buildings for radon every five years. The radon testing must comply with the rules adopted by the Department of Health and Human Services testing standards. A school administrative unit must notify parents, faculty and staff of the test results and must report test results to the Department of Education and the Department of Health and Human Services. The Department of Health and Human Services must report these results every five years to the Governor and the Legislature. The law also requires school administrative units to build new schools and buildings using radon-resistant new construction techniques.

LD 1094 An Act To Increase Funding for the Child Welfare Services Ombudsman Program

PUBLIC 520

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S GATTINE D	OTP-AM	S-180 S-336 BREEN C

This bill provides funding for additional staffing for the child welfare services ombudsman program in the Executive Department.

Committee Amendment "A" (S-180)

This amendment replaces the bill. The amendment preserves the portion of the bill that provides additional staffing for the child welfare services ombudsman program in the Executive Department and adds funding for leasing office space and purchasing necessary office supplies for the program staff. It also changes the title.

Senate Amendment "A" To Committee Amendment "A" (S-336)

This amendment reduces the amount in the appropriations and allocations section to fund one additional person in the Child Welfare Services Ombudsman Program and corresponding office equipment rather than four additional persons in the original bill and committee amendment.

Enacted Law Summary

Public Law 2019, chapter 520 provides funding for one additional staff person and corresponding office equipment for the child welfare services ombudsman program in the Executive Department.

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LD 1106 An Act To Improve the Health and Economic Security of Older Residents

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M VITELLI E	OTP-AM ONTP	H-355

This bill removes the asset test for the Medicare savings program and the elderly low-cost drug program. It also increases the income eligibility levels for the Medicare savings program and the elderly low-cost drug program to the levels in effect prior to Public Law 2011, chapter 657. The Department of Health and Human Services is required to submit any necessary state plan amendments for approval for the increases in income eligibility.

Committee Amendment "A" (H-355)

This amendment, which is the majority report of the committee, removes the provisions in the bill relating to income eligibility levels for the Medicare savings program and the elderly low-cost drug program. It also removes the asset test for the Medicare savings program and requires the Department of Health and Human Services to submit any necessary Medicaid state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The amendment adds an appropriations and allocations section.

Public Law 2019, chapter 343 (the biennial budget) changed the income eligibility levels for the Medicare savings program and the elderly low-cost drug program.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1116 An Act To Strengthen the Lead Poisoning Control Act

**PUBLIC 479
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N MOONEN M	OTP-AM	S-122 S-337 BREEN C

This bill:

1. Changes the year for the State's goal to eradicate childhood lead poisoning from 2010 to 2030 and requires that a report on progress toward meeting that goal be submitted to the Legislature by January 1, 2025;
2. Requires that all Maine children be tested for unsafe exposure to lead at one year of age and two years of age;
3. Increases the lead poisoning prevention fee from 25¢ to 50¢ per gallon of paint and allows up to 50% of the fee to be used for mandated dwelling inspections and mandated orders to remove lead hazards; and
4. Makes permanent five Environmental Specialist III positions created in 2015 and necessary to the operation of the lead poisoning risk assessment and blood lead level testing program.

Committee Amendment "A" (S-122)

This amendment, which is the unanimous report of the committee, removes the sections of the bill increasing the lead poisoning prevention fee. It continues funding for five limited-period Environmental Specialist III positions instead of making the positions permanent. It also amends the section that repeals the lead poisoning prevention fee

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when a period of 24 months has elapsed since the Department of Health and Human Services identified a child with an elevated blood lead level from a level of blood lead of 10 micrograms per deciliter to 5 micrograms per deciliter. It adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-337)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 479 provides that the lead poisoning prevention fee is repealed when a period of 24 months has elapsed since the Department of Health and Human Services identified a child with an elevated blood lead level from a level of blood lead of 10 micrograms per deciliter to 5 micrograms per deciliter.

Public Law 2019, chapter 479 was enacted as an emergency measure effective June 27, 2019.

LD 1125	Resolve, To Require Reimbursement for Bed-hold Days in Adult Family Care Homes	RESOLVE 94
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J MORRIS J	OTP-AM	S-103

This bill requires the Department of Health and Human Services to reimburse up to 50% of the MaineCare rate for patient care for a maximum of six months to nursing homes for bad debt incurred when a patient is provided care but is determined ineligible for MaineCare and the nursing home has made all reasonable efforts to collect on the debt. The bill also requires the Department of Health and Human Services to reimburse adult family care homes for up to 30 bed-hold days per calendar year in the same manner as residential care facilities are reimbursed.

Committee Amendment "A" (S-103)

This amendment removes the section of the bill that reimburses nursing homes for bad debt incurred and changes the bill to a resolve. It changes the title to reflect the remaining provision to provide for reimbursement for bed-hold days in adult family care homes. It also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2019, chapter 94 requires the Department of Health and Human Services to reimburse adult family care homes for up to 30 bed-hold days per calendar year in the same manner as residential care facilities are reimbursed.

LD 1126	Resolve, To Classify Employee Health Insurance as a Fixed Cost for MaineCare Reimbursement in Nursing Homes	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J MORRIS J	OTP-AM	S-87

This resolve requires the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities no later than January 1, 2020, to move health insurance costs for personnel from direct care and routine cost components to fixed costs components. This was a majority recommendation of the Commission To Study Long-term Care Facilities, which reported in December 2013.

Committee Amendment "A" (S-87)

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This amendment adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1129 An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN E DESCHAMBAULT S	OTP-AM	H-346

This bill clarifies the Maine Medical Use of Marijuana Act by:

1. Standardizing the term "caregiver retail store" by creating a definition of the term and replacing other variations of "retail store" in the Act with "caregiver retail store"; and
2. Defining "municipal approval" in the provisions regarding marijuana for medical use caregiver retail stores, dispensaries and facilities operating before the effective date of the Act as a specific examination and approval of the underlying use of the store, dispensary or facility, including a conditional use approval, site plan approval or issuance of a marijuana-specific business license and not including the issuance of a building, electrical or other similar permit that does not address the use of the structure or facility for which the permit was issued.

Committee Amendment "A" (H-346)

This amendment, which is the unanimous report of the committee, provides a different definition of "caregiver retail store" and clarifies the provisions regarding municipal approval of caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities.

Enacted Law Summary

Public Law 2019, chapter 217 defines the term "caregiver retail store" and clarifies what is required for a store to receive "municipal approval."

LD 1132 An Act To Provide Additional Food Supplement Assistance for the Elderly and Persons with Disabilities ONTP

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

This bill requires the State to ensure that a household that includes a member who is elderly or disabled and that receives a federally funded benefit under the statewide food supplement program receives a minimum benefit of \$30 per month by providing a supplemental benefit if necessary.

LD 1134 An Act To Set Aside Funds from Federal Block Grants for Certain Communities CARRIED OVER

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

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This bill requires the Department of Health and Human Services to annually set aside 20% of each federal block grant it receives for the most vulnerable communities in the State and 10% of each federal block grant it receives for federally recognized Indian nations, tribes and bands in the State.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1135 *Resolve, To Increase Funding for Assertive Community Treatment*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C DESCHAMBAULT S	OTP-AM ONTP	H-253 S-170 GRATWICK G

This resolve requires the Department of Health and Human Services to increase the MaineCare reimbursement rates for assertive community treatment by 25%, contract with a third party to conduct a rate study of reimbursement rates for assertive community treatment and report with findings by January 30, 2020. The department is authorized to set new rates based on the rate study as long as the rates are no lower than those in effect on April 1, 2019.

The resolve also includes an appropriations and allocations section.

Committee Amendment "A" (H-253)

This amendment, which is the majority report of the committee, amends the resolve to provide that the 25% rate increase for assertive community treatment is ongoing. It removes the directive to the Department of Health and Human Services to contract with a third party to conduct a rate study. It also replaces the appropriations and allocations section to reflect a change in funding.

Senate Amendment "A" To Committee Amendment "A" (S-170)

This amendment removes the emergency preamble and emergency clause and removes the fiscal year 2018-19 appropriation and reduces the fiscal year 2019-20 appropriation due to the delayed implementation.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1137 *An Act To Clarify the Background Check Process for Certain Child Care Workers*

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C MILLETT R	ONTP	

This bill removes the requirement that the Department of Health and Human Services, Background Check Center be used to screen prospective employees of child care facilities and family child care providers. Instead, this bill allows the criminal background check used for new and continuing school employees to fulfill the state and federal requirements for a mandatory criminal background check for a person who provides child care in a child care facility, a family child care provider and a person who provides day care in that person's home for one or two children whose care is paid for by state or federal funds.

Joint Standing Committee on Health and Human Services

**LD 1142 Resolve, To Expand Transportation Services for Seniors Who Are
MaineCare Members**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAXMIN C DOW D		

This emergency resolve requires the Department of Health and Human Services to submit an amendment request to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to the 1915(c) waiver that provides services to the elderly under the department's rule Chapter 101: MaineCare Benefits Manual, Section 19 to allow for coverage of transportation services required to access services specified in the individual's service plan that are nonmedical in nature. The waiver request must be submitted no later than October 1, 2019. Upon approval, the department shall amend its rules to cover the new service. The department shall submit a progress report to the Joint Standing Committee on Health and Human Services regarding the waiver request and rulemaking. The resolve also requires the Department of Health and Human Services to convene a stakeholder group to develop a plan to provide nonmedical transportation services to travel to destinations to meet basic needs to persons who are 61 years of age or older with no other means of transportation and who are MaineCare members or receive state-funded services under the department's rule Chapter 5: Office of Elder Services Policy Manual, Section 63. The plan must be submitted to the Joint Standing Committee on Health and Human Services no later than January 30, 2020.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1146 An Act To Ensure the Provision of Housing Navigation Services to Older
Adults and Persons with Disabilities**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J BELLOWS S		

This bill creates within the Department of Health and Human Services a housing navigator who:

1. Assists disabled and elderly persons in locating housing, transitioning between housing settings and accessing home repair and home modification services and materials;
2. Maintains and makes publicly available housing assistance information and resources; and
3. Identifies gaps in housing assistance needs of elderly persons and persons with disabilities and periodically submits a report on the gaps to the director of the Department of Health and Human Services' Office of Aging and Disability Services for inclusion in the state plan on aging.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

Joint Standing Committee on Health and Human Services

LD 1153 An Act To Provide Flexibility in the Treatment of Individuals with Intellectual Disabilities or Autism

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J LIBBY N		

This bill requires a review team determining whether to approve a behavior modification or behavior management program for a person with an intellectual disability or autism to consider the successful use of the program for the person in another state. It requires that one member of the review team must be qualified by training and experience in the use of behavior change procedures and the assessment and treatment of severe problem behavior. It specifies criteria that a behavior modification or behavior management program submitted for review must meet. It provides for a process for appealing a review team's determination. It allows for temporary restrictions on the possession or use of personal property through the use of reinforcement procedures under a behavior modification or behavior management program.

LD 1161 An Act To Restrict the Use of Mercury in Dental Fillings in State-funded Dental Procedures

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M MEYER M	ONTP OTP-AM	

This bill prohibits the use of mercury amalgam fillings as part of a procedure covered by any dental care program funded or partially funded by the State.

Committee Amendment "A" (S-181)

This amendment, which is the minority report of the committee, replaces the bill. This amendment provides that, beginning January 1, 2020, a person licensed as a dentist or dental hygienist with dental hygienist therapy authority may place a mercury amalgam filling in a tooth as part of a procedure that is covered by MaineCare only if the patient or the patient's parent or legal guardian signs a consent form. The signed form must be submitted with the request for reimbursement under MaineCare and a copy of the signed form must be retained in the patient's records for a period of at least three years for review during MaineCare recertification. This amendment also includes an appropriations and allocations section.

This amendment was not adopted.

LD 1171 An Act To Prevent Sexual and Domestic Violence and To Support Survivors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E DUNPHY M	OTP-AM	S-86

This bill provides funding for sexual assault and domestic violence prevention and victim services.

Committee Amendment "A" (S-86)

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This amendment incorporates a fiscal note.

Public Law 2019, chapter 343 (the biennial budget) included funding for sexual assault and domestic violence prevention and victim services at the same level as this bill but only for two years.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1178 *An Act To Address the Needs of Children with Intellectual Disabilities and Autism Spectrum Disorder* CARRIED OVER

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

This bill requires the Department of Health and Human Services to apply for a home and community-based waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to provide services to children up to 21 years of age with intellectual disabilities or autism spectrum disorder. Services must be provided according to a care plan process that requires participation by the child's family. The care plan must address safety as the highest priority. The care plan must address the child's developmental, mental health, emotional, social, educational and physical needs in the least restrictive environment. Services must be clinically appropriate, be provided in a location as close to the child's home as possible, be provided in a timely manner and promote early identification and intervention. The department is directed to apply for the waiver no later than January 1, 2020. Upon approval of the waiver, the department is directed to adopt rules within six months. The rules are major substantive rules.

Committee Amendment "A" (H-410)

This amendment removes the requirement for the Department of Health and Human Services to request a waiver pursuant to Section 1915(c) of the United States Social Security Act for services to children with intellectual disabilities or autism spectrum disorder and allows the department to apply for any waiver or state plan amendment that would accomplish this purpose. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1180 *Resolve, To Establish the Task Force To Better Coordinate the Protection of Vulnerable Populations* CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S GRATWICK G		

This resolve establishes the Task Force To Better Coordinate the Protection of Vulnerable Populations to identify areas of improvement in the coordination of information and processes of the entities that investigate allegations of abuse and neglect. The task force must report its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services by December 4, 2019.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

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LD 1185 An Act To Facilitate Intervention by and Provision of Services through ONTP
the Department of Health and Human Services for Certain Families
Affected by Substance Use

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M MILLETT R	ONTP	

This bill requires the Department of Health and Human Services to provide and pay for services relating to and treatment for substance use disorder in cases in which it does not file a child protection petition under the Maine Revised Statutes, Title 22, section 4032 but does open a case to provide services to the family to alleviate child abuse and neglect in the home, and also to provide and pay for those services as part of the rehabilitation and reunification plan required pursuant to Title 22, section 4041 when a child has been removed from the home. The bill provides that the department is not financially responsible if the person receiving services is insured by MaineCare or other insurance and that insurance covers the cost of those services. The bill establishes a program within the department for families affected by substance use disorder. The department is required to create a process to identify families engaged in a rehabilitation and reunification plan in which substance use disorder is a barrier to the return of a child to the child's home and ensure the family receives intervention and treatment for the disorder.

LD 1190 An Act To Prohibit the Furnishing of Tobacco Products to Minors PUBLIC 495

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R GROHOSKI N	OTP-AM OTP-AM	S-238

This bill prohibits the sale and distribution of flavored tobacco products, including flavored cigars.

Committee Amendment "A" (S-238)

This amendment, which is the majority report of the committee, replaces the bill. It provides that it is a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. This provision does not apply to a licensee under the Maine Revised Statutes, Title 22, chapter 262-A or an agent of that licensee in the scope of employment. Current law provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away cigarettes to a child under 16 years of age. This amendment instead makes the same conduct illegal with respect to a tobacco product.

Committee Amendment "B" (S-239)

This amendment, which is the minority report of the committee, amends the bill by removing the flavors of menthol, mint and wintergreen from the list of flavors prohibited in the bill. It makes the definition of "electronic smoking device" in the bill consistent with the definition of "electronic smoking device" in the Maine Revised Statutes, Title 22.

It also provides that it is a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. It is an exception to this provision if the person provides a tobacco product to a minor in a home in the presence of the minor's parent, guardian or custodian. This provision does not apply to a licensee under the Maine Revised Statutes, Title 22, chapter 262-A or agents of that licensee in

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the scope of employment. Current law provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away cigarettes to a child under 16 years of age. This amendment instead makes the same conduct illegal with respect to a tobacco product.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 495 provides that it is a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. This provision does not apply to a licensee under the Maine Revised Statutes, Title 22, chapter 262-A or an agent of that licensee in the scope of employment. It also provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away or offers to sell, furnish or give away a tobacco product to a child under 16 years of age.

LD 1201 An Act To Create a Low-barrier, Permanent Housing Rental Subsidy ONTP
for Individuals in the State Experiencing Long-term Homelessness

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

This bill establishes a rental subsidy program within the Maine State Housing Authority for persons experiencing long-term homelessness. The rental subsidy program provides a rental subsidy and housing retention services to a person eligible for the program.

LD 1202 Resolve, To Develop a Plan To Improve Service Delivery to Individuals ONTP
Receiving Medicaid Home and Community-based Services

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

This resolve directs the Department of Health and Human Services to convene a stakeholder group to review the Medicaid home and community-based settings rules, review past efforts by the State to come into compliance with those rules and make recommendations about how to bring the State into compliance and recommendations on necessary statutory and regulatory changes. The department is required to submit a report by January 15, 2020 to the Joint Standing Committee on Health and Human Services, which may submit a bill to the Second Regular Session of the 129th Legislature.

LD 1218 An Act To Allow Maine Medical Marijuana Caregivers To Measure PUBLIC 256
Cultivation Limits by Plant Canopy Size

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P ROSEN K	OTP	

This bill amends the Maine Medical Use of Marijuana Act provision governing how much medical marijuana caregivers may cultivate. It defines the term "plant canopy" and adds language allowing caregivers to cultivate up to 30 mature marijuana plants or 500 square feet of plant canopy, 60 immature marijuana plants and unlimited seedlings.

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Enacted Law Summary

Public Law 2019, chapter 256 amends the Maine Medical Use of Marijuana Act provision governing how much medical marijuana caregivers may cultivate. It defines the term "plant canopy" and adds language allowing caregivers to cultivate up to 30 mature marijuana plants or 500 square feet of plant canopy, 60 immature marijuana plants and unlimited seedlings.

LD 1225 An Act To Increase Funding for Home Visiting Programs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY S POULIOT M	ONTP	

This bill increases the State's funding for home visiting programs in the State in order to stabilize the workforce and expand eligibility to foster families caring for infants.

LD 1228 Resolve, Requiring the Department of Health and Human Services To Develop More Comprehensible MaineCare Benefit Letters

RESOLVE 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J GRATWICK G	OTP-AM	H-367

This resolve requires the Department of Health and Human Services to create a new limited benefit MaineCare card for individuals who qualify for the Medicare Savings Program, also known as the Medicare Buy-in Program. The department must issue the card to qualified individuals for use at pharmacies and providers of medical, behavioral health and other services. The department must assess the ease of use of the card to cardholders and providers of services and submit a report regarding the limited benefit MaineCare card to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2021.

Committee Amendment "A" (H-367)

This amendment replaces the resolve. It requires the Department of Health and Human Services to examine the letters the department sends notifying individuals of their eligibility for MaineCare and the Medicare savings program, also known as the Medicare buy-in program, and make changes to the letters to ensure the format and language of the letters are as user-friendly and comprehensible as possible. The department shall investigate the possibility of a letter that includes a tear-off or cut-out section for use as proof of eligibility for persons eligible for the Medicare savings program to carry if they do not otherwise receive a card from the department for this purpose. Any changes must be made within existing resources. The department shall report any changes to the letters and cards to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2021.

Enacted Law Summary

Resolve 2019, chapter 95 requires the Department of Health and Human Services to examine the letters the department sends notifying individuals of their eligibility for MaineCare and the Medicare savings program, also known as the Medicare buy-in program, and make changes to the letters to ensure the format and language of the letters are as user-friendly and comprehensible as possible. The department shall investigate the possibility of a letter that includes a tear-off or cut-out section for use as proof of eligibility for persons eligible for the Medicare savings program to carry if they do not otherwise receive a card from the department for this purpose. Any changes must be made within existing resources. The department shall report any changes to the letters and cards to the

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joint standing committee of the Legislature having jurisdiction over health and human services matters by February 1, 2021.

LD 1235 An Act To Increase Safety in Health Care Facilities

ONTP

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

Under current law, hospitals are required to annually adopt a safety and security plan to protect patients, visitors and employees of the hospital from aggressive and violent behavior. This bill extends that requirement to all health care facilities.

LD 1247 Resolve, To Clarify the Good Cause and Sanction Process in the Temporary Assistance for Needy Families and Additional Support for People in Retraining and Employment Programs

RESOLVE 67

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

This resolve directs the Department of Health and Human Services to amend its rules to include a Temporary Assistance for Needy Families program participant's attendance at the medical and mental health appointments of the participant's children as a life management skill and job readiness activity.

Committee Amendment "A" (H-408)

This amendment replaces the resolve and changes the title. It requires the Department of Health and Human Services to amend its rules to establish a process for a participant in the Temporary Assistance for Needy Families or Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program who fails to comply with a program requirement with an opportunity to claim good cause and receive a determination from the department in response to that claim.

Enacted Law Summary

Resolve 2019, chapter 67 requires the Department of Health and Human Services to amend its rules to establish a process for a participant in the Temporary Assistance for Needy Families or Additional Support for People in Retraining and Employment program who fails to comply with a program requirement with an opportunity to claim good cause and receive a determination from the department in response to that claim.

LD 1259 Resolve, Directing the Department of Health and Human Services To Adopt Rules To Streamline and Remove Barriers for Reimbursement for Providers of Dental Care Services

ONTP

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

This resolve directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 25, Dental Services to add certain procedures as covered services and to remove the requirement that independent practice dental hygienists must have two written agreements with dentists, one regarding temporary fillings and another regarding dental radiographs.

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**LD 1275 An Act To Support Access to Health Services for Homeless Youth in
Maine**

PUBLIC 206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L TALBOT ROSS R	OTP-AM	S-127

Under current law, a minor who has been living separately from parents or legal guardians for at least 60 days and is independent of parental support may provide consent to all medical, mental, dental and other health counseling and services. This bill allows a minor to provide consent to all medical, mental, dental and other health counseling and services by proving that the minor is living separately and is independent of parental support through various means such as a written, signed statement to that fact from the director of a governmental or nonprofit agency that provides services to homeless persons or an attorney representing the minor or proof of filing for emancipation. This bill also provides immunity to a health care practitioner who provides services to a minor if the minor consented to those services and provided proof of living separately and independently. Finally, this bill prohibits a minor or other person from disaffirming the consent given by the minor solely because the minor is a minor.

Committee Amendment "A" (S-127)

This amendment clarifies that a health care practitioner who obtains documentation is immune from civil or criminal liability. It removes the language regarding consent not being subject to later disaffirmance solely by reason of the minor's age.

Enacted Law Summary

Public Law 2019, chapter 206 allows a minor to provide consent to all medical, mental, dental and other health counseling and services by proving that the minor is living separately and is independent of parental support through various means such as a written, signed statement to that fact from the director of a governmental or nonprofit agency that provides services to homeless persons or an attorney representing the minor or proof of filing for emancipation. It also provides immunity to a health care practitioner who obtains documentation from the minor that the minor has consented to those services and provided proof of living separately and independently.

**LD 1277 An Act To Require the Director of the Maine Center for Disease Control
and Prevention To Be Credentialed**

PUBLIC 523

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L GRAMLICH L	OTP-AM OTP-AM	S-101 S-339 BREEN C

This bill establishes qualifications for the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, and requires that the director report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters on challenges and threats to public health and ways in which the Maine Center for Disease Control and Prevention has responded to those challenges and threats.

Committee Amendment "A" (S-101)

This amendment, which is the majority report of the committee, amends the qualifications for the Director of the Maine Center for Disease Control and Prevention and adds an appropriations and allocations section.

Committee Amendment "B" (S-102)

This amendment, which is the minority report of the committee, removes the required qualifications for the Director

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of the Maine Center for Disease Control and Prevention.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-339)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 523 establishes qualifications for the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, and requires that the director report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters on challenges and threats to public health and ways in which the Maine Center for Disease Control and Prevention has responded to those challenges and threats.

**LD 1288 An Act To Establish a MaineCare Reimbursement Rate Review Process ONTP
and the MaineCare Independent Rate Commission**

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

This bill establishes a process by which the Department of Health and Human Services maintains a schedule of MaineCare program reimbursement rate reviews in which each rate is reviewed at least every five years. Under this process, the department reviews a rate for access, service, quality and use of service and compares the rate reimbursed with available benchmarks, including Medicare rates and usual and customary rates paid by private parties, and uses qualitative tools to assess whether reimbursements are sufficient to allow for provider retention and recipient access and to support appropriate reimbursement of high-value services. The department is required to provide a report of its review to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the MaineCare Independent Rate Commission, a 24-member group of interested parties providing oversight of the rate review process, and stakeholders. After holding public meetings and consulting stakeholders and stakeholder groups and consultation with the Department of Administrative and Financial Services, Bureau of the Budget, the department makes recommendations on the MaineCare reimbursement rates to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs to assist in developing the department's budget.

**LD 1289 Resolve, To Reduce the Incidence of Infants Exposed to Illegal ONTP
Substances**

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

This resolve requires the Department of Health and Human Services to contract for community-based outreach and education regarding family planning options and availability that is targeted toward women and adolescents who are experiencing substance use disorder, housed in correctional facilities, experiencing homelessness or living in other circumstances that indicate a need for family planning services. See LD 699.

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LD 1297 An Act To Reduce Youth Cancer Risk

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MOORE M	OTP-AM ONTP	H-293

This bill:

1. Prohibits a tanning facility from allowing an individual who has not attained 18 years of age to use a tanning device;
2. Requires that the owner of a tanning facility or the lessee of a tanning device post a conspicuous notice regarding the laws governing tanning and the health risks associated with tanning;
3. Requires that each customer, prior to that customer's first use in that calendar year of that tanning device, sign an acknowledgment that the customer understands the posted notice and agrees to use protective eyewear; and
4. Authorizes municipalities to adopt more restrictive regulations than required in this bill.

Committee Amendment "A" (H-293)

This amendment, which is the majority report of the committee, specifies that a violation of the section on tanning facilities is subject only to civil penalties. It requires the Department of Health and Human Services to adopt routine technical rules to implement the law and otherwise regulate tanning facilities and directs the department to amend its rules in 10-144 C.M.R. Chapter 223 to be consistent with the law.

Enacted Law Summary

Public Law 2019, chapter 275:

1. Prohibits a tanning facility from allowing an individual who has not attained 18 years of age to use a tanning device;
2. Requires that the owner of a tanning facility or the lessee of a tanning device post a conspicuous notice regarding the laws governing tanning and the health risks associated with tanning;
3. Requires that each customer, prior to that customer's first use in that calendar year of that tanning device, sign an acknowledgment that the customer understands the posted notice and agrees to use protective eyewear;
4. Authorizes municipalities to adopt more restrictive regulations;
5. Specifies that a violation of the section on tanning facilities is subject only to civil penalties; and
6. Requires the Department of Health and Human Services to adopt routine technical rules to implement the law and otherwise regulate tanning facilities and directs the department to amend its rules in 10-144 C.M.R. Chapter 223 to be consistent with the law.

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LD 1308 An Act To Better Fund Nursing Homes in the State To Better Help the Elderly and Disabled **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the funding of nursing homes in the State.

LD 1309 An Act To Index MaineCare Reimbursement to Nursing Homes and Other Adult Care Facilities to Increases in the Minimum Wage **ONTP**

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

This bill increases the reimbursement rates under the MaineCare program to nursing facilities, adult family care homes and residential care facilities by the amount of the minimum wage increase that occurs on January 1st of each year as outlined in the Maine Revised Statutes, Title 26, section 664, subsection 1. The increases in reimbursement rates must be retroactive to the date of the increase in the minimum wage.

LD 1313 An Act To Enact the Maine Death with Dignity Act **PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P WOODSOME D	OTP-AM ONTP	H-305

This bill enacts the Maine Death with Dignity Act authorizing a person who is 18 years of age or older, who meets certain qualifications and who has been determined by the person's attending physician to be suffering from a terminal disease, as defined in the Act, to make a request for medication prescribed for the purpose of ending the person's life. The bill establishes the procedures for making these requests, including two waiting periods and one written and two oral requests and requires a second opinion by a consulting physician. The bill requires specified information to be documented in the person's medical record, including all oral and written requests for a medication to hasten death.

The bill requires the attending and consulting physicians to assess the patient for depression or other mental health condition that impairs judgment. If the attending or consulting physician, in the physician's professional opinion, believes such a condition exists, the patient must be evaluated and treated by a state-licensed psychiatrist, psychologist, clinical social worker or clinical professional counselor. Medication to end a patient's life in a humane and dignified manner may not be prescribed until the person performing the counseling determines that the patient is not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

The bill prohibits a provision in a contract, will or other agreement from being conditioned upon, or affected by, a person's making or rescinding a request for medication under the Act. The bill prohibits the sale, procurement or issuance of any life, health or accident insurance or annuity policy or the rate charged for any life, health or accident insurance or annuity policy from being conditioned upon or affected by the making or rescinding of such a request.

The bill authorizes a health care provider to prohibit its employees, independent contractors or other persons or

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entities, including other health care providers, from participating in activities under the Act while on premises owned by or under the management or direct control of that prohibiting health care provider or while acting within the course and scope of any employment by, or contract with, the prohibiting health care provider.

The bill makes it a Class A crime to knowingly alter or forge a request for medication to end a person's life without that person's authorization or to conceal or destroy a withdrawal or rescission of a request for medication, if it is done with the intent or effect of causing the person's death. The bill makes it a Class A crime to knowingly coerce or exert undue influence on a person to request medication for the purpose of ending that person's life or to destroy a withdrawal or rescission of a request. The bill provides that the Act does not authorize ending a patient's life by lethal injection, mercy killing or active euthanasia and provides that action taken in accordance with the Act does not constitute, among other things, suicide or homicide.

The bill requires health care providers to submit specified information to the Department of Health and Human Services upon their writing a prescription for or dispensing medication under the Act and after the death of the qualified patient. The bill requires the department to generate and make available to the public an annual statistical report of information collected regarding compliance with the Act. The bill requires a copy of the report to be submitted to the joint standing committee of the Legislature having jurisdiction over health matters annually by March 1st.

Committee Amendment "A" (H-305)

This amendment is the majority report of the committee and makes the following changes to the bill.

1. It creates in the Maine Criminal Code affirmative defenses to prosecution for aggravated attempted murder, for murder and for aiding or soliciting suicide. A person may raise an affirmative defense to prosecution for these crimes if that person's conduct was expressly authorized by the Maine Revised Statutes, Title 22, chapter 418. The amendment also strikes from the bill language that creates new Class A crimes and other penalty language, as the prohibited conduct described is sufficiently covered by existing statute.
2. It changes the rule-making authority of the Department of Health and Human Services for rules for the collection of information from routine technical to major substantive.
3. It makes technical changes to the provisions regarding insurance in order to conform to current Maine law.
4. It allows the physician completing the patient's death certificate to determine the cause of the death recorded on the certificate.
5. It clarifies that an individual health care provider may choose not to participate in providing medication to end a qualified patient's life but, if the patient requests the medical records be provided to another health care provider, the records must be transferred.
6. It includes the Board of Osteopathic Licensure in the list of appropriate licensing boards.

Enacted Law Summary

Public Law 2019, chapter 271 enacts the Maine Death with Dignity Act authorizing a person who is 18 years of age or older, who meets certain qualifications and who has been determined by the person's attending physician to be suffering from a terminal disease, as defined in the Act, to make a request for medication prescribed for the purpose of ending the person's life. It establishes the procedures for making these requests, including two waiting periods and one written and two oral requests and requires a second opinion by a consulting physician. It requires specified information to be documented in the person's medical record, including all oral and written requests for a medication to hasten death.

The law requires the attending and consulting physicians to assess the patient for depression or other mental health

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condition that impairs judgment. If the attending or consulting physician, in the physician's professional opinion, believes such a condition exists, the patient must be evaluated and treated by a state-licensed psychiatrist, psychologist, clinical social worker or clinical professional counselor. Medication to end a patient's life in a humane and dignified manner may not be prescribed until the person performing the counseling determines that the patient is not suffering from a psychiatric or psychological disorder or depression causing impaired judgment.

The law prohibits a provision in a contract, will or other agreement from being conditioned upon, or affected by, a person's making or rescinding a request for medication under the Act. It prohibits the sale, procurement or issuance of any life, health or accident insurance or annuity policy or the rate charged for any life, health or accident insurance or annuity policy from being conditioned upon or affected by the making or rescinding of such a request.

The law authorizes a health care provider to prohibit its employees, independent contractors or other persons or entities, including other health care providers, from participating in activities under the Act while on premises owned by or under the management or direct control of that prohibiting health care provider or while acting within the course and scope of any employment by, or contract with, the prohibiting health care provider. An individual health care provider may choose not to participate in providing medication to end a qualified patient's life but, if the patient requests the medical records be provided to another health care provider, the records must be transferred.

The law creates in the Maine Criminal Code affirmative defenses to prosecution for aggravated attempted murder, for murder and for aiding or soliciting suicide. A person may raise an affirmative defense to prosecution for these crimes if that person's conduct was expressly authorized by the Maine Revised Statutes, Title 22, chapter 418.

The law requires health care providers to submit specified information to the Department of Health and Human Services upon their writing a prescription for or dispensing medication under the Act and after the death of the qualified patient. The department shall generate and make available to the public an annual statistical report of information collected regarding compliance with the Act. A copy of the report must be submitted to the joint standing committee of the Legislature having jurisdiction over health matters annually by March 1st.

LD 1315 An Act To Support Medically Monitored Crisis Support and Intervention

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D	OTP-AM	H-351

This bill directs the Department of Health and Human Services to provide for an enhanced crisis stabilization reimbursement rate under the MaineCare program for medically monitored crisis support and intervention provided to persons 18 years of age or older with mental health and co-occurring substance use disorders who voluntarily seek treatment.

Committee Amendment "A" (H-351)

This amendment clarifies that the Department of Health and Human Services must establish a rate under the MaineCare program that is sufficient to provide medically monitored crisis support and intervention to an adult. The rate must be established in rule by December 31, 2019.

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LD 1317 An Act To Restore Services To Help Certain Noncitizens Meet Their Basic Needs

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D LIBBY N	OTP-AM ONTP	

This bill removes limitations on food supplement program benefits and Temporary Assistance to Needy Families program benefits, provides MaineCare coverage and modifies language for state-funded supplemental security income to maintain consistency throughout the law for certain noncitizens who are lawfully present in the United States or pursuing a lawful process to apply for immigration relief.

Committee Amendment "A" (H-248)

This amendment, which is the majority report of the committee, adds an appropriations and allocations section.

This amendment was adopted in the House but the Legislature adjourned before it was taken up in the Senate.

House Amendment "B" To Committee Amendment "A" (H-645)

This amendment strikes the appropriations and allocations section in Committee Amendment "A" and instead replaces the bill with a resolve that clarifies state law to ensure that, within existing resources, certain noncitizens are able to access certain assistance.

This amendment was adopted in the House but the Legislature adjourned before it was taken up in the Senate.

LD 1318 Resolve, To Increase Access to Housing-related Support Services

RESOLVE 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D CHIPMAN B	OTP-AM	H-349

This resolve directs the Department of Health and Human Services to apply for waivers to provide housing-related services, including housing transition and tenancy sustaining services, to individuals with disabilities, older adults needing long-term services and supports and persons experiencing chronic homelessness under the 1915(b) and 1915(c) Medicaid waiver provisions. It also directs the department to amend MaineCare rules to implement the waivers once approved. These allowable benefits are set forth in the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Center for Medicaid and CHIP Services Informational Bulletin dated June 26, 2015 on Coverage of Housing-Related Activities and Services for Individuals with Disabilities.

The resolve also directs the department to review any waivers or state plan amendments available under Title XIX of the United States Social Security Act to stabilize access to safe and affordable housing for individuals with disabilities, older adults, individuals needing long-term services and supports and persons experiencing chronic homelessness through the provision of housing transition, tenancy sustainment and case management services and to collaborate with the Maine State Housing Authority to determine how resources may be leveraged more effectively to address housing needs. As part of its review, the department is required to convene a stakeholder group to solicit input regarding methods to improve health outcomes through greater housing stability.

Committee Amendment "A" (H-349)

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This amendment replaces the resolve. It directs the Department of Health and Human Services to examine opportunities available pursuant to a home and community-based services waiver available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, including, but not limited to, a Medicaid 1915(i) state plan amendment to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations.

It also directs the department to collaborate with Maine State Housing Authority to determine how resources may be leveraged more effectively to address the housing needs of persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations and to consult with interested stakeholders as it conducts this review. The department must report to the Joint Standing Committee on Health and Human Services with any recommendations related to this review by no later than February 1, 2020, and the committee is authorized to report out a bill to implement the recommendations.

Enacted Law Summary

Resolve 2019, chapter 55 directs the Department of Health and Human Services to examine opportunities available pursuant to a home and community-based services waiver available from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, including, but not limited to, a Medicaid 1915(i) state plan amendment to provide housing-related services to persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations. It also directs the department to collaborate with Maine State Housing Authority to determine how resources may be leveraged more effectively to address the housing needs of persons experiencing chronic homelessness who have mental health or substance use disorders and other vulnerable populations and to consult with interested stakeholders as it conducts this review. The department must report to the Joint Standing Committee on Health and Human Services with any recommendations related to this review by no later than February 1, 2020, and the committee is authorized to report out a bill to implement the recommendations.

LD 1337 **Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services**

RESOLVE 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D SANBORN L	OTP-AM ONTP	H-429 S-340 BREEN C

This bill establishes within the Department of Health and Human Services a program to provide rapid access to low-barrier treatment for substance use disorders and stable housing to support recovery and create stability for 50 opioid users who are among the most vulnerable and unstable in the State. The bill details the program objectives, eligibility criteria for program participants and services that must be provided to those participants, including medication-assisted treatment, intensive case management services and financial and case management assistance to ensure immediate and continued access to stable housing. The bill requires an independent evaluation of the program and directs the department to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the program by March 15, 2020 and annually thereafter. The joint standing committee is authorized to submit legislation regarding the program.

Committee Amendment "A" (H-429)

This amendment, which is the majority report of the committee, changes the bill into a resolve. The bill established a homeless opioid users service engagement program. The amendment changes it to a pilot project that operates for 24 months. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-340)

This amendment provides that the Maine State Housing Authority, within its existing programs and resources, is

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required to provide funding for costs associated with housing provided under the pilot project. This amendment also allocates funds from the Fund for a Healthy Maine rather than appropriating funds from the General Fund.

Enacted Law Summary

Resolve 2019, chapter 105 establishes a homeless opioid users service engagement program pilot project to operate for 24 months. It provides that the Maine State Housing Authority, within its existing programs and resources, is required to provide funding for costs associated with housing provided under the pilot project. It also allocates funds from the Fund for a Healthy Maine.

LD 1350 An Act To Improve Rural Health Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T PERRY A	OTP-AM	S-259

This bill provides that, for taxable years beginning on or after January 1, 2019, student loan payments made by a taxpayer's employer directly to a lender on behalf of a qualified health care employee are not included in federal adjusted gross income for Maine income tax purposes. The bill also directs the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II and Chapter III regarding reimbursement to rural and nonrural hospitals, acute care critical access hospitals and rural health clinics.

Committee Amendment "A" (S-259)

This amendment makes the following changes to the bill.

1. It changes the reimbursement for acute care critical access hospitals to 100% for all hospital-based physician costs rather than facility and physician costs.
2. It clarifies that rural health clinics are paid under an alternative payment methodology option that is the same as the current system except for rebasing costs to 2016 and 2017 costs as long as the rural health clinics are not paid less than the current reimbursement rate.
3. It requires the Department of Health and Human Services to submit any necessary state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services no later than January 1, 2020. Rulemaking must be completed by the department within 180 days of receiving federal approval.
4. It adds language to clarify that taxpayers cannot claim a double benefit for educational opportunity tax credits.
5. It adds an appropriations and allocations section.

The substance of this bill was incorporated into Public Law 2019, c. 530 (LD 1028 in TAX).

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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**LD 1356 Resolve, Regarding Legislative Review of Portions of Chapter 101:
MaineCare Benefits Manual, Chapters II and III, Section 40: Home
Health Services, a Late-filed Major Substantive Rule of the Department
of Health and Human Services**

**RESOLVE 51
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40, Home Health Services, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2019, chapter 51 authorizes adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40, Home Health Services, a major substantive rule of the Department of Health and Human Services.

Resolve 2019, chapter 51 was finally passed as an emergency measure effective June 6, 2019.

**LD 1360 Resolve, To Expand Eligibility for Presumptive Eligibility
Determinations by Hospitals**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R SANBORN L	ONTP	

This resolve directs the Department of Health and Human Services to amend the department's rule Chapter 332: MaineCare Eligibility Manual, Part 18: Presumptive Eligibility Determined by Hospitals regarding expanding hospital presumptive eligibility, hospital presumptive eligibility cards, assisting individuals with MaineCare application forms and performance standards for qualified hospitals to require that 85% of presumptive eligibility determinations made will be found eligible for full MaineCare coverage.

**LD 1373 Resolve, To Reduce MaineCare Spending through Targeted Nutrition
Interventions**

CARRIED OVER

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

This resolve directs the Department of Health and Human Services to file an application with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a demonstration waiver to allow for reimbursement of medically tailored food and nutrition interventions when a health care provider determines that certain elements of nutrition or foods based upon a nutrition plan developed by a licensed dietitian are necessary for a patient's health. This resolve also directs the Department of Health and Human Services to file the application by October 1, 2019, with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to request that home-delivered meals be reimbursable under MaineCare as directed by Resolve 2015, chapter 54.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P.

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1322.

LD 1374 An Act To Amend the Maine Medical Use of Marijuana Act

ONTP

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

This bill prohibits delivery of medical marijuana except from a registered caregiver with an approved retail store or from a registered dispensary. This bill does not prohibit a caregiver from delivery to patients from the caregiver's 30-plant limit.

LD 1377 An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-604

This bill establishes the Panel To Review Deaths of and Serious Injuries to Persons with Intellectual Disabilities or Autism. The panel consists of 14 members, including a panel coordinator who is an employee of the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is a registered nurse. The panel coordinator must review all cases of death of and serious injury to persons with intellectual disabilities or autism receiving adult developmental services and determine those that require further review by the panel. Other individuals may refer cases to the panel, and the panel may choose additional cases from the list of cases provided by the panel coordinator. The panel has access to records necessary for the review. The panel must provide reports to the Commissioner of Health and Human Services and the Maine Developmental Services Oversight and Advisory Board with findings and recommendations. The panel is required to provide reports to the Legislature on an annual basis and may provide trend analyses to the Legislature as necessary. Legislative reports are public documents.

The bill also makes changes to the laws governing the Maine Developmental Services Oversight and Advisory Board, including the following. It requires disclosure of final reports of investigations pursuant to the Adult Protective Services Act to the board and to the guardian of the person receiving adult developmental services who is the subject of the investigation. It provides the executive director with direct access to client records maintained by the Department of Health and Human Services and to medical examiner reports and records of department investigations into suspicious deaths of persons with intellectual disabilities or autism. It shifts administration of the board's budget to the Department of Administrative and Financial Services. It clarifies the appointment process for members of the board.

Committee Amendment "A" (H-604)

This amendment replaces the bill. It establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services rather than a panel to review only deaths of or injuries to adults with intellectual disabilities or autism. It removes most of the changes to the Maine Developmental Services Oversight and Advisory Board in the bill. It keeps the provision related to moving the budget of the board from the Department of Health and Human Services to the Department of Administrative and Financial Services. It requires the Department of Health and Human Services to provide aggregate data relating to adult protective investigations of individuals with intellectual disabilities or autism to the board and requires an assessment regarding the adequacy of the data after one year. The amendment also adds an appropriations and allocations section.

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This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1378 An Act To Ensure the Provision of Medical Assessments for Youth in Foster Care

PUBLIC 162

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-215

This bill requires that, when a child is ordered into the custody of the Department of Health and Human Services, the department must provide to the foster home in which the child is placed an overview of the child's medical condition and the name and contact information of the child's health care provider at the time of placement, if known. The bill also requires the department to ensure that a child receives an appointment for a medical examination within 3 working days of when the department's custody commences, instead of within 10 days as in current law, and requires that the department inform the foster parent of the appointment.

Committee Amendment "A" (H-215)

This amendment, which is the unanimous report of the committee, replaces the bill. It clarifies that the Department of Health and Human Services shall ensure that a child ordered into its custody receives a medical examination by a licensed physician or nurse practitioner within 10 working days after the department's custody of the child commences. It requires the department to adopt routine technical rules that allow for reimbursement under MaineCare for a comprehensive medical, dental, educational and behavioral assessment, which includes obtaining relevant records, when a child enters the custody of the department.

Enacted Law Summary

Public Law 2019, chapter 162 clarifies that the Department of Health and Human Services shall ensure that a child ordered into its custody receives a medical examination by a licensed physician or nurse practitioner within 10 working days after the department's custody of the child commences. It requires the department to adopt routine technical rules that allow for reimbursement under MaineCare for a comprehensive medical, dental, educational and behavioral assessment, which includes obtaining relevant records, when a child enters the custody of the department.

LD 1399 An Act To Improve Oral Health and Access to Dental Care for Maine Children

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L MOORE M	OTP-AM	H-249 S-343 BREEN C

This bill establishes within the Department of Health and Human Services one Oral Health Coordinator position in the oral health program within the Maine Center for Disease Control and Prevention, rural health and primary care division to lead the State's work on oral health; one Planning and Research Associate II position in the rural health and primary care division within the Maine Center for Disease Control and Prevention tasked with data analysis, performance management reporting and program planning and evaluation; and one Early Periodic Screening Diagnosis and Treatment Dental Coordinator position in the Office of MaineCare Services. The bill also provides funding to expand preventive oral health services provided in schools through the oral health program within the Maine Center for Disease Control and Prevention, rural health and primary care division to all schools in the State and a half-time Office Assistant II position to provide logistical and administrative support for that expansion.

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Committee Amendment "A" (H-249)

This amendment makes the following changes to the bill.

1. It replaces the appropriations and allocations section to remove the funding to expand preventive oral health services provided in schools.
2. It removes the descriptions of the responsibilities of two positions created in the bill to provide the Department of Health and Human Services flexibility.
3. It removes the interim report on the oral health program.
4. It requires a report on the status of the oral health program rather than on the expansion of the program since the funding to expand the program has been removed.

Senate Amendment "A" To Committee Amendment "A" (S-343)

This amendment requires the Department of Health and Human Services, when completing the report on oral health care services provided in schools, to include methods for utilization and maximization of Medicaid funding for oral health staff positions and school-based services. This amendment also changes the date for submission of the report to February 15, 2020. The amendment removes the funding for new positions in the Department of Health and Human Services, Maine Center for Disease Control and Prevention but retains the position in the Office of MaineCare Services.

LD 1403 An Act To Amend the General Assistance Laws Governing Reimbursement

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B	OTP-AM ONTP	H-514

This bill establishes presumptive eligibility for general assistance for persons who are provided shelter at emergency shelters for the homeless. It also reestablishes the 90% reimbursement rate for municipalities that incur net general assistance costs in any fiscal year in excess of .0003 of that municipality's most recent state valuation, which was amended in Public Law 2015, chapter 267, Part SSSS. It retains the 70% reimbursement rate for other municipalities and Indian tribes for costs below the .0003% of all state valuation amount.

Committee Amendment "A" (H-514)

This amendment, which is the majority report of the committee, removes the section of the bill relating to presumptive eligibility. It also grants 100% reimbursement for general assistance costs to Indian tribes. It clarifies that the municipality's most recent state valuation rather than the all state valuation is used for calculating when a municipality begins to be reimbursed 90% for general assistance costs and that the reimbursement is for gross costs rather than net costs. It establishes that the new departmental reimbursement to municipalities begins July 1, 2020.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 1404 *Resolve, To Provide Support Services and Funds To Prevent Homelessness*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN M CHIPMAN B	OTP-AM ONTP	H-368

This resolve requires the Department of Health and Human Services to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for a waiver from the requirements of federal law and regulations to allow Maine to provide Medicaid-funded direct support services to individuals experiencing homelessness. In addition, the bill provides ongoing funds to the Housing First Assistance Program established within the Maine State Housing Authority to be distributed to community action agencies to assist individuals on the verge of becoming homeless.

Committee Amendment "A" (H-368)

This amendment, which is the majority report of the committee, clarifies that the Department of Health and Human Services is required to examine opportunities to provide home and community-based services to individuals experiencing homelessness using a state plan amendment option under Section 1915(i) of the federal Social Security Act or any other Medicaid-funded mechanism that may be appropriate. It requires the department to report its progress in examining options and submitting a waiver to the Joint Standing Committee on Health and Human Services. The amendment also corrects the appropriations and allocations section to reflect funding from the Temporary Housing Assistance Fund and changes the initiative language to be more consistent with the statute governing the fund.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1417 *An Act To Expand Access to Head Start To Assist Opioid-affected and Other At-risk Families*

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J SANBORN L	OTP-AM ONTP	H-265

This bill establishes eligibility standards for the Head Start program that allow participation for a child up to 5 years of age who is or whose family is affected by substance use disorder or whose family's income is at or below 185% of the federal poverty level. This bill also provides appropriations to be distributed to nontribal Head Start program service providers proportionately in an amount based upon the percentage of children up to 5 years of age who live at or below the federal poverty level in each provider's service area compared to the percentage of children up to 5 years of age who live at or below the federal poverty level statewide, with preference given to children who are at risk or whose families are at risk.

Committee Amendment "A" (H-265)

This amendment, which is the majority report of the committee, clarifies that eligibility for the Head Start program is limited to children who have not met the minimum age requirement to enroll in a school administrative unit in accordance with the Maine Revised Statutes, Title 20-A, section 5201, subsection 2.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 1418 An Act To Address Maine's Shortage of Behavioral Health Services for Minors

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J SANBORN L		

This bill:

1. Defines "behavioral health needs" to mean a wide range of mental health disorders and illnesses, substance use disorder, developmental disabilities and autism spectrum disorder;
2. Directs the Department of Health and Human Services to take measures to address the issue of extended stays in hospital emergency departments by minors with behavioral health needs by:
 - A. Maintaining a daily updated online statewide list of available mental health facility or program and community service provider placements for referral purposes by hospital emergency departments;
 - B. Maintaining a quarterly updated online resource list of mental health programs or facilities and community service providers that treat behavioral health needs; and
 - C. Collecting monthly data on and study the issue of extended stays of minors with behavioral health needs in hospital emergency departments and annually submitting a report with a summary of the study along with any recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters;
3. Directs the department to study the data and analysis on extended stays in hospital emergency departments by minors with behavioral health needs and submit an annual report to the Legislature that identifies:
 - A. Reasons for the extended stays;
 - B. Specific behavioral health needs treatment programs and the waiting list for admission to each program; and
 - C. Funding mechanisms to provide short-term transitional assistance to minors with behavioral health needs discharged from a hospital emergency department to residential placements, partial hospitalizations or home-based programs; and
4. Directs the department to study the feasibility of adding a child behavioral needs advocate within the department to coordinate the department's activities with those of various agencies and programs that provide behavioral health needs services to minors and to submit a report to the Legislature by January 1, 2020.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1429 An Act To Fund Opioid Use Disorder Prevention and Treatment

CARRIED OVER

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

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This bill establishes the Opioid Use Disorder Prevention and Treatment Fund administered by the Department of Health and Human Services for the purpose of supporting opioid use disorder analysis, prevention and treatment. The fund is funded by a 2¢ fee per morphine milligram equivalent assessed against prescription opioid drug manufacturers for prescription opioid drugs distributed in the State as well as appropriations, allocations and contributions from private and public sources.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1450 Resolve, To Mitigate the Increasing Waiting List for Services under the **ONTP
MaineCare Section 21 Waiver Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B BELLOWS S	ONTP	

This resolve establishes a two-year pilot project to provide housing to adults with intellectual disabilities or autism spectrum disorder who are on the waiting list for home and community-based benefits provided under the Department of Health and Human Services rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 21. The pilot project must be modeled on a program operated in the Town of Kittery by A House for ME and must provide housing to two to three residents in each home and, with the assistance of community volunteers, assist those residents in becoming active, contributing members of the community.

LD 1453 Resolve, To Establish a Stakeholder Group To Develop an Adult Dental **HELD BY
Benefit under MaineCare **GOVERNOR****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE D BREEN C	OTP-AM	H-409 S-371 BREEN C

This bill adds access to comprehensive medically necessary preventive, diagnostic and restorative dental services to the limited dental services currently available to MaineCare members 21 years of age and over. It also establishes a dental incentive payment program for dentists to increase access to dental care for MaineCare members, including children, and requires the Department of Health and Human Services to convene a working group to make recommendations on the design of the program. It provides for the establishment of benchmarks to measure the effectiveness of the dental incentive payment program over time.

Committee Amendment "A" (H-409)

This amendment removes from the bill provisions establishing the dental incentive payment program and the working group that would have designed it. It retains the adult dental benefit under MaineCare and the rulemaking implementing it. It also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-371)

This amendment replaces the bill with a resolve. This amendment requires the Department of Health and Human Services to convene a stakeholder group to develop a plan for an adult dental benefit under MaineCare. The plan must be submitted to the Joint Standing Committee on Health and Human Services no later than January 1, 2020.

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LD 1461 An Act To Support Early Intervention and Treatment of Mental Health Disorders

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C WARREN C	OTP-AM	S-244 S-300 BREEN C

This bill requires the Department of Health and Human Services to establish a funding mechanism and reimbursement rate for the treatment of individuals showing early signs of a psychotic disorder using a coordinated specialty care model. Services must be evidence-based and treat both the individual and the family. The Department of Health and Human Services is directed to establish a funding mechanism to reimburse for the treatment of individuals in cooperation with the Department of Education and the Department of Labor. The Department of Health and Human Services is directed to apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for any necessary waivers and state plan amendments and to seek federal funding under the community mental health services block grant.

Committee Amendment "A" (S-244)

This amendment, which is the unanimous report of the committee, clarifies that the department must establish a bundled rate for coordinated specialty care. It also provides that the department may review, develop or apply for any source of funds that may be available to implement reimbursement for the coordinated specialty care model. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-300)

This amendment amends the committee amendment. This amendment retains the emergency preamble and emergency clause and, as in the committee amendment and the bill, requires the Department of Health and Human Services to establish a reimbursement rate for a coordinated specialty care model to treat individuals showing early signs of psychotic disorder. Services must be evidence-based and treat both the individual and the family. Under this amendment, the Department of Health and Human Services is directed, in cooperation with the Department of Education and the Department of Labor and no later than July 1, 2020, to establish a bundled rate to reimburse for services provided under the coordinated specialty care model that are not otherwise covered under the MaineCare program. This amendment moves the statutory requirements for the reimbursement to the Maine Revised Statutes, Title 22. This amendment retains the requirement that the Department of Health and Human Services apply to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services for any necessary waivers and state plan amendments and to seek federal funding under the community mental health services block grant but changes cross-references and requires that necessary applications be submitted no later than 90 days after the effective date of this legislation.

The amendment also changes the appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1484 An Act To Create a System Using the Permit for Disposition of Human Remains To Track the Burial of Cremated Remains in a Public Cemetery

PUBLIC 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D DESCHAMBAULT S	OTP	

Joint Standing Committee on Health and Human Services

This bill changes the requirements for persons responsible for public burying grounds by changing the documentation of cremated remains buried in a burying ground from a permissive function to a mandated duty to be performed by the responsible person within seven days of the cremated remains being buried.

Enacted Law Summary

Public Law 2019, chapter 257 changes the requirements for persons responsible for public burying grounds by changing the documentation of cremated remains buried in a burying ground from a permissive function to a mandated duty to be performed by the responsible person within seven days of the cremated remains being buried.

LD 1486 An Act To Strengthen Supports for Adults with Intellectual Disabilities or Autism in Crisis

PUBLIC 290

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH D	OTP-AM	H-411

This bill requires the Department of Health and Human Services to provide a system of crisis and respite services specific to persons with intellectual disabilities or autism and their families. It requires the department to adopt rules by January 1, 2020. The rules are major substantive rules.

Committee Amendment "A" (H-411)

This amendment replaces the bill. It amends the current law regarding crisis and respite services for persons with intellectual disabilities or autism by requiring the Department of Health and Human Services to provisionally adopt major substantive rules on crisis and respite services no later than April 1, 2020. It also requires the Department of Health and Human Services to study the existing services for persons with intellectual disabilities or autism and determine the adequacy of the MaineCare reimbursement methodology and rates paid to providers for meeting the needs of persons at risk for out-of-home placement due to challenging behavior that affects health and safety. The department is required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 30, 2020.

Enacted Law Summary

Public Law 2019, chapter 290 requires the Department of Health and Human Services to provisionally adopt major substantive rules on crisis and respite services for persons with intellectual disabilities or autism no later than April 1, 2020. It requires the Department of Health and Human Services to study the existing services for persons with intellectual disabilities or autism and determine the adequacy of the MaineCare reimbursement methodology and rates paid to providers for meeting the needs of persons at risk for out-of-home placement due to challenging behavior that affects health and safety. The department is required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 30, 2020.

LD 1505 An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws

PUBLIC 331

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-513

This bill is a concept draft pursuant to Joint Rule 208. This bill, as emergency legislation, proposes to make technical changes to and correct errors in the adult use marijuana and medical marijuana laws.

Committee Amendment "A" (H-513)

Joint Standing Committee on Health and Human Services

This amendment, which is the unanimous report of the committee, replaces the bill, which is a concept draft. It corrects technical conflicts and other errors or inconsistencies that resulted when both Public Law 2017, chapter 447 and Public Law 2017, chapter 452 were enacted in the 128th Legislature. It also provides that a registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility are required to pay all costs and fees associated with the use of the statewide electronic portal for record keeping.

Enacted Law Summary

Public Law 2019, chapter 331 corrects technical conflicts and other errors or inconsistencies that resulted when both Public Law 2017, chapter 447 and Public Law 2017, chapter 452 were enacted in the 128th Legislature. It also provides that a registered caregiver, registered dispensary, marijuana testing facility and manufacturing facility are required to pay all costs and fees associated with the use of the statewide electronic portal for record keeping.

LD 1510 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 39
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2019, chapter 39 authorizes the Department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F.

Resolve 2019, chapter 39 was finally passed as an emergency measure effective May 30, 2019.

LD 1512 An Act Regarding Persons Who Are Found Not Criminally Responsible and Are Sent out of State for Treatment

PUBLIC 405

Sponsor(s)

Committee Report

Amendments Adopted

GATTINE D
BREEN C

OTP-AM

H-469

This bill concerns persons charged with crimes who are judged not criminally responsible by reason of insanity who are placed in an institution outside the State.

The bill:

1. Requires the court, before placing a person in an institution outside the State or upon request of the person after being placed outside the State, to conduct a hearing to find that the institution is the least restrictive placement, that there is not an equivalent placement within the State and that the institution outside the State will comply with state reporting requirements;
2. Requires an institution outside the State in which a patient is placed to provide quarterly status reports on the

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patient to the Commissioner of Health and Human Services; and

3. Directs the Commissioner of Health and Human Services to convene an oversight committee to review the status of forensic patients placed in institutions outside the State to determine if a patient is in the least restrictive environment and receiving adequate care and if the Department of Health and Human Services is actively working on a plan to return the patient to the State and to make recommendations to the commissioner, the head of the institution where the patient is placed, the court of record, a family member designated by the patient and the patient's attorney or, if the patient does not have an attorney, the patient's attorney of record.

Committee Amendment "A" (H-469)

This amendment, which is the unanimous report of the committee:

1. Removes the requirement in the bill that the court, before placing a person in an institution outside the State or upon request of the person after being placed outside the State, conduct a hearing;
2. Reduces the frequency of required status reports on a forensic patient placed outside the State from quarterly to every six months and requires the report be filed in the Superior Court in the county in which the state institution monitoring the person's placement is located; and
3. Replaces the proposed oversight committee of forensic patients in the bill with a committee for the oversight of patient human rights, for patients in state institutions or forensic patients placed outside the State, to review practices that affect, or potentially affect, the civil liberties or other rights of patients; review patient grievances; review reports regarding the placement of forensic patients outside the State and, among other duties, to report concerns and make recommendations to the superintendent of the state institution.

Enacted Law Summary

Public Law 2019, chapter 405 requires status reports on a forensic patient placed outside the State every 6 months and requires the report be filed in the Superior Court in the county in which the state institution monitoring the person's placement is located. It also creates a committee for the oversight of patient human rights, for patients in state institutions or forensic patients placed outside the State, to review practices that affect, or potentially affect, the civil liberties or other rights of patients; review patient grievances; review reports regarding the placement of forensic patients outside the State and, among other duties, to report concerns and make recommendations to the superintendent of the state institution.

LD 1523 An Act To Ensure the Quality of and Increase Access to Recovery Residences

PUBLIC 524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S MADIGAN C	OTP-AM	S-240 S-345 BREEN C

This bill adds definitions of "person recovering from substance use disorder" and "recovery residence" to the laws governing the substance use disorder programs of the Department of Health and Human Services and directs the department to establish a voluntary certification process for recovery residences. It also directs the Maine State Housing Authority to create a pilot project to provide a short-term rental subsidy to a person recovering from substance use disorder to reside in a certified recovery residence that provides medication-assisted treatment.

This bill also adds "recovery" to "substance use disorder prevention and treatment" in the context of activities and services under the laws addressing alcohol and drug use. The bill also adds an appropriations and allocations section.

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Committee Amendment "A" (S-240)

This amendment, which is the unanimous report of the committee, amends the bill as follows.

1. It makes the definition of "recovery" consistent with the definition of "recovery support services."
2. It allows for a short-term rental subsidy to be provided for a person in recovery so that the rental subsidy may be provided to an administrator of the recovery residence not only the person in recovery directly.
3. It removes the requirement that recovery residences provide medication-assisted treatment as a condition of receiving a short-term rental subsidy and instead requires that the recovery residences must permit medication-assisted treatment.
4. It makes the Maine State Housing Authority's rule-making authority permissive with respect to providing a short-term rental subsidy for a person in recovery.
5. It removes the appropriations and allocations section so that the short-term rental subsidy can be provided within existing budgeted resources.
6. It removes certain provisions that add "recovery" to "substance use disorder prevention and treatment" that have substantive implications beyond the scope of this legislation.
7. It adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-345)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 524:

1. Updates the definition of "recovery";
2. Allows for a short-term rental subsidy to be provided for a person in recovery so that the rental subsidy may be provided to an administrator of the recovery residence not only the person in recovery directly.
3. Requires, in order to receive a short-term rental subsidy under this law, that recovery residences must permit medication-assisted treatment; and
4. Makes the Maine State Housing Authority's rule-making authority permissive with respect to providing a short-term rental subsidy for a person in recovery.

LD 1526 An Act To Increase the Availability of Foster Homes

PUBLIC 444

Sponsor(s)

KEIM L

Committee Report

OTP-AM

Amendments Adopted

S-178

This bill eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets all elements of the fire safety code before the Department of Health and Human Services may issue a license to operate as a family foster home. The bill moves the inspection responsibility to the Department of Health and

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Human Services, which is directed to adopt rules governing the method of inspection.

Committee Amendment "A" (S-178)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 444 eliminates the requirement that the State Fire Marshal inspect a family foster home and certify that it meets all elements of the fire safety code before the Department of Health and Human Services may issue a license to operate as a family foster home. It moves the inspection responsibility to the Department of Health and Human Services, which is directed to adopt rules governing the method of inspection.

LD 1539 An Act To Provide Maine Children Access to Affordable Health Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A MILLETT R	OTP-AM OTP-AM	H-578

This bill makes the following changes to the Cub Care program.

1. It changes the maximum eligibility level for family income from 200% of the federal poverty level to 325% of the federal poverty level.
2. It removes the three-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan.
3. It establishes that eligibility is not subject to an asset test.
4. It provides coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age. The Department of Health and Human Services is required to use state funds to fund the program but may apply for waivers or state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to receive federal matching funds.
5. It repeals the provisions regarding premium payments for the Cub Care program.
6. It requires the department to contract for outreach activities rather than providing them directly. The department must have a contract or contracts in place no later than January 1, 2020. The department is also required to seek federal grant funds for additional outreach activities under the federal Helping Ensure Access for Little Ones, Toddlers, and Hopeful Youth by Keeping Insurance Delivery Stable Act, Public Law 115-120 and the federal Advancing Chronic Care, Extenders and Social Services (ACCESS) Act, Public Law 115-123.
7. It requires the department to submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the use of the express lane eligibility option no later than January 1, 2020 and to implement it no later than six months after receiving approval.

Committee Amendment "A" (H-578)

This amendment, which is the majority report of the committee, makes the following changes to the bill.

1. It changes the maximum eligibility level for family income from 325% of the federal poverty level to 300% of the federal poverty level.

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2. It directs the Department of Health and Human Services to submit any waivers or state plan amendments to accomplish the eligibility criteria established in this legislation, including but not limited to removing the three-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan.
3. It removes the provision that eligibility is not subject to an asset test because current rules do not make eligibility subject to an asset test.
4. It removes the requirement to provide coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age.
5. It removes the requirement that the department contract for outreach activities and removes the reference to specific federal grant funds the department must seek for additional outreach activities.
6. It removes the requirement for the department to submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the use of the express lane eligibility option.
7. It makes the repeal of the waiting period and premium payment requirements under the Cub Care program contingent on the approval of a waiver of those requirements by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.
8. It adds an appropriations and allocations section.

Committee Amendment "B" (H-579)

This amendment, which is the minority report of the committee, makes the following changes to the bill.

1. It keeps the maximum eligibility level for family income at 200% of the federal poverty level, which is the amount established in current law.
2. It directs the Department of Health and Human Services to submit any waivers or state plan amendments to accomplish the eligibility criteria established in this legislation, including but not limited to removing the three-month waiting period for enrollment in the Cub Care program following the loss of health insurance or coverage under an employer-based plan.
3. It removes the provision that eligibility is not subject to an asset test because current rules do not make eligibility subject to an asset test.
4. It removes the requirement to provide coverage to persons 19 and 20 years of age and to noncitizens under 21 years of age.
5. It removes the requirement that the department contract for outreach activities and removes the reference to specific federal grant funds the department must seek for additional outreach activities.
6. It removes the requirement for the department to submit a state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the use of the express lane eligibility option.
7. It makes the repeal of the waiting period and premium payment requirements under the Cub Care program contingent on the approval of a waiver of those requirements by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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8. It adds an appropriations and allocations section.

This amendment was not adopted.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 1548 Resolve, To Promote Quality and Transparency in the Provision of
Services by Assisted Housing Programs That Provide Memory Care**

RESOLVE 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-142 S-346 BREEN C

This resolve requires the Department of Health and Human Services to contract with the University of Southern Maine's Edmund S. Muskie School of Public Service to conduct a study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs, with a focus on residents with Alzheimer's disease or dementia. It requires the department to amend certain provisions in the department's rule governing the licensing and functioning of assisted housing programs. It requires the department to establish a work group to review department rules governing training for direct care staff in Alzheimer's or dementia care units and other memory care units to determine the adequacy of the training.

Committee Amendment "A" (S-142)

This amendment requires the Department of Health and Human Services to issue a request for proposals to conduct the time study. It also requires the Department of Health and Human Services to submit a report, together with recommendations and suggested legislation, to the Joint Standing Committee on Health and Human Services describing the department's activities and actions regarding the time study and of the Alzheimer's and dementia care and other memory care work group established to review training of direct care staff. The amendment also adds an appropriations and allocations section.

Senate Amendment "A" To Committee Amendment "A" (S-346)

This amendment requires the State Controller to transfer \$355,501 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus at the close of fiscal year 2019-20. The amendment also requires the Commissioner of Professional and Financial Regulation to determine from which accounts the funds will be transferred so that the sum equals \$355,501 and to notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account on or before June 30, 2020.

Enacted Law Summary

Resolve 2019, chapter 106 requires the Department of Health and Human Services to issue a request for proposals for a contract to conduct a time study to determine the amount of time assisted housing program staff devote to meeting the needs of residents in assisted housing programs, with a focus on residents with Alzheimer's disease or dementia. The time study is funded by available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation.

Resolve 2019, chapter 106 also requires the Department of Health and Human Services to amend certain provisions in the department's rule governing the licensing and functioning of assisted housing programs and to establish a work group to review department rules governing training for direct care staff in Alzheimer's or dementia care units and other memory care units to determine the adequacy of the training. The department shall submit a report, together with recommendations and suggested legislation, to the Joint Standing Committee on Health and Human Services describing the department's activities and actions regarding the time study and of the Alzheimer's and

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dementia care and other memory care work group established to review training of direct care staff.

LD 1577 An Act To Assist Nursing Homes in the Management of Facility Beds

CARRIED OVER

Sponsor(s)

PERRY A

Committee Report

OTP-AM

Amendments Adopted

H-350

This bill restores the ability of nursing facilities to voluntarily reduce the number of their licensed beds and then later increase the number of their licensed beds to the prior level after obtaining a certificate of need and meeting certain conditions. It modifies the process to obtain certificate of need approval to reopen reserved beds. Applications that seek to reopen reserved beds must be approved if the projected incremental costs of reopening and operating the reopened beds are consistent with the facility's costs of operating its other beds. Applicants are not required to demonstrate that any increases in MaineCare costs are offset by other MaineCare savings. The costs of ongoing operation of both the restored beds and the complement of facility beds at the time the reserved beds are reopened must be recognized as allowable costs and incorporated into the facility's MaineCare payment rates.

The bill requires the Department of Health and Human Services to include in its calculation of reimbursement for services provided by a nursing facility the cost incurred by the facility for a medical director.

The bill requires the cost incurred by a nursing facility for the acquisition, use and maintenance of computer or cloud-based software systems to be included as a fixed cost.

The bill requires the Department of Health and Human Services to amend its rules governing adult family care services to provide reimbursement for up to 30 bed hold days per calendar year when a resident is absent from a facility.

The bill requires the Department of Health and Human Services to amend its rules governing principles of reimbursement for nursing facilities to include the cost of health insurance for employees attributable to MaineCare residents as a fixed cost.

The bill requires the department to amend these rules to include reimbursement for 50% of a nursing facility's charges for a maximum of six months for a newly admitted resident who is determined to be financially ineligible for MaineCare after the resident is admitted to the nursing facility and the charges remain unpaid after reasonable efforts are made by the nursing facility to collect the debt based on these charges.

Committee Amendment "A" (H-350)

This amendment removes from the bill the sections related to bed hold days, health insurance and bad debt and adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1595 An Act To Enhance the Child Welfare Ombudsman Program

ONTP

Sponsor(s)

MASTRACCIO A
GRATWICK G

Committee Report

ONTP

Amendments Adopted

Joint Standing Committee on Health and Human Services

This bill makes the following changes to the laws governing the ombudsman program that provides ombudsman services to the children and families of the State regarding child welfare services provided by the Department of Health and Human Services.

1. It provides that the program is an independent program operated as a nonprofit organization to provide investigative, oversight and advocacy services on a statewide basis.
2. It requires the program to provide oversight of child welfare practice and policy to ensure the rights and safety of children and their families.
3. It specifies staffing for the program.
4. It provides that the Governor appoints the ombudsman, subject to review by the joint standing committee of the Legislature having jurisdiction over health and human services matters and to confirmation by the Legislature.
5. It provides that the ombudsman serves a seven-year term of office.
6. It requires the ombudsman to submit the ombudsman's budget recommendations, using a format prescribed by the State Budget Officer, as part of the unified current services budget legislation.
7. It provides full-time program employees access to health insurance benefits provided to state employees and retirement benefits provided to state employees.
8. It requires the program to provide services directly to individuals and families and authorizes the program to provide systemwide comment to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.
9. It requires the department to inform the ombudsman of any statewide policy or practice changes in child welfare before they take effect.
10. It allows the ombudsman to participate in trainings, studies or policy development activities conducted by the department.
11. It requires the ombudsman to be available to provide information about child welfare issues on a statewide basis to individuals and entities outside the department.
12. It authorizes the ombudsman to disclose confidential information, records or case-specific reports to a joint standing committee, joint select committee or oversight committee of the Legislature meeting in executive session.

LD 1602 Resolve, Establishing the Working Group on Mental Health

**RESOLVE 100
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BREEN C WARREN C	OTP-AM	S-213 S-310 LIBBY N

This resolve establishes the Working Group on Mental Health to assess the State's capacity to serve Maine citizens with behavioral health needs and propose a comprehensive mental health plan for the State.

Committee Amendment "A" (S-213)

This amendment, which is the unanimous report of the committee, changes the membership of the working group.

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Senate Amendment "A" To Committee Amendment "A" (S-310)

This amendment increases from one to two the number of Senators appointed to the working group and increases from one to two the number of members of the House of Representatives appointed to the working group.

Enacted Law Summary

Resolve 2019, chapter 100 establishes the Working Group on Mental Health to assess the State's capacity to serve Maine citizens with behavioral health needs and propose a comprehensive mental health plan for the State.

Resolve 2019, chapter 100 was finally passed as an emergency measure effective June 28, 2019.

LD 1616 An Act To Establish the Vaccine Consumer Protection Program

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR B FOLEY R	ONTP OTP-AM	

This bill establishes the Vaccine Consumer Protection Program within the Department of Health and Human Services and describes the activities under the program.

Committee Amendment "A" (H-405)

This amendment, which is the minority report of the committee, clarifies the activities of the Vaccine Consumer Protection Office in investigating a death that is suspected to have been caused by the administration of a vaccine. It also requires a health care provider who provides primary care to a child under the age of 18 to provide to the parent, guardian or custodian of the child a form for the parent, guardian or custodian to complete requesting the child's most recent immunization and the date of that immunization and requires the health care provider to remove the personally identifying information of the child from the form and submit it to the Vaccine Consumer Protection Office. The Vaccine Consumer Protection Office is directed to submit a report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding information received on the forms and any trends. The amendment also repeals Public Law 2019, chapter 154, "An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements."

The amendment retains the provisions in the bill that establish the Vaccine Consumer Protection Program; establish treatment and administration guidelines for vaccines; specify a health care provider's rights to refuse to administer a vaccine and a patient's right to refuse a vaccine; prohibit incentives to administer vaccines, vaccine administration without a prescription and vaccine prescription by standing order; require an annual report on adverse event reports; provide for religious and medical exemptions; add the vaccine injury table to a provider reference manual; and require health care provider licensing boards to amend their rules to conform to the provisions in the bill, among other provisions. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 1630 Resolve, To Ensure Access to Opiate Addiction Treatment

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S WOODSOME D		

Joint Standing Committee on Health and Human Services

This resolve directs the Department of Health and Human Services to set the weekly MaineCare reimbursement rate paid to outpatient opioid treatment providers at \$110 per week, or at a higher rate if the department determines a higher rate is justified.

Public Law 2019, chapter 343 (the biennial budget) increased the weekly reimbursement rate for medication assisted treatment.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 1635 Resolve, To Improve Access to Early and Periodic Screening, Diagnostic and Treatment Services for Children from Birth to 8 Years of Age RESOLVE 66
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B FARNSWORTH D	OTP-AM	S-182

This resolve requires the Department of Health and Human Services, in consultation with the Department of Education, to convene the participants of the federally funded Developmental Systems Integration initiative to determine the capacity of the State to provide child find and early and periodic screening, diagnostic and treatment services to children from birth to eight years of age, the gaps in services and the costs of addressing those gaps. The report must be submitted to the Joint Standing Committee on Health and Human Services no later than December 30, 2019.

Committee Amendment "A" (S-182)

This amendment requires the Department of Health and Human Services to convene a stakeholder group rather than convene the participants of the federally funded Developmental Systems Integration initiative. It also adds additional requirements to the report submitted to the Joint Standing Committee on Health and Human Services.

Enacted Law Summary

Resolve 2019, chapter 66 requires the Department of Health and Human Services, in consultation with the Department of Education, to convene a stakeholder group to determine the capacity of the State to provide child find and early and periodic screening, diagnostic and treatment services to children from birth to eight years of age, the gaps in services and the costs of addressing those gaps. The report must be submitted to the Joint Standing Committee on Health and Human Services no later than December 30, 2019.

Resolve 2019, chapter 66 was finally passed as an emergency measure effective June 13, 2019.

**LD 1637 An Act To Prevent Medicaid Payment from a Savings Account PUBLIC 348
Established under the Federal ABLÉ Act of 2014**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N RILEY T	OTP-AM	S-179

This bill:

1. Prohibits the State, or any agency or instrumentality of the State, from seeking payment from an ABLÉ account or its proceeds for MaineCare benefits provided to a beneficiary, unless otherwise required by federal law;

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2. Provides that funds held in an ABLÉ account must be disregarded when determining the designated beneficiary's eligibility for any means-tested public assistance program; and
3. Provides that earnings on funds held in an ABLÉ account are exempt from taxation by the State.

Committee Amendment "A" (S-179)

This amendment, which is the unanimous report of the committee, clarifies the provisions regarding the exemption of an account established under a qualified ABLÉ program that complies with the requirements of the federal Achieving a Better Life Experience Act of 2014, Public Law 113-295 from Medicaid estate recovery to the extent permitted under federal law.

Enacted Law Summary

Public Law 2019, chapter 348:

1. Prohibits the State, or any agency or instrumentality of the State, from seeking payment from an ABLÉ account or its proceeds for MaineCare benefits provided to a beneficiary, unless otherwise required by federal law;
2. Provides that funds held in an ABLÉ account must be disregarded when determining the designated beneficiary's eligibility for any means-tested public assistance program; and
3. Provides that earnings on funds held in an ABLÉ account are exempt from taxation by the State.

LD 1655 An Act To Improve and Modernize Home-based Care

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MEYER M MOORE M	OTP-AM	H-524

This bill:

1. Establishes the Social Determinants of Health Stakeholder Advisory Group to collaborate with providers of home health care services and other services relating to the social determinants of health and make recommendations to the Department of Health and Human Services;
2. Provides for reimbursement for telehealth or telemonitoring private duty nursing, home health services and personal care services for an adult MaineCare member with a physical disability or an adult who is elderly who is receiving MaineCare services under a waiver granted by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services for home-based and community-based services or state-funded home-based and community-based support services. The services must include:
 - A. Services that support a member's ability to remain in the member's home, including, but not limited to, telehealth and telemonitoring services that support a member's safety, mobility or medication compliance, or that support virtual home visits and clinical consultation; and
 - B. Services of a pharmacist to provide medication evaluation or consultation to a member;
3. Expands the duties of the Maine Telehealth and Telemonitoring Advisory Group to include making recommendations about home technology to the Department of Health and Human Services;
4. Directs the Department of Health and Human Services, beginning in 2020 and at least every two years thereafter and whenever legislation is enacted that affects the costs of providing private duty nursing, home health services

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and personal care services, to review the rates for providers of services under a waiver granted by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services for home-based and community-based services or state-funded home-based and community-based support services;

5. Directs the Department of Health and Human Services to amend its rules for services provided under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Sections 19, 40 and 96 and rule Chapter 5, Office of Elder Services Policy Manual, Section 63 so that:

- A. A certified nurse practitioner licensed under the Maine Revised Statutes, Title 32, chapter 31 and a physician assistant licensed under Title 32, chapter 36 or 48 may authorize or amend a plan of care; and
- B. Reimbursement is provided for activities performed outside of the home by a registered nurse licensed under Title 32, chapter 31 that are directly related to a member's care and are part of the member's plan of care;

6. Directs the Department of Health and Human Services to convene a work group to review options for adjusting rates in order to provide health care coverage and paid sick leave to home-based and community-based care providers and to report the recommendations of the work group to the Joint Standing Committee on Health and Human Services; and

7. Directs the Department of Health and Human Services to review its in-person supervisory requirement for home-based and community-based care providers to determine whether the use of technology that provides interactive, real-time communication is feasible and practical and to report its recommendations to the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (H-524)

This amendment removes the sections of the bill that establish the Social Determinants of Health Stakeholder Advisory Group within the Department of Health and Human Services, require review of certain home-based and community-based MaineCare reimbursement rates every two years and require the department to convene a work group to review options for adjusting reimbursement rates for home-based and community-based services. The amendment newly requires the department to amend its rules for reimbursement for pharmacists conducting a medication evaluation or consultation in the home. It clarifies that certified nurse practitioners and physician assistants may only authorize or amend a plan of care under rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 40 after the federal government allows for it. It adds making recommendations to the department on best practices to the additional duties of the Maine Telehealth and Telemonitoring Advisory Group included in the bill. It also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1662 An Act To Save Lives by Establishing the Low Barrier Opioid Treatment Response Program CARRIED OVER

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

This bill requires the Department of Health and Human Services to establish the Low Barrier Opioid Treatment Response Program in Maine's federally qualified health centers to improve the availability of medication-assisted treatment and enhance the effectiveness and sustainability of acute care responses to persons in urgent need of treatment for substance use disorders, including opioid use disorder. The department is required to implement the program on a pilot basis initially and expand the program statewide after reviewing initial outcomes of the pilot.

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It also directs the department and representatives of federally qualified health centers to examine the extent to which existing structures for reimbursement and delivery of services by federally qualified health centers and other providers may hamper or facilitate access to opioid use disorder treatment and develop proposed changes to address identified barriers, reduce unnecessary costs and enhance coordination between federally qualified health centers and other providers serving persons at risk of opioid overdose. The department is required to report findings on these subjects and on initial pilot implementation of the Low Barrier Opioid Treatment Response Program to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1689 An Act To Address the Opioid Crisis through Evidence-based Public Health Policy CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L MCCREIGHT J	OTP-AM	S-177

This bill expands the scope and capabilities of hypodermic apparatus exchange programs certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention. This bill requires the center to adopt rules that:

1. Allow the programs to distribute naloxone hydrochloride and other safer drug use supplies; and
2. Expand the criteria a program must meet in order to be awarded funds, including distributing naloxone hydrochloride and other safer drug use supplies; providing HIV, AIDS and hepatitis C testing; and maintaining referral agreements or having the capacity to provide counseling services, medication-assisted treatment services and infectious disease care.

The center is also required to consider geographic distribution of services provided by a program when allocating funding.

This bill also amends the Maine Criminal Code to remove the crimes of furnishing hypodermic apparatuses and illegal possession of hypodermic apparatuses and makes changes to other statutes to reflect that decriminalization.

Committee Amendment "A" (S-177)

This amendment, which is the unanimous report of the committee, removes the sections of the bill that decriminalize the crimes of furnishing or possessing hypodermic apparatuses. It removes the changes to the requirement to distribute educational materials. It removes the requirement to distribute naloxone hydrochloride and other safer drug use supplies. Instead of requiring that a hypodermic apparatus exchange program have a board, the amendment requires a program to have a process or system to regularly seek input from persons with a history of drug use. The amendment also makes changes to the allocation of funds appropriated for hypodermic apparatus exchange programs. The amendment also adds an appropriations and allocations section.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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LD 1696 Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services

**RESOLVE 40
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a major substantive rule of the Department of Health and Human Services that was filed outside the legislative rule acceptance period.

Enacted Law Summary

Resolve 2019, chapter 40 authorizes the department of Health and Human Services to adopt the major substantive rules for portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations.

Resolve 2019, chapter 40 was finally passed as an emergency measure effective May 30, 2019.

LD 1735 An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity

**PUBLIC 312
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T O'CONNOR B	OTP-AM	S-214

Public Law 2017, chapter 452 authorized registered dispensaries under the Maine Medical Use of Marijuana Act operating as nonprofit entities to become for-profit entities, but did not outline a pathway to follow for such a transaction.

This bill:

1. Specifies the possible pathways of merger, purchase and conversion for such a dispensary to become a for-profit entity;
2. Provides that a registered dispensary operating as a nonprofit entity that reorganizes as a for-profit entity retains its registration certificate;
3. Requires that a registered dispensary that reorganizes as a for-profit entity pay to the Medical Use of Marijuana Fund a percentage of the value of the sale or transfer of interest; and
4. Requires that a registered dispensary that reorganizes as a for-profit entity pay to the Medical Use of Marijuana Fund 2% of gross sales for discounts to certain qualified patients.

Committee Amendment "A" (S-214)

This amendment, which is the unanimous report of the committee:

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1. Provides that the reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity may be accomplished only by any of the eight registered dispensaries that were issued registration certificates as of April 1, 2018 and that operate as any type of nonprofit entity;
2. Specifies that any exemptions from fiduciary duty and conflicts of interest otherwise required by the law do not apply for the limited purposes required in order for a registered dispensary operating as a nonprofit entity to reorganize as a for-profit entity;
3. Clarifies that the triggering event for a registered dispensary to pay a fine to the Medical Use of Marijuana Fund is only upon the sale or transfer of interest within four years after the reorganization to a for-profit entity and provides that the cost of an appraisal required to determine the value of the sale or transfer of interest must be paid from the Medical Use of Marijuana Fund;
4. Requires a registered dispensary that reorganizes as a for-profit entity or the dispensary's successor in interest to provide discounts in an amount that is not less than 2% of gross sales of the dispensary in the previous year to certain qualifying patients as a condition of registration. The Department of Administrative and Financial Services is required to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2023 regarding the discounts provided. The requirement to provide discounts is repealed July 1, 2023; and
5. Directs the Secretary of State to develop a form for use by registered dispensaries to accomplish the reorganization from a nonprofit to a for-profit entity.

Enacted Law Summary

Public Law 2019, chapter 312:

1. Specifies the possible pathways of merger, purchase and conversion for such a dispensary to become a for-profit entity;
2. Provides that the reorganization of a registered dispensary operating as a nonprofit entity to a for-profit entity may be accomplished only by any of the eight registered dispensaries that were issued registration certificates as of April 1, 2018 and that operate as any type of nonprofit entity;
3. Specifies that any exemptions from fiduciary duty and conflicts of interest otherwise required by the law do not apply for the limited purposes required in order for a registered dispensary operating as a nonprofit entity to reorganize as a for-profit entity;
4. Requires a registered dispensary to pay a fine to the Medical Use of Marijuana Fund upon the sale or transfer of interest within four years after the reorganization to a for-profit entity and provides that the cost of an appraisal required to determine the value of the sale or transfer of interest must be paid from the Medical Use of Marijuana Fund;
5. Requires a registered dispensary that reorganizes as a for-profit entity or the dispensary's successor in interest to provide discounts in an amount that is not less than 2% of gross sales of the dispensary in the previous year to certain qualifying patients as a condition of registration. The Department of Administrative and Financial Services is required to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2023 regarding the discounts provided. The requirement to provide discounts is repealed July 1, 2023; and
6. Directs the Secretary of State to develop a form for use by registered dispensaries to accomplish the reorganization from a nonprofit to a for-profit entity.

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Public Law 2019, chapter 312 was enacted as an emergency measure effective June 17, 2019.

LD 1737 An Act Relating to the Retention and Hiring of Mental Health Staff at the Department of Health and Human Services **CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to promote the hiring and retention of mental health professionals at the Department of Health and Human Services.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1738 An Act Regarding Medical Marijuana **PUBLIC 354
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	H-545

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law regarding medical marijuana.

Committee Amendment "A" (H-545)

This amendment, which is the unanimous report of the committee, replaces the bill, which is a concept draft. The amendment:

1. Adds an emergency preamble and clause to the legislation;
2. Establishes a certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention for marijuana testing facilities under the Maine Medical Use of Marijuana Act and testing facilities under the adult use laws;
3. Establishes the Marijuana Testing Facility Certification Fund as an Other Special Revenue Funds account within the Maine Center for Disease Control and Prevention;
4. Requires marijuana testing facilities under the Maine Medical Use of Marijuana Act, like testing facilities under the adult use laws, to be certified by the Maine Center for Disease Control and Prevention; and
5. Adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 354:

1. Establishes a certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention for marijuana testing facilities under the Maine Medical Use of Marijuana Act and testing facilities under the adult use laws;

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- 2. Establishes the Marijuana Testing Facility Certification Fund as an Other Special Revenue Funds account within the Maine Center for Disease Control and Prevention; and
- 3. Requires marijuana testing facilities under the Maine Medical Use of Marijuana Act, like testing facilities under the adult use laws, to be certified by the Maine Center for Disease Control and Prevention.

Public Law 2019, chapter 354 was enacted as an emergency measure effective June 18, 2019.

**LD 1758 An Act To Clarify and Amend MaineCare Reimbursement Provisions
for Nursing and Residential Care Facilities**

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM	S-265 S-368 BREEN C

This bill is emergency legislation amending statutory and unallocated provisions to require the Department of Health and Human Services to amend the department's rules regarding MaineCare reimbursement of nursing facility and residential care facility costs, including:

- 1. Clarifying and requiring additional cost-of-living adjustments to reimbursed costs based upon:
 - A. The costs paid by nursing facilities for goods and services required to provide patient care;
 - B. The forecasted increase in the skilled nursing facility market basket index for the coming federal fiscal year published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and
 - C. Any further changes to the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index or market basket index projections over the payment year when the department is carrying out cost report audits and determining final prospective rates pursuant to department rules regarding costs related to resident care under principles of reimbursement for nursing facilities during the payment year;
- 2. Clarifying and amending nursing facility reimbursement provisions enacted in Public Law 2017, chapter 460 regarding a 10% special supplemental wage allowance by:
 - A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
 - B. Prohibiting department rules that require a nursing facility to ensure or otherwise demonstrate that the increase in rates applies only to wages and benefits;
 - C. Changing the low-cost, high Medicaid facility supplemental payment by removing the low-cost requirement; and
 - D. Providing a supplemental allowance of 60¢ per reimbursed MaineCare resident day for each 1% over 70% MaineCare occupancy to nursing facilities with specialty medical-psychiatric beds or units and to nursing facilities that provide intensive acquired brain injury rehabilitation services; and
- 3. Clarifying and amending residential care facility reimbursement provisions enacted in Public Law 2017, chapter

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460 regarding a 10% special supplemental wage allowance by:

- A. Requiring the allowance to include contract labor and requiring an additional 10% wage allowance in state fiscal year 2019-20 and incorporating both requirements into a rebasing of the reimbursement rates in future years;
- B. Prohibiting department rules that require a residential care facility to ensure or otherwise demonstrate that the increase in rate applies only to wages and benefits; and
- C. Requiring reimbursement rates for allowable direct care, personal care services and routine care costs to be adjusted yearly for inflation.

Committee Amendment "A" (S-265)

This amendment removes the sections of the bill that require additional cost-of-living adjustments to nursing facilities and residential care facilities and supplemental allowances for facilities with a high proportion of MaineCare residents and facilities with specialty beds. It retains the requirements for the 10% one-time supplemental payment provided in Public Law 2017, chapter 460, Part B to nursing facilities and residential care facilities to continue in successive years until rebasing incorporates the increase, but the amendment removes the retroactive requirement to include contract labor. It retains the requirement to grant an additional 10% increase that is carried forward until rebasing incorporates the increase, but it removes the language relating to requiring increases to go to routine care cost components of the rates. It removes the specific prohibition upon the Department of Health and Human Services to require a nursing facility or residential care facility to demonstrate how increased reimbursement is applied to wages and benefits to direct care workers but specifies that the increased reimbursement is not limited to only wages and wage-related costs. It removes the retroactivity section of the bill but retains the emergency provision of the bill. It adds an appropriations and allocations section.

Senate Amendment "B" To Committee Amendment "A" (S-368)

This amendment directs the Department of Health and Human Services to amend its rules to determine, of the funds provided in the bill, the proportional amount to be distributed to each provider based on the supplemental allowances and additional special wage allowances established in the bill as amended by Committee Amendment "A". This amendment also replaces the appropriations and allocations section.

LD 1760 *An Act To Support Children's Healthy Development and School Readiness*

CARRIED OVER

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

This bill creates the First 4 ME Early Care and Education Program under the Department of Health and Human Services to provide comprehensive, high-quality early child care and education services for at-risk children under six years of age who have not entered kindergarten and the children's parents by funding projects that integrate comprehensive resources and services with traditional center-based and family child care settings. The projects are sponsored by coalitions of stakeholders, providers and other community members within the communities that the projects serve. Each project is led and coordinated by a community contractor who staffs the project's operations and contracts with community providers to provide health care, education or parenting services, which may include services provided in a licensed child care center or by a licensed family child care provider, in a home visit or by an individual providing services to a family member within the individual's or family member's residence. The community contractor employs or contracts with community coaches who train and provide support to community providers. This bill also directs the department to request proposals for up to 10 pilot projects to implement the program and to report to the Legislature on the progress of the pilot projects toward the objectives, goals and

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intended outcomes of the projects in 2024.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1772 An Act To Secure Transitions to Economic Prosperity for Maine Families and Children

PUBLIC 484

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEWART T DOW D	OTP-AM	H-606

This bill:

1. Increases the income amounts that are disregarded when calculating benefits from the Temporary Assistance for Needy Families program, or TANF program, for recipients who have earnings from employment. It also replaces for a limited period food assistance lost as a result of increased earnings from employment and the increased income amounts that are disregarded;
2. Increases the transitional food benefits available under the TANF program from \$50 per month per family to \$100 per month per family;
3. Establishes a whole family economic security initiative as part of the TANF program to increase the economic security of the entire family; and
4. Requires the Department of Health and Human Services to count the participation of a participant in the ASPIRE-TANF program in basic skills education, which includes programs to assist individuals in obtaining a high school equivalency diploma, toward the first 20 hours of the participant's weekly work participation requirements.

Committee Amendment "A" (H-606)

This amendment makes the following changes to the bill.

1. It clarifies that employment earnings in the months when earnings are subject to disregards do not affect special housing allowances.
2. It reduces the number of months that the Department of Health and Human Services disregards the earnings of a recipient of temporary assistance for needy families, or TANF, benefits and removes the requirement that the earnings be continuous for more than two months to be counted.
3. It stipulates that a month in which earnings are insufficient to change a benefit amount is not counted as a month in which earnings are disregarded.
4. It changes the requirement for food supplement assistance for a TANF recipient to be the same amount as prior to employment to a minimum of \$50 in food supplement assistance.
5. It requires the Department of Health and Human Services to approve an extension from the 60-month limit for TANF recipients who have employment earnings that are subject to disregards rather than not counting those months in the 60-month limit.
6. It changes the amount of TANF block grant funds that can be used for initiatives in the bill from \$3,000,000 to \$2,000,000.

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7. It corrects the language for basic skills education to refer to a high school diploma or equivalent or comparable credential. It also states that basic skills education counting as work participation requirements may be suspended if the State no longer meets the work participation rates required by the Federal Government. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 484 makes the following changes to the Temporary Assistance for Needy Families program, or TANF program.

1. It increases the income amounts that are disregarded when calculating benefits from the TANF program for recipients who have earnings from employment and determines that those earnings subject to disregard do not affect special housing allowances. It also allows for additional food assistance for recipients receiving income disregards.
2. It increases the transitional food benefits available under the TANF program from \$50 per month per family to \$100 per month per family.
3. It requires the Department of Health and Human Services to approve an extension from the 60-month limit for TANF recipients who have employment earnings.
4. It requires the Department of Health and Human Services to count the participation of a participant in the ASPIRE-TANF program in basic skills education, which includes programs to assist individuals in obtaining a high school diploma or equivalent or comparable credential, toward the first 20 hours of the participant's weekly work participation requirements. This requirement may be suspended if the State no longer meets the work participation rates required by the federal government.
5. It allows for \$2,000,000 of TANF block grant funds to be used for initiatives in this Act.

LD 1774 An Act To Reduce Child Poverty by Leveraging Investments so Families Can Thrive

PUBLIC 485

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S JACKSON T	OTP-AM	H-605

This bill makes the following changes, which are intended to reduce child poverty, increase food security and create stronger bridges to employment for families with children.

1. It requires the Department of Health and Human Services to collect data to measure access to and the performance of certain programs administered by the Department of Health and Human Services and establish improvement targets on an annual basis to monitor year-to-year improvements related to program accessibility and participant well-being.
2. It reallocates the provisions relating to transitional Medicaid from the Maine Revised Statutes, Title 22, chapter 1053-B, which pertains to temporary assistance for needy families, to Title 22, chapter 855, which pertains to aid to needy persons, to reflect that the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 no longer just applies to families losing eligibility for Medicaid as a result of losing eligibility for the Temporary Assistance for Needy Families program but instead applies to all parents who lose eligibility for Medicaid.
3. It removes the requirement that a family must have received Medicaid assistance for at least three of the last six months in order for that family to receive transitional Medicaid.

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4. It requires that the Department of Health and Human Services provide transitional Medicaid for a 12-month extension period pursuant to the state option provided in 42 United States Code, Section 1396r-6, Subsection (a), Paragraph (5) when a person's eligibility was terminated because of an increase in earned income or hours of employment or a loss of a time-limited earnings disregard.
5. It eliminates the TANF gross income test for applicants to conform the eligibility methodology for both applicants and recipients.
6. It establishes a procedure by which the Department of Health and Human Services must consider referrals made in accordance with department rule from educational institutions and similar programs as applications for the Parents as Scholars Program under the Maine Revised Statutes, Title 22, section 3790.
7. It provides funds from the TANF block grant to provide personalized professional guidance, support and navigation services for participants in the Parents as Scholars Program in order to promote program completion and student success and requires the Commissioner of Health and Human Services to convene a working group to make recommendations related to the most effective way to achieve this goal, along with other suggestions to improve the program.
8. It requires the Commissioner of Health and Human Services to convene a working group to review and make recommendations to improve the operations of systems and programs administered by the Department of Health and Human Services providing services to people in need.
9. It provides that additional costs to the State resulting from implementation of this legislation must be paid from funds provided to the Department of Health and Human Services under the Temporary Assistance for Needy Families block grant or from resources representing the State's maintenance of effort to qualify for federal funds.

Committee Amendment "A" (H-605)

This amendment makes the following changes to the bill.

1. It removes the requirement for the Department of Health and Human Services to establish annual improvement targets to ensure access to public assistance programs.
2. It clarifies that sources of information to compile data measures of child and family economic security are not limited to the data sources in the bill and specifies that data from other state agencies including the Department of Labor and the Department of Administrative and Financial Services, Bureau of Revenue Services must be compiled.
3. It includes a data requirement that includes families earning below 50% of the federal poverty level at the time participation in the Temporary Assistance for Needy Families program was terminated and during the second and fourth quarters after participation was terminated.
4. It clarifies the language regarding the ratio of persons receiving food supplement assistance to those eligible to specify that the ratio applies to the number of persons overall, the number of persons 60 years of age and older, nonelderly persons with a disability and children under 18 years of age.
5. It specifies that data collected regarding waiting times for calls to Department of Health and Human Services call centers are to a person and not to an interactive voice response system.
6. It changes the requirements of the Department of Health and Human Services to measure and report on the effect of departmental initiatives to improve child and family economic security rather than establishing improvement targets with reporting requirements.
7. It changes the amount of funding for navigators at educational institutions and programs from \$500,000 to

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\$250,000.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 485 makes the following changes to public assistance programs intended to reduce child poverty, increase food security and employment for families with children.

1. It requires the Department of Health and Human Services to collect data to measure access to and the performance of certain programs administered by the Department of Health and Human Services and report annually on those measures including an assessment of how these measures may be improved through department programming.
2. It reallocates the provisions relating to transitional Medicaid from the Maine Revised Statutes, Title 22, chapter 1053-B, which pertains to temporary assistance for needy families, to Title 22, chapter 855, which pertains to aid to needy persons, to reflect that the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 no longer just applies to families losing eligibility for Medicaid as a result of losing eligibility for the Temporary Assistance for Needy Families program but instead applies to all parents who lose eligibility for Medicaid.
3. It removes the requirement that a family must have received Medicaid assistance for at least three of the last six months in order for that family to receive transitional Medicaid.
4. It requires that the Department of Health and Human Services provide transitional Medicaid for a 12-month extension period pursuant to the state option provided in 42 United States Code, Section 1396r-6, Subsection (a), Paragraph (5) when a person's eligibility was terminated because of an increase in earned income or hours of employment or a loss of a time-limited earnings disregard.
5. It eliminates the TANF gross income test for applicants to conform the eligibility methodology for both applicants and recipients.
6. It establishes a procedure by which the Department of Health and Human Services must consider referrals made in accordance with department rule from educational institutions and similar programs as applications for the Parents as Scholars Program under the Maine Revised Statutes, Title 22, section 3790.
7. It provides \$250,000 annually from the TANF block grant to provide personalized professional guidance, support and navigation services for participants in the Parents as Scholars Program in order to promote program completion and student success and requires the Commissioner of Health and Human Services to convene a working group to make recommendations related to the most effective way to achieve this goal, along with other suggestions to improve the program.
8. It requires the Commissioner of Health and Human Services to convene a working group to review and make recommendations to improve the operations of systems and programs administered by the Department of Health and Human Services providing services to people in need.
9. It provides that additional costs to the State resulting from implementation of the law must be paid from funds provided to the Department of Health and Human Services under the Temporary Assistance for Needy Families block grant or from resources representing the State's maintenance of effort to qualify for federal funds.

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LD 1792 An Act To Ensure Compliance with Federal Family First Prevention Services Legislation

PUBLIC 399

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-611

This bill requires the Department of Health and Human Services to adopt rules for children's residential care facilities that include procedures for fingerprint-based background checks and child abuse and neglect registry checks for all staff working in the facility to ensure compliance with the requirements governing fingerprint-based background checks contained in federal family first prevention services legislation.

Committee Amendment "A" (H-611)

This amendment strikes and replaces the bill to be consistent with criminal history record check practices. It incorporates provisions that address existing technical conflicts in the criminal history record check statutes. It also defines "staff member" to allow fingerprinting of applicants for employment as well as employees of children's residential care facilities.

Enacted Law Summary

Public Law 2019, chapter 399 requires the Department of Health and Human Services to conduct fingerprint-based background checks consistent with criminal history record check practices and child abuse and neglect registry checks for all staff members working in the facility to ensure compliance with the requirements governing fingerprint-based background checks contained in federal family first prevention services legislation. It addresses existing technical conflicts in the criminal history record check statutes.

LD 1801 An Act To Ensure Compliance with Federal Requirements for Background Checks of Certain Department of Health and Human Services Employees

PUBLIC 402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	OTP-AM	H-612

This bill amends the child support enforcement laws to implement background investigative checks for employees, prospective employees and contractors with access to federal tax information in compliance with the United States Internal Revenue Services' Publication 1075, which requires fingerprinting of all affected individuals. This bill amends provisions relating to the Department of Public Safety, Bureau of State Police, State Bureau of Identification that set forth the procedures for taking and processing fingerprints. This bill authorizes the department to adopt rules to conduct background checks. This bill also corrects a conflict created by Public Law 2017, chapters 452 and 457, which affected the same provision of law, by incorporating the changes made by both laws.

Committee Amendment "A" (H-612)

This amendment strikes and replaces the bill to be consistent with criminal history record check practices. It incorporates provisions that address existing technical conflicts in the criminal history record check statutes.

Enacted Law Summary

Public Law 2019, chapter 402 amends the child support enforcement laws to implement background investigative checks for employees, prospective employees and contractors with access to federal tax information in compliance with the United States Internal Revenue Services' Publication 1075, which requires fingerprinting of all affected individuals. It amends provisions relating to the Department of Public Safety, Bureau of State Police, State Bureau

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of Identification that set forth the procedures for taking and processing fingerprints. It authorizes the department to adopt rules to conduct background checks. This bill also corrects a conflict created by Public Law 2017, chapters 452 and 457, which affected the same provision of law, by incorporating the changes made by both laws.

LD 1803 An Act To Update the Laws Regarding Death and Marriage Records

PUBLIC 340

<u>Sponsor(s)</u> HYMANSON P	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This bill makes changes to the laws governing marriage records and the filing, correction and amendment of death records, including removing language from the statutes that describes marriage as the union of a man and a woman to conform with the laws in the State. This bill also authorizes people to record their intentions to marry with the State Registrar of Vital Statistics.

Enacted Law Summary

Public Law 2019, chapter 340 makes changes to the laws governing marriage records and the filing, correction and amendment of death records, including removing language from the statutes that describes marriage as the union of a man and a woman to conform with the laws in the State. It also authorizes people to record their intentions to marry with the State Registrar of Vital Statistics.

LD 1809 Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u> MADIGAN C	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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This resolve requires the Department of Health and Human Services to increase reimbursement rates for multisystemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% until June 30, 2020. It requires the department to contract for a third-party rate study of the reimbursement rates for those therapies, including developing a rate set on a per case per week basis rather than the current 15-minute increments. The rate study must also take into account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2019. The department must submit a report on the results of the study to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The department is authorized to implement new rates through rulemaking as long as the rates are no lower than those that exist on April 1, 2019 and the rates are approved by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Committee Amendment "A" (H-500)

This amendment adds an appropriations and allocations section.

This amendment was originally adopted in both the House and Senate but subsequently removed from the resolve.

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LD 1816 An Act To Ensure the Safety and Well-being of Infants Affected by Substance Exposure

PUBLIC 342

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

This bill modifies reporting requirements and the Department of Health and Human Services' responsibility for establishment of a plan of safe care to include infants affected by substance use regardless of whether the mother's substance use was legal or illegal. In addition, this bill clarifies provisions regarding withdrawal symptoms so that the infant is no longer required to demonstrate withdrawal symptoms and instead is required to be affected by withdrawal symptoms. This bill also changes the requirement for the safe plan of care to require that service referrals be made not just for a mother but for any caregivers of the infant. These changes reflect changes in the federal Child Abuse Prevention and Treatment Act.

Enacted Law Summary

Public Law 2019, chapter 342 modifies reporting requirements and the Department of Health and Human Services' responsibility for establishment of a plan of safe care to include infants affected by substance use regardless of whether the mother's substance use was legal or illegal. It clarifies provisions regarding withdrawal symptoms so that the infant is no longer required to demonstrate withdrawal symptoms and instead is required to be affected by withdrawal symptoms. The law also changes the requirement for the safe plan of care to require that service referrals be made not just for a mother but for any caregivers of the infant. These changes reflect changes in the federal Child Abuse Prevention and Treatment Act.

LD 1822 An Act To Protect Access to Services for Adults with Serious and Persistent Mental Illness

CARRIED OVER

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

This bill establishes the right of an adult with serious and persistent mental illness who is denied access to certain services by a provider contrary to the terms of the provider's contract with the Department of Health and Human Services to seek informal department review of the provider's action and informal dispute resolution by the department to facilitate access to the service. If the adult continues to be denied access to the mental health service following department review, the adult may bring a private civil action in Superior Court for injunctive relief to enforce the terms of the provider's contract with the department. The bill requires the department to adopt routine technical rules governing the process for informal department review, which must include a definition of "adult with serious and persistent mental illness."

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 1825 An Act To Authorize Limited Disclosure of Cigarette Sales Information To Ensure Continued Receipt of Tobacco Settlement Funds

PUBLIC 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L	OTP-AM	S-268

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This bill authorizes the Attorney General to share information received under the laws governing tobacco product manufacturers, other than information received from the Department of Administrative and Financial Services, Bureau of Revenue Services, with courts, arbitrators, data clearinghouses or similar entities for the purpose of assessing compliance with, resolving disputes arising under or making calculations required by the Master Settlement Agreement or agreements resolving disputes arising under the Master Settlement Agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

Committee Amendment "A" (S-268)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 381 authorizes the Attorney General to share information received under the laws governing tobacco product manufacturers, other than information received from the Department of Administrative and Financial Services, Bureau of Revenue Services, with courts, arbitrators, data clearinghouses or similar entities for the purpose of assessing compliance with, resolving disputes arising under or making calculations required by the Master Settlement Agreement or agreements resolving disputes arising under the Master Settlement Agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

LD 1838 Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-369 BREEN C

This resolve, which was a committee bill, requires the Department of Health and Human Services to examine upper payment limit options to increase the federally approved limits for services provided under MaineCare. The department may contract with any consultant or third-party organization that the department determines appropriate for this purpose. The department may also consult with any stakeholders that the department determines appropriate. The department shall report its findings, actions taken, adjustments to upper payment limits, negotiations with United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and any necessary legislation to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

Senate Amendment "A" (S-369)

This amendment decreases funding to contract with a third party to examine upper payment limit options to increase federally approved limits for services provided under MaineCare from \$26,000 to \$13,000.

LD 1839 Resolve, To Provide Sustainable Funding for Assisted Living Facilities

CARRIED OVER

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

This emergency resolve, which was a committee bill, includes the recommendations of the sustainable funding review conducted by the Department of Health and Human Services pursuant to Public Law 2017, chapter 460, Part

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H. The resolve requires the Department of Health and Human Services, by July 1, 2019, to increase the total reimbursement amount by \$569,111 in each year to the seven assisted living facilities that have contracts with the department. The Department of Health and Human Services shall also amend its Section 63 rules of the Office of Elderly Services Policy Manual, 10-149 C.M.R. Chapter 5, to increase the number of medication passes per consumer per day from three to six. The rules must allow for reimbursement for this service beginning July 1, 2019.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

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SUBJECT INDEX

Aging and Long-term Care

Enacted

LD 1125	Resolve, To Require Reimbursement for Bed-hold Days in Adult Family Care Homes	RESOLVE 94
LD 1548	Resolve, To Promote Quality and Transparency in the Provision of Services by Assisted Housing Programs That Provide Memory Care	RESOLVE 106

Not Enacted

LD 177	Resolve, To Improve Access to Bariatric Care	CARRIED OVER
LD 315	Resolve, To Promote Healthy Living in Maine	CARRIED OVER
LD 325	An Act To Provide Emergency Funds for Clients of the Adult Protective Services System	CARRIED OVER
LD 363	An Act To Protect Residents of Assisted Living Facilities	ONTP
LD 472	An Act To Provide Meals to Homebound Individuals	Died On Adjournment
LD 474	Resolve, To Establish a Medically Tailored Food Pilot Project	CARRIED OVER
LD 539	Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Nursing Facilities	CARRIED OVER
LD 583	Resolve, Directing the Department of Health and Human Services To Study the State's Long-term Services and Supports System for Older Adults	ONTP
LD 606	Resolve, To Require the Department of Health and Human Services To Provide Cost-based Reimbursement to Maine Veterans' Homes	Died On Adjournment
LD 653	Resolve, To Establish the Task Force To Study Opportunities for Improving Home and Community-based Services	CARRIED OVER

LD 697	Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services	CARRIED OVER
LD 935	An Act To Increase the Viability of Assisted Living Facilities by Increasing the Rate of Reimbursement	CARRIED OVER
LD 1106	An Act To Improve the Health and Economic Security of Older Residents	CARRIED OVER
LD 1126	Resolve, To Classify Employee Health Insurance as a Fixed Cost for MaineCare Reimbursement in Nursing Homes	CARRIED OVER
LD 1142	Resolve, To Expand Transportation Services for Seniors Who Are MaineCare Members	CARRIED OVER
LD 1202	Resolve, To Develop a Plan To Improve Service Delivery to Individuals Receiving Medicaid Home and Community-based Services	ONTP
LD 1308	An Act To Better Fund Nursing Homes in the State To Better Help the Elderly and Disabled	ONTP
LD 1309	An Act To Index MaineCare Reimbursement to Nursing Homes and Other Adult Care Facilities to Increases in the Minimum Wage	ONTP
LD 1577	An Act To Assist Nursing Homes in the Management of Facility Beds	CARRIED OVER
LD 1655	An Act To Improve and Modernize Home-based Care	CARRIED OVER
LD 1758	An Act To Clarify and Amend MaineCare Reimbursement Provisions for Nursing and Residential Care Facilities	HELD BY GOVERNOR
LD 1839	Resolve, To Provide Sustainable Funding for Assisted Living Facilities	CARRIED OVER

Brain Injury

Enacted

LD 297	An Act To Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors	PUBLIC 488
LD 408	Resolve, To Require the Department of Health and Human Services To Develop a Plan for Neurobehavioral Beds	RESOLVE 88

Not Enacted

LD 972 **Resolve, To Increase Access to Brain Injury Waiver Services** **CARRIED OVER**

Child Care

Not Enacted

LD 222 **An Act To Prohibit Child Care Providers from Requiring Payment during Vacation Closures** **ONTP**

LD 238 **An Act To Increase the Minimum Area of Usable Space per Child Required in the Outdoor Area of a Child Care Center** **ONTP**

LD 1012 **An Act To Provide Stable Funding and Support for Child Care Providers** **ONTP**

Child Development

Enacted

LD 443 **An Act To Prevent Vitamin K Deficiency Bleeding and Eye Damage in Infants** **PUBLIC 426**

LD 1635 **Resolve, To Improve Access to Early and Periodic Screening, Diagnostic and Treatment Services for Children from Birth to 8 Years of Age** **RESOLVE 66
EMERGENCY**

Not Enacted

LD 1760 **An Act To Support Children's Healthy Development and School Readiness** **CARRIED OVER**

Children's Mental Health

Enacted

LD 40 **Resolve, To Establish the Commission To Study Children's Mental Health** **RESOLVE 96
EMERGENCY**

Not Enacted

LD 1418 **An Act To Address Maine's Shortage of Behavioral Health Services for Minors** **CARRIED OVER**

LD 1809 **Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children** **HELD BY
GOVERNOR**

Children's Services

Enacted

LD 192	An Act To Require an Annual Report on the Activities of the Maine Child Welfare Advisory Panel	PUBLIC 28
LD 821	Resolve, To Review Case Loads for Child Welfare Caseworkers	RESOLVE 34 EMERGENCY
LD 984	Resolve, To Develop Plans To Return to the State Children Housed in Residential Treatment Systems outside of the State	RESOLVE 54
LD 1094	An Act To Increase Funding for the Child Welfare Services Ombudsman Program	PUBLIC 520
LD 1275	An Act To Support Access to Health Services for Homeless Youth in Maine	PUBLIC 206
LD 1378	An Act To Ensure the Provision of Medical Assessments for Youth in Foster Care	PUBLIC 162
LD 1526	An Act To Increase the Availability of Foster Homes	PUBLIC 444

Not Enacted

LD 115	An Act To Appropriate Funds for Home Visiting Services To Provide Child Development Education and Skills Development for New Parents	CARRIED OVER
LD 633	An Act To Create a Kinship Care Navigator Program within the Department of Health and Human Services	CARRIED OVER
LD 646	An Act To Improve Trust with Regard to Home Visitation by the Department of Health and Human Services by Requiring That Certain Visits Be Videotaped	ONTP
LD 838	Resolve, To Ensure the Continuation of Services to Maine Children and Families	ONTP
LD 1039	Resolve, To Establish and Fund Interventions for At-risk Families and Children	CARRIED OVER
LD 1225	An Act To Increase Funding for Home Visiting Programs	ONTP
LD 1417	An Act To Expand Access to Head Start To Assist Opioid-affected and Other At-risk Families	CARRIED OVER
LD 1595	An Act To Enhance the Child Welfare Ombudsman Program	ONTP

Departmental Organization and Administration

Enacted

LD 1277	An Act To Require the Director of the Maine Center for Disease Control and Prevention To Be Credentialed	PUBLIC 523
LD 1801	An Act To Ensure Compliance with Federal Requirements for Background Checks of Certain Department of Health and Human Services Employees	PUBLIC 402

Not Enacted

LD 45	An Act To Amend the Law Regarding Maine's Background Check Center	ONTP
LD 80	An Act To Create the Department of Substance Use Disorder Services	ONTP
LD 428	An Act To Establish Wage and Employment Parity between Adult and Child Protective Services Caseworkers in the Department of Health and Human Services	CARRIED OVER
LD 476	Resolve, To Review the Delivery of Services to the Citizens of the State by the Department of Health and Human Services	ONTP
LD 511	An Act To Create a Position within the Department of Health and Human Services To Coordinate Dementia Programs and Services	CARRIED OVER
LD 1134	An Act To Set Aside Funds from Federal Block Grants for Certain Communities	CARRIED OVER
LD 1146	An Act To Ensure the Provision of Housing Navigation Services to Older Adults and Persons with Disabilities	CARRIED OVER
LD 1180	Resolve, To Establish the Task Force To Better Coordinate the Protection of Vulnerable Populations	CARRIED OVER
LD 1377	An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel	CARRIED OVER

Developmental Disabilities

Enacted

LD 99	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 17 EMERGENCY
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LD 282	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 20 EMERGENCY
LD 1486	An Act To Strengthen Supports for Adults with Intellectual Disabilities or Autism in Crisis	PUBLIC 290
LD 1637	An Act To Prevent Medicaid Payment from a Savings Account Established under the Federal ABLE Act of 2014	PUBLIC 348

Not Enacted

LD 373	An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder, Brain Injuries and Other Related Conditions	CARRIED OVER
LD 399	An Act To Align Wages for Direct Care Workers for Persons with Intellectual Disabilities or Autism with the Minimum Wage	CARRIED OVER
LD 1153	An Act To Provide Flexibility in the Treatment of Individuals with Intellectual Disabilities or Autism	Leave to Withdraw Pursuant to Joint Rule 310
LD 1178	An Act To Address the Needs of Children with Intellectual Disabilities and Autism Spectrum Disorder	CARRIED OVER
LD1450	Resolve, To Mitigate the Increasing Waiting List for Services under the MaineCare Section 21 Waiver Program	ONTP

Disposition of Human Rights

Enacted

LD 1484	An Act To Create a System Using the Permit for Disposition of Human Remains To Track the Burial of Cremated Remains in a Public Cemetery	PUBLIC 257
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End of Life

Enacted

LD 1313	An Act To Enact the Maine Death with Dignity Act	PUBLIC 271
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Fund for a Healthy Maine

Enacted

LD 1825 An Act To Authorize Limited Disclosure of Cigarette Sales Information To PUBLIC 381
Ensure Continued Receipt of Tobacco Settlement Funds

Not Enacted

LD 142 An Act To Increase Funding for the Fund for a Healthy Maine To Reduce ONTP
Smoking

Health Care

Enacted

LD 392 An Act To Fund Maine's School-based Health Centers PUBLIC 425

LD 494 An Act To Update the Family Planning Statutes PUBLIC 236

Not Enacted

LD 181 An Act To Provide Funding to the Department of Health and Human CARRIED OVER
Services To Support Free Health Clinics in the State

LD 745 An Act To Support the Northern New England Poison Center CARRIED OVER

LD 836 An Act To Expand Maine's School-based Health Centers CARRIED OVER

LD 1235 An Act To Increase Safety in Health Care Facilities ONTP

LD 1539 An Act To Provide Maine Children Access to Affordable Health Care CARRIED OVER

Health Care Workforce

Enacted

LD 1007 Resolve, To Change the Educational Requirements of Certain Behavioral RESOLVE 99
Health Professionals

Health Information and Data

Enacted

LD 1803 An Act To Update the Laws Regarding Death and Marriage Records PUBLIC 340

Health Planning

Enacted

**LD 439 Resolve, Directing the Commissioner of Health and Human Services To
Convene a Task Force To Study the Need for Long-term Acute Care Beds RESOLVE 69**

Hospitals

Not Enacted

LD 1350 An Act To Improve Rural Health Care CARRIED OVER

**LD 1360 Resolve, To Expand Eligibility for Presumptive Eligibility Determinations
by Hospitals ONTP**

Immunizations

Not Enacted

LD 966 An Act To Ensure Safer Childhood Vaccines ONTP

**LD 1616 An Act To Establish the Vaccine Consumer Protection Program Majority (ONTP)
Report**

Lead Poisoning

Enacted

LD 153 An Act To Strengthen Testing for Lead in School Drinking Water PUBLIC 158

**LD 336 An Act To Require That Notice of Lead Abatement Orders Be Filed with
the Registry of Deeds PUBLIC 100**

LD 976 An Act To Require Additional Lead Screening for Children PUBLIC 201

**LD 1116 An Act To Strengthen the Lead Poisoning Control Act PUBLIC 479
EMERGENCY**

Not Enacted

LD 986 **An Act To Expand Lead Inspections to Other Properties of the Owner of a Property Determined to Contain Lead** **ONTP**

Licensing

Enacted

LD 934 **Resolve, To Review the Implementation of the Maine Background Check Center Act** **RESOLVE 53**

LD 1792 **An Act To Ensure Compliance with Federal Family First Prevention Services Legislation** **PUBLIC 399**

Not Enacted

LD 724 **An Act To Amend the Maine Background Check Center Act To Provide Employers Flexibility To Use Approved Alternate Vendors** **ONTP**

LD 1137 **An Act To Clarify the Background Check Process for Certain Child Care Workers** **ONTP**

Maternal/Infant

Enacted

LD 699 **Resolve, To Provide for Outreach Programs To Assist Women at Risk of Giving Birth to Substance-exposed Infants** **RESOLVE 103**

LD 1816 **An Act To Ensure the Safety and Well-being of Infants Affected by Substance Exposure** **PUBLIC 342**

Not Enacted

LD 684 **Resolve, Relating to the Prevention and Management of Neonatal Abstinence Syndrome** **ONTP**

LD 1289 **Resolve, To Reduce the Incidence of Infants Exposed to Illegal Substances** **ONTP**

Medicaid/MaineCare

Enacted

LD 78 **An Act To Facilitate Access to the MaineCare Family Planning Benefit** **PUBLIC 420**

LD 84	Resolve, Directing the Department of Health and Human Services To Allow Spouses To Provide Home and Community-based Services to Eligible MaineCare Members	RESOLVE 102
LD 195	An Act To Continue MaineCare Coverage for Parents During the Rehabilitation and Reunification Process	PUBLIC 130
LD 615	An Act To Protect the Integrity of the MaineCare Program	PUBLIC 266
LD 1228	Resolve, Requiring the Department of Health and Human Services To Develop More Comprehensible MaineCare Benefit Letters	RESOLVE 95
LD 1356	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services	RESOLVE 51 EMERGENCY
LD 1510	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services and Appendices B, C, D, E and F, a Late-filed Major Substantive Rule of the Department of Health and Human Services	RESOLVE 39 EMERGENCY
LD 1696	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services	RESOLVE 40 EMERGENCY

Not Enacted

LD 20	An Act To Provide Coverage for Abortion Services for MaineCare Members	Leave to Withdraw Pursuant to Joint Rule 310
LD 154	An Act To Amend the Law Governing MaineCare Coverage of Chiropractic Treatment	CARRIED OVER
LD 234	Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program	CARRIED OVER
LD 362	Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment To Exempt Retirement and Educational Assets from Calculations for Medicaid Eligibility	CARRIED OVER
LD 493	An Act To Provide Lung Cancer Counseling and Screening for MaineCare Recipients	CARRIED OVER
LD 498	Resolve, Regarding Reimbursement of Physical Medicine and Rehabilitation Codes under MaineCare	CARRIED OVER
LD 593	Resolve, To Stabilize the Behavioral Health Workforce and Avert More Expensive Treatments	CARRIED OVER

LD 692	Resolve, To Address Reimbursement Rates for Licensed Clinical Social Workers under MaineCare	CARRIED OVER
LD 880	Resolve, Regarding the Impact of Minimum Wage Increases and Paid Time Off Requirements on MaineCare Reimbursement Rates	CARRIED OVER
LD 915	An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services	CARRIED OVER
LD 981	An Act To Implement the State's Recently Approved Request for a Section 1115 Demonstration for MaineCare	Majority (ONTP) Report
LD 1052	An Act To Require Regular and Transparent Review of MaineCare Reimbursement Rates	CARRIED OVER
LD 1062	An Act To Support Maine Families by Providing for Transportation of Parents and Guardians of MaineCare Recipients under 18 Years of Age to Their Appointments	Majority (ONTP) Report
LD 1288	An Act To Establish a MaineCare Reimbursement Rate Review Process and the MaineCare Independent Rate Commission	ONTP
LD 1373	Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions	CARRIED OVER
LD 1838	Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services	HELD BY GOVERNOR

Medical Use of Marijuana

Enacted

LD 538	An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients	PUBLIC 209 EMERGENCY
LD 1129	An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act	PUBLIC 217
LD 1218	An Act To Allow Maine Medical Marijuana Caregivers To Measure Cultivation Limits by Plant Canopy Size	PUBLIC 256
LD 1505	An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws	PUBLIC 331
LD 1735	An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity	PUBLIC 312 EMERGENCY
LD 1738	An Act Regarding Medical Marijuana	PUBLIC 354 EMERGENCY

LD 803	An Act To Create 4 Regional Mental Health Receiving Centers	CARRIED OVER
LD 876	Resolve, Directing the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services To Build Peer Respite Program Capacity in Maine by Implementing at Least One Peer Respite Program	ONTP
LD 1032	An Act To Ensure Sufficient Representation of Adults Receiving Mental Health Services on Local Councils within the Consumer Council System of Maine	ONTP
LD 1135	Resolve, To Increase Funding for Assertive Community Treatment	CARRIED OVER
LD 1315	An Act To Support Medically Monitored Crisis Support and Intervention	HELD BY GOVERNOR
LD 1461	An Act To Support Early Intervention and Treatment of Mental Health Disorders	CARRIED OVER
LD 1737	An Act Relating to the Retention and Hiring of Mental Health Staff at the Department of Health and Human Services	CARRIED OVER
LD 1822	An Act To Protect Access to Services for Adults with Serious and Persistent Mental Illness	CARRIED OVER

Oral Health/Dental Care

Not Enacted

LD 230	An Act To Improve Access to Preventive, Cost-saving Dental Services	ONTP
LD 1161	An Act To Restrict the Use of Mercury in Dental Fillings in State-funded Dental Procedures	Died Between Houses
LD 1259	Resolve, Directing the Department of Health and Human Services To Adopt Rules To Streamline and Remove Barriers for Reimbursement for Providers of Dental Care Services	ONTP
LD 1399	An Act To Improve Oral Health and Access to Dental Care for Maine Children	HELD BY GOVERNOR
LD 1453	Resolve, To Establish a Stakeholder Group To Develop an Adult Dental Benefit under MaineCare	HELD BY GOVERNOR

Poverty and Homelessness

Enacted

LD 613	Resolve, Concerning the Adoption of Rules To Carry Out the Purpose of the Bridging Rental Assistance Program	RESOLVE 60
LD 1318	Resolve, To Increase Access to Housing-related Support Services	RESOLVE 55
LD 1337	Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services	RESOLVE 105

Not Enacted

LD 964	Resolve, To Study Housing Options for Persons with Mental Health Challenges and Substance Use Disorder	ONTP
LD 1006	Resolve, To Require the Development of Strategies for Reducing Health Disparities Based on Social Determinants	ONTP
LD 1201	An Act To Create a Low-barrier, Permanent Housing Rental Subsidy for Individuals in the State Experiencing Long-term Homelessness	ONTP
LD 1404	Resolve, To Provide Support Services and Funds To Prevent Homelessness	

Prescription Drugs

Not Enacted

LD 500	An Act To Extend the Limitation on Prescribing Opioids for Certain Individuals with Chronic Pain	ONTP
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Public Assistance

Enacted

LD 459	An Act Regarding Presumptive Eligibility and Homelessness under the General Assistance Laws	PUBLIC 515
LD 761	An Act To Ensure That Incarcerated Individuals Are Eligible for Medicaid during Incarceration and Receive Food Supplement Program Benefits upon Release	PUBLIC 492
LD 765	Resolve, To Review Asset Limits for Social Service Programs	RESOLVE 41
LD 982	Resolve, To Expand the Use of the Women, Infants and Children Special Supplemental Food Program at Farmers' Markets	RESOLVE 93

LD 1247	Resolve, To Clarify the Good Cause and Sanction Process in the Temporary Assistance for Needy Families and Additional Support for People in Retraining and Employment Programs	RESOLVE 67
LD 1772	An Act To Secure Transitions to Economic Prosperity for Maine Families and Children	PUBLIC 484
LD 1774	An Act To Reduce Child Poverty by Leveraging Investments so Families Can Thrive	PUBLIC 485

Not Enacted

LD 129	An Act To Protect a Child from Misuse of Identity	ONTP
LD 421	Resolve, To Amend the State Plan Regarding the Processing of Vouchers under the Special Supplemental Nutrition Program for Women, Infants and Children by Farmers' Markets	ONTP
LD 752	An Act To Reduce Food Insecurity and Promote Economic Growth	ONTP
LD 864	An Act To Make Whole Family Support Available Statewide	Leave to Withdraw Pursuant to Joint Rule 310
LD 1132	An Act To Provide Additional Food Supplement Assistance for the Elderly and Persons with Disabilities	ONTP
LD 1317	An Act To Restore Services To Help Certain Noncitizens Meet Their Basic Needs	Died on Adjournment
LD 1403	An Act To Amend the General Assistance Laws Governing Reimbursement	CARRIED OVER

Public Health

Enacted

LD 1079	An Act To Authorize Public Schools To Periodically Test for Radon	PUBLIC 172
LD 1297	An Act To Reduce Youth Cancer Risk	PUBLIC 275

Not Enacted

LD 227	An Act To Strengthen Maine's Public Health Infrastructure	CARRIED OVER
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LD 231	An Act To Improve Public Health by Maximizing Federal Funding Opportunities	CARRIED OVER
LD 304	An Act To Improve Stroke Care in Maine	ONTP
LD 463	An Act To Reduce Obesity Rates in Maine	ONTP
LD 706	An Act To Reduce the Incidence of Obesity and Chronic Disease in the State	CARRIED OVER
LD 931	An Act To Reduce Obesity by Reimbursing for Prescription Drug Therapy Provided by a Member of a Weight Management Team	CARRIED OVER
LD 1171	An Act To Prevent Sexual and Domestic Violence and To Support Survivors	CARRIED OVER

Substance Use Disorder

Enacted

LD 303	An Act To Require Recovery Residences for Persons with Substance Use Disorder Be Equipped with Naloxone and To Exempt from Criminal Liability Persons Administering Naloxone	PUBLIC 292
LD 1005	Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County	RESOLVE 98 EMERGENCY
LD 1030	An Act To Amend the Laws Governing the Substance Use Disorder Services Commission	PUBLIC 432
LD 1523	An Act To Ensure the Quality of and Increase Access to Recovery Residences	PUBLIC 524

Not Enacted

LD 46	Resolve, To Establish the Cumberland County Jail Substance Use Disorder Rehabilitation Pilot Project	CARRIED OVER
LD 266	An Act To Eliminate the 2-year Limit on MaineCare Coverage for Approved Drugs for Opioid Use Disorder	Leave to Withdraw Pursuant to Joint Rule 310
LD 447	An Act Regarding the Substance Use Disorder Continuum of Care	ONTP
LD 578	Resolve, To Create a Pilot Program To Assist the Transition to Recovery of Persons Suffering from Opioid Use Disorder	ONTP

LD 949	An Act To Prevent Overdose Deaths	Majority (ONTP) Report
LD 993	An Act To Expand Recovery Support Services Offered in Penobscot and Piscataquis Counties and the Greater Bangor Region To Improve Access, Treatment and Recovery for Those Affected by Substance Use Disorder by Designating a Regional Peer-supported Recovery Center	ONTP
LD 1185	An Act To Facilitate Intervention by and Provision of Services through the Department of Health and Human Services for Certain Families Affected by Substance Use	ONTP
LD 1429	An Act To Fund Opioid Use Disorder Prevention and Treatment	CARRIED OVER
LD 1630	Resolve, To Ensure Access to Opiate Addiction Treatment	CARRIED OVER
LD 1662	An Act To Save Lives by Establishing the Low Barrier Opioid Treatment Response Program	CARRIED OVER
LD 1689	An Act To Address the Opioid Crisis through Evidence-based Public Health Policy	CARRIED OVER

Tobacco Sale and Use

Enacted

LD 152	An Act To Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds	PUBLIC 61
LD 1190	An Act To Prohibit the Furnishing of Tobacco Products to Minors	PUBLIC 495

Not Enacted

LD 343	An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores	Majority (ONTP) Report
LD 416	An Act To Allow Eating Establishments To Permit Smoking Tobacco in Designated Outdoor Eating Areas	Majority (ONTP) Report
LD 508	Resolve, To Study the Protection of Youth and Young Adults from Addiction and Premature Death by Restricting Marketing of Tobacco Products	CARRIED OVER
LD 551	An Act To Ban Nicotine Liquid Containers	ONTP

LD 552

An Act Relating to Penalties for an Employer for the Retail Sale of Tobacco Products to a Minor when the Employer Possesses a Driver's License Reader

ONTP

APPENDIX A

SESSION STATISTICS
OVERALL AND
BY INDIVIDUAL COMMITTEE

**129th LEGISLATURE
FIRST REGULAR SESSION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee		
<i>Bills referred and voted out and not carried over</i>	1416	76.7%
<i>Bills and Joint Resolutions Carried Over to next session</i>	409 *	22.2%
Total Bills referred	1825	98.9%
B. Bills reported out by law or joint order and not referred back to committee	8	0.4%
C. Bills introduced without reference	10	0.5%
D. <u>Bills referred, but not reported out</u>	3 **	
Total Bills considered by Legislature	1846	100.0%
E. Orders and Resolutions Referred to Committee		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	2	0.1%
Total Orders and Resolutions Referred	2	0.1%
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports		
<i>Ought to Pass</i>	86	5.5%
<i>Ought to Pass as Amended</i>	489	31.2%
<i>Leave to Withdraw</i>	53	3.4%
<i><u>Ought Not to Pass</u></i>	<u>543</u>	<u>34.7%</u>
Total unanimous reports	1171	74.7%
B. Divided committee reports		
<i>Two-way reports</i>	380	24.3%
<i>Three-way reports</i>	16	1.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>
Total divided reports	396	25.3%
Total Committee reports	1567 ***	85.4%
III. CONFIRMATION HEARINGS	95	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
A. Bills and Papers enacted or finally passed		
<i>Joint Study Orders</i>	0	0.0%
<i>Public laws</i>	530	28.7%
<i>Private and Special Laws</i>	14	0.8%
<i>Resolves</i>	107	5.8%
<i><u>Constitutional Resolutions</u></i>	<u>1</u>	<u>0.1%</u>
Total Enacted or Finally Passed	652	35.3%
B. Resolves to authorize major substantive rules		
<i>Rules authorized without legislative changes</i>	7	43.8%
<i>Rules authorized with legislative changes</i>	8	50.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>1</u>	<u>6.3%</u>
Total number of rules reviewed	16	100.0%
C. Bills vetoed or held by Governor		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	8	0.4%
<i><u>Held by the Governor</u></i>	<u>39</u>	<u>2.1%</u>
Total	47	2.5%

* Total number of bills carried over to any regular or special session, or both, by H.P. 1322 is 411 bills, but 2 bills, LDs 1839 and 1842, were never referred to committee. Of the 411 bills, 260 were carried over in committee, 142 were carried over on the Special Appropriations Table, 3 were carried over on the Special Study Table and 6 were carried over on the floor.

** Bills referred, but not reported out: LD 1296 in the HCIFS Committee and LD 1449 and LD 1589 in the JUD Committee.

*** Total includes two joint resolutions, SP 105 and HP 264, referred to the SLG Committee and voted out.

**129th LEGISLATURE
AGRICULTURE, CONSERVATION AND FORESTRY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	57	78.1%	3.1%
<u><i>Bills Carried Over to next session</i></u>	<u>16</u> *	<u>21.9%</u>	<u>0.9%</u>
Total Bills referred	73	100.0%	4.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	73	100.0%	4.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	9.4%	0.4%
<i>Ought to Pass as Amended</i>	20	31.3%	1.3%
<i>Leave to Withdraw</i>	3	4.7%	0.2%
<i>Ought Not to Pass</i>	17	26.6%	1.1%
Total unanimous reports	46	71.9%	2.9%
B. Divided committee reports			
<i>Two-way reports</i>	18	28.1%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	18	28.1%	1.1%
Total committee reports	64	87.7%	4.1%
III. CONFIRMATION HEARINGS	11	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	21	28.8%	1.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	8	11.0%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	29	39.7%	1.6%
B. Major substantive rules			
Authorized without legislative changes	0	0.0%	0.0%
Authorized with legislative changes	0	0.0%	0.0%
Rules carried over to next session	0		
<u>Not authorized by the Legislature</u>	<u>1</u>	<u>100.0%</u>	<u>6.3%</u>
Total number of rules reviewed	1	100.0%	6.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>3</u>	<u>4.1%</u>	<u>0.2%</u>
Total	3	4.1%	0.2%

* Total number of bills carried over by H.P. 1322 includes 6 bills reported out of the ACF Committee and then carried over on the Special Appropriations Table and 1 bill reported out of committee and then carried over on the floor.

**129th LEGISLATURE
APPROPRIATIONS AND FINANCIAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	4	8.3%	0.2%
<u><i>Bills Carried Over to next session</i></u>	<u>44</u> *	<u>91.7%</u>	<u>2.4%</u>
Total Bills referred	48	100.0%	2.6%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	48	100.0%	2.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	1	20.0%	0.1%
<i>Leave to Withdraw</i>	2	40.0%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total unanimous reports	3	60.0%	0.2%
B. Divided committee reports			
<i>Two-way reports</i>	1	20.0%	0.1%
<i>Three-way reports</i>	1	20.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	2	40.0%	0.1%
Total committee reports	5 **	10.4%	0.3%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	2	4.2%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	2	4.2%	0.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over by H.P. 1322 includes 1 bill reported out of the AFA Committee and then carried over on the floor.

** Total number of committee reports includes 1 bill reported out of the AFA Committee and then carried over on the floor by H.P. 1322.

**129th LEGISLATURE
CRIMINAL JUSTICE AND PUBLIC SAFETY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	93	76.9%	5.0%
<u><i>Bills Carried Over to next session</i></u>	<u>27</u> *	<u>22.3%</u>	<u>1.5%</u>
Total Bills referred	120	99.2%	6.5%
B. Bills reported out by law or joint order and not referred back to committee			
	1	0.8%	0.1%
Total Bills considered by Committee	121	100.0%	6.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	4	4.0%	0.3%
<i>Ought to Pass as Amended</i>	33	33.0%	2.1%
<i>Leave to Withdraw</i>	3	3.0%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>38</u>	<u>38.0%</u>	<u>2.4%</u>
Total unanimous reports	78	78.0%	5.0%
B. Divided committee reports			
<i>Two-way reports</i>	21	21.0%	1.3%
<i>Three-way reports</i>	1	1.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	22	22.0%	1.4%
Total committee reports	100	82.6%	6.4%
III. CONFIRMATION HEARINGS			
	2	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	37	30.6%	2.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	1.7%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	39	32.2%	2.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>3</u>	<u>2.5%</u>	<u>0.2%</u>
Total	3	2.5%	0.2%

* Total number of bills carried over by H.P. 1322 includes 5 bills reported out of the CJPS Committee and then carried over on the Special Appropriations Table, 1 bill reported out of committee and then carried over on the floor and 1 bill reported out of committee and then carried over on the study table.

**129th LEGISLATURE
EDUCATION AND CULTURAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	141	84.9%	7.6%
<u><i>Bills Carried Over to next session</i></u>	<u>25</u> *	<u>15.1%</u>	<u>1.4%</u>
Total Bills referred	166	100.0%	9.0%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	166	100.0%	9.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	1.3%	0.1%
<i>Ought to Pass as Amended</i>	43	27.7%	2.7%
<i>Leave to Withdraw</i>	4	2.6%	0.3%
<u><i>Ought Not to Pass</i></u>	<u>49</u>	<u>31.6%</u>	<u>3.1%</u>
Total unanimous reports	98	63.2%	6.3%
B. Divided committee reports			
<i>Two-way reports</i>	56	36.1%	3.6%
<i>Three-way reports</i>	1	0.6%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	57	36.8%	3.6%
Total committee reports	155	93.4%	9.9%
III. CONFIRMATION HEARINGS	25	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	47	28.3%	2.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	17	10.2%	0.9%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	64	38.6%	3.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	25.0%	6.3%
Rules authorized with legislative changes	3	75.0%	18.8%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	4	100.0%	25.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>3</u>	<u>1.8%</u>	<u>0.2%</u>
Total	3	1.8%	0.2%

* Total number of bills carried over by H.P. 1322 includes 14 bills reported out of the EDU Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
ENVIRONMENT AND NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	70	76.1%	3.8%
<u><i>Bills Carried Over to next session</i></u>	<u>22</u> *	<u>23.9%</u>	<u>1.2%</u>
Total Bills referred	92	100.0%	5.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	92	100.0%	5.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	11.0%	0.5%
<i>Ought to Pass as Amended</i>	18	24.7%	1.1%
<i>Leave to Withdraw</i>	2	2.7%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>30</u>	<u>41.1%</u>	<u>1.9%</u>
Total unanimous reports	58	79.5%	3.7%
B. Divided committee reports			
<i>Two-way reports</i>	15	20.5%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	15	20.5%	1.0%
Total committee reports	73	79.3%	4.7%
III. CONFIRMATION HEARINGS	5	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	30	32.6%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	4	4.3%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	34	37.0%	1.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	6.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	6.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.1%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	1.1%	0.1%

* Total number of bills carried over by H.P. 1322 includes 3 bills reported out of the ENR Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
ENERGY AND UTILITIES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	84	87.5%	4.6%
<u><i>Bills Carried Over to next session</i></u>	<u>11</u> *	<u>11.5%</u>	<u>0.6%</u>
Total Bills referred	95	99.0%	5.1%
B. Bills reported out by law or joint order and not referred back to committee	1	1.0%	0.1%
Total Bills considered by Committee	96	100.0%	5.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	6	7.1%	0.4%
<i>Ought to Pass as Amended</i>	31	36.5%	2.0%
<i>Leave to Withdraw</i>	3	3.5%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>18</u>	<u>21.2%</u>	<u>1.1%</u>
Total unanimous reports	58	68.2%	3.7%
B. Divided committee reports			
<i>Two-way reports</i>	23	27.1%	1.5%
<i>Three-way reports</i>	4	4.7%	0.3%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	27	31.8%	1.7%
Total committee reports	85	88.5%	5.4%
III. CONFIRMATION HEARINGS	5	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	36	37.5%	2.0%
<i>Private and Special Laws</i>	4	4.2%	0.2%
<i>Resolves</i>	11	11.5%	0.6%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	51	53.1%	2.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	12.5%
Rules carried over to next session	0		
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	12.5%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	2	2.1%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	2	2.1%	0.1%

* Total number of bills carried over by H.P. 1322 includes 1 bill reported out of the EUT Committee and then carried over on the floor.

**129th LEGISLATURE
HEALTH AND HUMAN SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	141	66.8%	7.6%
<u><i>Bills Carried Over to next session</i></u>	<u>68</u> *	<u>32.2%</u>	<u>3.7%</u>
Total Bills referred	209	99.1%	11.3%
B. Bills reported out by law or joint order and not referred back to committee	2	0.9%	0.1%
Total Bills considered by Committee	211	100.0%	11.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	10	5.3%	0.6%
<i>Ought to Pass as Amended</i>	87	46.5%	5.6%
<i>Leave to Withdraw</i>	5	2.7%	0.3%
<u><i>Ought Not to Pass</i></u>	<u>49</u>	<u>26.2%</u>	<u>3.1%</u>
Total unanimous reports	151	80.7%	9.6%
B. Divided committee reports			
<i>Two-way reports</i>	36	19.3%	2.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	36	19.3%	2.3%
Total committee reports	187	88.6%	11.9%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	44	20.9%	2.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	27	12.8%	1.5%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	71	33.6%	3.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	4	80.0%	25.0%
Rules authorized with legislative changes	1	20.0%	6.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	5	100.0%	31.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>6</u>	<u>2.8%</u>	<u>0.3%</u>
Total	6	2.8%	0.3%

* Total number of bills carried over by H.P. 1322 includes 46 bills reported out of the HHS Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	87	79.1%	4.7%
<u><i>Bills Carried Over to next session</i></u>	<u>23</u> *	<u>20.9%</u>	<u>1.2%</u>
Total Bills referred	110 **	100.0%	6.0%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	110	100.0%	6.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	5.6%	0.3%
<i>Ought to Pass as Amended</i>	32	35.6%	2.0%
<i>Leave to Withdraw</i>	3	3.3%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>35</u>	<u>38.9%</u>	<u>2.2%</u>
Total unanimous reports	75	83.3%	4.8%
B. Divided committee reports			
<i>Two-way reports</i>	15	16.7%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	15	16.7%	1.0%
Total committee reports	90	81.8%	5.7%
III. CONFIRMATION HEARINGS			
	1	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	44	40.0%	2.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	1.8%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	46	41.8%	2.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	6.3%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	6.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over by H.P. 1322 includes 3 bills reported out of the HCIFS Committee and then carried over on the Special Appropriations Table.

** Total number of bills referred and voted out does not include 1 bill, LD 1296, which was referred to the committee, but was not reported out and died on adjournment.

Prepared by the Office of Policy and Legal Analysis
129th Legislature, First Regular Session

**129th LEGISLATURE
INLAND FISHERIES AND WILDLIFE**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	52	86.7%	2.8%
<u><i>Bills Carried Over to next session</i></u>	<u>8</u>	<u>13.3%</u>	<u>0.4%</u>
Total Bills referred	60	100.0%	3.3%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	60	100.0%	3.3%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	5.7%	0.2%
<i>Ought to Pass as Amended</i>	23	43.4%	1.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>25</u>	<u>47.2%</u>	<u>1.6%</u>
Total unanimous reports	51	96.2%	3.3%
B. Divided committee reports			
<i>Two-way reports</i>	2	3.8%	0.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	2	3.8%	0.1%
Total committee reports	53	88.3%	3.4%
III. CONFIRMATION HEARINGS	7	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	38.3%	1.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	3.3%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	25	41.7%	1.4%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over by H.P. 1322 includes 1 bill reported out of the IFW Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
INNOVATION, DEVELOPMENT AND ECONOMIC ADVANCEMENT AND COMMERCE**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	71	84.5%	3.8%
<u><i>Bills Carried Over to next session</i></u>	<u>11</u> *	<u>13.1%</u>	<u>0.6%</u>
Total Bills referred	82	97.6%	4.4%
B. Bills reported out by law or joint order and not referred back to committee	2	2.4%	0.1%
Total Bills considered by Committee	84	100.0%	4.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	6.7%	0.3%
<i>Ought to Pass as Amended</i>	16	21.3%	1.0%
<i>Leave to Withdraw</i>	5	6.7%	0.3%
<u><i>Ought Not to Pass</i></u>	<u>34</u>	<u>45.3%</u>	<u>2.2%</u>
Total unanimous reports	60	80.0%	3.8%
B. Divided committee reports			
<i>Two-way reports</i>	15	20.0%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	15	20.0%	1.0%
Total committee reports	75	89.3%	4.8%
III. CONFIRMATION HEARINGS	6	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	28.6%	1.3%
<i>Private and Special Laws</i>	1	1.2%	0.1%
<i>Resolves</i>	2	2.4%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	27	32.1%	1.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>1</u>	<u>1.2%</u>	<u>0.1%</u>
Total	1	1.2%	0.1%

* Total number of bills carried over by H.P. 1322 includes 4 bills reported out of the IDEA Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	113	77.4%	6.1%
<i>Bills Carried Over to next session</i>	<u>33</u> *	<u>22.6%</u>	<u>1.8%</u>
Total Bills referred	146 **	100.0%	7.9%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	146	100.0%	7.9%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/Orders referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	8	6.7%	0.5%
<i>Ought to Pass as Amended</i>	32	26.9%	2.0%
<i>Leave to Withdraw</i>	7	5.9%	0.4%
<i>Ought Not to Pass</i>	<u>30</u>	<u>25.2%</u>	<u>1.9%</u>
Total unanimous reports	77	64.7%	4.9%
B. Divided committee reports			
<i>Two-way reports</i>	39	32.8%	2.5%
<i>Three-way reports</i>	3	2.5%	0.2%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	42	35.3%	2.7%
Total committee reports	119	81.5%	7.6%
III. CONFIRMATION HEARINGS	18	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	57	39.0%	3.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	2.1%	0.2%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	60	41.1%	3.3%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules carried over to the next session	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	0.7%	0.1%
<i>Held by the Governor</i>	<u>9</u>	<u>6.2%</u>	<u>0.5%</u>
Total	10	6.8%	0.5%

* Total number of bills carried over by H.P. 1322 includes 4 bills reported out of the JUD Committee and then carried over on the Special Appropriations Table, 1 bill reported out of committee and then carried over on the floor and 1 bill reported out of committee and then carried over on the study table.

** Total number of bills referred and voted out does not include 2 bills, LD 1449 and LD 1589, which were referred to the committee, but were not reported out and died on adjournment.

**129th LEGISLATURE
LABOR AND HOUSING**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	113	85.6%	6.1%
<u><i>Bills Carried Over to next session</i></u>	<u>18</u> *	<u>13.6%</u>	<u>1.0%</u>
Total Bills referred	131	99.2%	7.1%
B. Bills reported out by law or joint order and not referred back to committee	1	0.8%	0.1%
Total Bills considered by Committee	132	100.0%	7.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	0.8%	0.1%
<i>Ought to Pass as Amended</i>	12	9.9%	0.8%
<i>Leave to Withdraw</i>	4	3.3%	0.3%
<u><i>Ought Not to Pass</i></u>	<u>52</u>	<u>43.0%</u>	<u>3.3%</u>
Total unanimous reports	69	57.0%	4.4%
B. Divided committee reports			
<i>Two-way reports</i>	51	42.1%	3.3%
<i>Three-way reports</i>	1	0.8%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	52	43.0%	3.3%
Total committee reports	121	91.7%	7.7%
III. CONFIRMATION HEARINGS	5	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	34	25.8%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	1.5%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	36	27.3%	2.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	3	2.3%	0.2%
<u><i>Held by the Governor</i></u>	<u>5</u>	<u>3.8%</u>	<u>0.3%</u>
Total	8	6.1%	0.4%

* Total number of bills carried over by H.P. 1322 includes 8 bills reported out of the LBHS Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	30	90.9%	1.6%
<i>Bills Carried Over to next session</i>	<u>3</u>	<u>9.1%</u>	<u>0.2%</u>
Total Bills referred	33	100.0%	1.8%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	33	100.0%	1.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	6.5%	0.1%
<i>Ought to Pass as Amended</i>	10	32.3%	0.6%
<i>Leave to Withdraw</i>	1	3.2%	0.1%
<i>Ought Not to Pass</i>	<u>12</u>	<u>38.7%</u>	<u>0.8%</u>
Total unanimous reports	25	80.6%	1.6%
B. Divided committee reports			
<i>Two-way reports</i>	6	19.4%	0.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	6	19.4%	0.4%
Total committee reports	31	93.9%	2.0%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	13	39.4%	0.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	3.0%	0.1%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	14	42.4%	0.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over by H.P. 1322 includes 1 bill reported out of the MAR Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
STATE AND LOCAL GOVERNMENT**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	81	88.0%	4.4%
<u><i>Bills Carried Over to next session</i></u>	<u>11</u> *	<u>12.0%</u>	<u>0.6%</u>
Total Bills referred	92	100.0%	5.0%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	92	100.0%	5.0%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	2	100.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	2	100.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	5.8%	0.3%
<i>Ought to Pass as Amended</i>	32	37.2%	2.0%
<i>Leave to Withdraw</i>	1	1.2%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>31</u>	<u>36.0%</u>	<u>2.0%</u>
Total unanimous reports	69	80.2%	4.4%
B. Divided committee reports			
<i>Two-way reports</i>	17	19.8%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	17	19.8%	1.1%
Total committee reports	86 **	91.5%	5.5%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	31	33.7%	1.7%
<i>Private and Special Laws</i>	7	7.6%	0.4%
<i>Resolves</i>	5	5.4%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	43	46.7%	2.3%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over by H.P. 1322 includes 2 bills reported out of the SLG Committee and then carried over on the Special Appropriations Table and 1 bill reported out of committee and then carried over on the study table.

** Total includes two joint resolutions, SP 105 and HP 264, referred to the SLG Committee and voted out.

**129th LEGISLATURE
TAXATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	85	61.2%	4.6%
<u><i>Bills Carried Over to next session</i></u>	<u>54</u> *	<u>38.8%</u>	<u>2.9%</u>
Total Bills referred	139	100.0%	7.5%
B. Bills reported out by law or joint order and not referred back to committee	0	0.0%	0.0%
Total Bills considered by Committee	139	100.0%	7.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	7	5.8%	0.4%
<i>Ought to Pass as Amended</i>	46	38.0%	2.9%
<i>Leave to Withdraw</i>	1	0.8%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>46</u>	<u>38.0%</u>	<u>2.9%</u>
Total unanimous reports	100	82.6%	6.4%
B. Divided committee reports			
<i>Two-way reports</i>	21	17.4%	1.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	21	17.4%	1.3%
Total committee reports	121	87.1%	7.7%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	20	14.4%	1.1%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	4	2.9%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	25	18.0%	1.4%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	0.7%	0.1%
<u><i>Held by the Governor</i></u>	<u>5</u>	<u>3.6%</u>	<u>0.3%</u>
Total	6	4.3%	0.3%

* Total number of bills carried over by H.P. 1322 includes 36 bills reported out of the TAX Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
TRANSPORTATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	90	84.9%	4.9%
<u><i>Bills Carried Over to next session</i></u>	16 *	15.1%	0.9%
Total Bills referred	106	100.0%	5.7%
B. Bills reported out by law or joint order and not referred back to committee			
	0	0.0%	0.0%
Total Bills considered by Committee	106	100.0%	5.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	12	13.2%	0.8%
<i>Ought to Pass as Amended</i>	27	29.7%	1.7%
<i>Leave to Withdraw</i>	6	6.6%	0.4%
<i>Ought Not to Pass</i>	45	49.5%	2.9%
Total unanimous reports	90	98.9%	5.7%
B. Divided committee reports			
<i>Two-way reports</i>	1	1.1%	0.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	1	1.1%	0.1%
Total committee reports	91	85.8%	5.8%
III. CONFIRMATION HEARINGS			
	3	N/A	N/A
IV. FINAL DISPOSITION			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	26	24.5%	1.4%
<i>Private and Special Laws</i>	1	0.9%	0.1%
<i>Resolves</i>	11	10.4%	0.6%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	38	35.8%	2.1%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

* Total number of bills carried over by H.P. 1322 includes 1 bill reported out of the TRA Committee and then carried over on the Special Appropriations Table.

**129th LEGISLATURE
VETERANS AND LEGAL AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out and not carried over</i>	104	83.9%	5.6%
<u><i>Bills and Joint Resolutions Carried Over to next session</i></u>	<u>19</u> *	<u>15.3%</u>	<u>1.0%</u>
Total Bills referred	123	99.2%	6.7%
B. Bills reported out by law or joint order and not referred back to committee	1	0.8%	0.1%
Total Bills considered by Committee	124	100.0%	6.7%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	1.8%	0.1%
<i>Ought to Pass as Amended</i>	26	23.4%	1.7%
<i>Leave to Withdraw</i>	3	2.7%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>32</u>	<u>28.8%</u>	<u>2.0%</u>
Total unanimous reports	63	56.8%	4.0%
B. Divided committee reports			
<i>Two-way reports</i>	43	38.7%	2.7%
<i>Three-way reports</i>	5	4.5%	0.3%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	48	43.2%	3.1%
Total committee reports	111	89.5%	7.1%
III. CONFIRMATION HEARINGS	4	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	37	29.8%	2.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	1.6%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>1</u>	<u>0.8%</u>	<u>0.1%</u>
Total Enacted or Finally Passed	40	32.3%	2.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	50.0%	6.3%
Rules authorized with legislative changes	1	50.0%	6.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	12.5%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>3</u>	<u>2.4%</u>	<u>0.2%</u>
Total	3	2.4%	0.2%

* Total number of bills carried over by H.P. 1322 includes 6 bills reported out of the VLA Committee and then carried over on the Special Appropriations Table and 1 bill reported out of committee and then carried over on the floor.

APPENDIX B

INDEX OF BILLS

NOT REFERRED TO COMMITTEE

**BILLS NOT REFERRED:
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
410	An Act To Eliminate the Subminimum Wage for Workers with Disabilities and Agricultural and Tipped Workers	Labor and Housing
663	An Act To Allow Holders of Gold Star Family Registration Plates To Be Issued Complimentary Licenses To Hunt, Trap and Fish and To Exempt Them from Vehicle Registration Fees	Inland Fisheries and Wildlife
785	Resolve, Directing the Board of Pesticides Control To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management	Agriculture, Conservation and Forestry
877	An Act To Equalize the Distribution of Gasoline Tax Revenues between Snowmobiles and All-terrain Vehicles	Inland Fisheries and Wildlife
1495	Resolve, Regarding the Revision of Title 28-A of the Maine Revised Statutes	Veterans and Legal Affairs
1508	An Act To Respect the Will of Maine Voters by Funding Education at 55 Percent	Education and Cultural Services
1747	An Act To Strengthen Maine's Hemp Program	Agriculture, Conservation and Forestry
1833	An Act Establishing a Review Process for Measures with a Potential Economic Impact and Directing the Department of Economic and Community Development To Develop a Strategic Economic Plan	Innovation, Development, Economic Advancement and Business
1834	An Act Regarding Prostitution	Criminal Justice and Public Safety
1838	Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services	Health and Human Services

**BILLS NOT REFERRED:
COMMITTEE WHERE SUMMARY MAY BE FOUND**

<u>LD</u>	<u>TITLE</u>	<u>COMMITTEE</u>
1839	Resolve, To Provide Sustainable Funding for Assisted Living Facilities	Health and Human Services
1840	Resolve, To Continue until August 3, 2019 Limited-period Positions Expiring in June 2019	Appropriations and Financial Affairs
1841	Resolve, Directing the Commissioner of Professional and Financial Regulation To Create a Working Group To Study Barriers to Credentialing	Innovation, Development, Economic Advancement and Business
1842	An Act Relating to the Computation of Benefits for Correctional Officers in the 1998 Special Retirement Plan	Labor and Housing
1843	An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry	Agriculture, Conservation and Forestry
1844	Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine's Power Delivery Systems	Energy, Utilities and Technology
1845	An Act To Fund Collective Bargaining Agreements with Executive Branch Employees	Labor and Housing
1846	An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees	Judiciary