

**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL & SECOND REGULAR SESSIONS  
**LEGISLATIVE DIGEST OF BILL**  
**SUMMARIES AND ENACTED LAWS**



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally  
Passed During the First Special or Second Regular Sessions of the 126<sup>th</sup> Maine Legislature

First Special Session convened Thursday, August 29, 2013  
First Special Session adjourned sine die Thursday, August 29, 2013

Legislative Days .....1  
Bills Considered .....6

Second Regular Session convened Wednesday, January 8, 2014  
Second Regular Session adjourned sine die Friday, May 2, 2014

Senate Legislative Days ..... 46  
House Legislative Days..... 46  
Bills Considered ..... 511

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**THE MAINE LEGISLATIVE COUNCIL**

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**HOUSE MEMBERS**

REP. MARK W. EVES, CHAIR  
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REP. JEFFREY M. MCCABE  
REP. KENNETH W. FREDETTE  
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SENATOR ANNE M. HASKELL  
SENATOR MICHAEL D. THIBODEAU  
SENATOR ROGER J. KATZ

MAY 2014

**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL & SECOND REGULAR SESSIONS

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



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

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Contents of this Digest are available on the Internet at [www.maine.gov/legis/opla](http://www.maine.gov/legis/opla)  
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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL & SECOND REGULAR SESSIONS



**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 Special and Second Regular Sessions of the 126<sup>th</sup> 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. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation. Legislation enacted in the First Special Session of the 126<sup>th</sup> Legislature was either an emergency measure or a General Fund bond proposal subject to voter approval.

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL SESSION

**LEGISLATIVE DIGEST OF BILL  
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Legislative Days ..... 1  
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SENATOR ROGER J. KATZ

MAY 2014

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 221 An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy**

**PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE KATZ	OTP-AM	H-583

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a bond issue in the amount of \$4,500,000 to be used for a public-private partnership for a building project for a new science facility at the Maine Maritime Academy to be matched by other funds.

**Committee Amendment "A" (H-583)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 433 authorizes a bond issue in the amount of \$4,500,000 to be used for a public-private partnership for a building project for a new science facility at the Maine Maritime Academy to be matched by other funds.

This bond issue was approved by the voters in the statewide election held in November 2013.

**LD 245 An Act To Authorize a General Fund Bond Issue for Maintenance and Improvement of State Armories and the Purchase of Land for Maine Army National Guard Training**

**PUBLIC 432**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE LUCHINI	OTP-AM	S-372

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a bond issue in the amount of \$5,000,000 to be used to provide funds to repair and maintain armory property and facilities to remain in compliance with state and federal requirements.

**Committee Amendment "A" (S-372)**

This amendment increases the bond issue to \$14,000,000, the funds from which will be used for maintenance, repair, capital improvement, modernization and energy efficiency projects for Maine Army National Guard readiness centers and support facilities and the purchase of land for training and to draw down federal matching funds.

**Enacted Law Summary**

Public Law 2013, chapter 432 authorizes a bond issue in the amount of \$14,000,000 to be used for maintenance, repair, capital improvement, modernization and energy efficiency projects for Maine Army National Guard readiness centers and support facilities and the purchase of land for training and to draw down federal matching funds.

This bond issue was approved by the voters in the statewide election held in November 2013.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 636 An Act To Authorize a General Fund Bond Issue To Invest in the Maine Community College System**

**PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN TIPPING-SPITZ	OTP-AM	S-371

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a bond issue in the amount of \$100,000,000 to be used to provide funds to renovate, make health and safety repairs and ensure compliance with the federal Americans with Disabilities Act of 1990, as amended, to the University of Maine System, the Maine Community College System and the Maine Maritime Academy.

**Committee Amendment "A" (S-371)**

This amendment strikes the bill and instead authorizes a bond issue in the amount of \$15,500,000 to be used for the construction, renovation and upgrade of buildings that house laboratories, classrooms and related offices on the 7 campuses of the Maine Community College System.

**Enacted Law Summary**

Public Law 2013, chapter 431 authorizes a bond issue in the amount of \$15,500,000 to be used for the construction, renovation and upgrade of buildings that house laboratories, classrooms and related offices on the 7 campuses of the Maine Community College System.

This bond issue was approved by the voters in the statewide election held in November 2013.

**LD 782 An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering, Mathematics and Nursing Education To Enhance Economic Development**

**PUBLIC 430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W	OTP-AM	H-584

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a bond issue in the amount of \$50,000,000 to be used to expand necessary capital improvements in the critical disciplines of science, technology, engineering and mathematics at the University of Maine System.

**Committee Amendment "A" (H-584)**

This amendment reduces the amount of the bond issue provided in the bill and provides for a bond issue in the amount of \$15,500,000 to be used for the renovation and upgrade of laboratories and other facilities related to science, technology, engineering, mathematics and nursing and to support geographic information system technology applications in forestry on the campuses of the University of Maine System.

**Enacted Law Summary**

Public Law 2013, chapter 430 authorizes a bond issue in the amount of \$15,500,000 to be used for the renovation and upgrade of laboratories and other facilities related to science, technology, engineering, mathematics and nursing and to support geographic information system technology applications in forestry on the campuses of the University

*Joint Standing Committee on Appropriations and Financial Affairs*

of Maine System.

This bond issue was approved by the voters in the statewide election held in November 2013.

**LD 1095      An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities      PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD THERIAULT	OTP-AM	S-373

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a bond issue in the amount of \$100,000,000 to 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 and transit, matching an estimated \$154,000,000 in federal and other funds.

**Committee Amendment "A" (S-373)**

This amendment provides for a bond issue in the amount of \$100,000,000 to be used for transportation projects, such as for the reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation and transit, matching an estimated \$154,000,000 in federal and other funds.

This amendment decreases the amount of the bonds provided for in the bill for highway and bridge projects but maintains the total bonding of \$100,000,000 by increasing the bond amounts for intermodal improvements.

**Enacted Law Summary**

Public Law 2013, chapter 429 authorizes a bond issue in the amount of \$100,000,000 to be used for transportation projects, such as the reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation and transit, matching an estimated \$154,000,000 in federal and other funds.

This bond issue was approved by the voters in the statewide election held in November 2013.

**LD 1515      An Act To Increase the Availability of Mental Health Services      PUBLIC 434  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-585

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Criminal Justice and Public Safety, then removed from the Special Appropriations Table and committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to the next Special or Regular Session of the 126th Legislature.

This bill authorizes the Commissioner of Corrections to:

1. Under certain circumstances, transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services;

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

2. Accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services;
3. Accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and
4. Under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

### **Committee Amendment "B" (H-585)**

This amendment replaces the bill and makes the following changes:

1. It clarifies the conditions permitting involuntary medication of a person with mental illness residing in a mental health unit of a Department of Corrections correctional facility;
2. It adds a repeal date of August 1, 2017 to the new involuntary medication provisions and the new transfer and placement provisions;
3. It requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015 regarding the operations of a correctional facility's mental health unit. The report must include specified data and any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C;
4. It requires the Department of Corrections, by January 15, 2015, to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049;
5. It requires the Department of Health and Human Services to submit a plan by January 15, 2015 to assess and meet the needs of persons who have traumatic or acquired brain injuries and to present a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015. The department is also required to submit periodic reports to the Joint Standing Committee on Health and Human Services regarding the issues outlined in the 2013 report on Riverview Psychiatric Center by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the department's plans to remedy the issues identified;
6. It establishes the Forensic Mental Health Services Oversight Committee to oversee the expansion of the Mental Health Unit at the Maine State Prison; and
7. It adds an emergency preamble and an emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2013, chapter 434 authorizes the Commissioner of Corrections, under certain circumstances, to transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services; accept placement in a mental health unit of a correctional facility for observation of an adult defendant who has been committed to the custody of the Commissioner of Health and Human Services; accept placement in a mental health unit of a correctional facility for hospital-level care and treatment of an adult defendant who has been found incompetent to stand trial and committed to the custody of the Commissioner of Health and Human Services; and, under certain circumstances, medicate a person with mental illness residing in a correctional or detention facility

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

without that person's consent, subject to the person's right to have a court hearing prior to being involuntarily medicated or a court hearing after the issuance of an ex parte court order in an emergency situation.

The law includes a repeal date of August 1, 2017 for the new involuntary medication provisions and the new transfer and placement provisions.

The law requires the Department of Health and Human Services and the Department of Corrections to report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015 regarding the operations of a correctional facility's mental health unit. The report must include specified data and any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A, 3069-B and 3069-C.

The law requires the Department of Corrections, by January 15, 2015 to submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to Title 34-A, section 3049.

The law requires the Department of Health and Human Services to submit a plan by January 15, 2015 to assess and meet the needs of persons who have traumatic or acquired brain injuries and to present a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 15, 2015. The department is also required to submit periodic reports to the Joint Standing Committee on Health and Human Services regarding the issues outlined in the 2013 report on Riverview Psychiatric Center by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services and the department's plans to remedy the issues identified.

The law establishes the Forensic Mental Health Services Oversight Committee to oversee the expansion of the Mental Health Unit at the Maine State Prison.

Public Law 2013, chapter 434 was enacted as an emergency measure effective September 6, 2013.

*Joint Standing Committee on Appropriations and Financial Affairs*

SUBJECT INDEX

**CRJ: Competency to Stand Trial/Mental Health**

**Enacted**

LD 1515     An Act To Increase the Availability of Mental Health Services     PUBLIC 434  
EMERGENCY

**General Obligation Bond Bills**

**Enacted**

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Public-private Partnership for a New Science Facility at the Maine Maritime  
Academy

LD 245     An Act To Authorize a General Fund Bond Issue for Maintenance and     PUBLIC 432  
Improvement of State Armories and the Purchase of Land for Maine Army  
National Guard Training

LD 636     An Act To Authorize a General Fund Bond Issue To Invest in the Maine     PUBLIC 431  
Community College System

LD 782     An Act To Authorize a General Fund Bond Issue To Support Science,     PUBLIC 430  
Technology, Engineering, Mathematics and Nursing Education To Enhance  
Economic Development

LD 1095     An Act To Authorize a General Fund Bond Issue To Improve Highways,     PUBLIC 429  
Bridges and Multimodal Facilities

**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION

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SENATOR ROGER J. KATZ

MAY 2014

*Joint Standing Committee on Agriculture, Conservation and Forestry*

**LD 377      An Act To Provide Funding to Soil and Water Conservation Districts**

**PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLACK SAVIELLO	OTP-AM	H-21 S-336 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th Legislature and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill includes an ongoing General Fund appropriation of \$200,000 in fiscal years 2013-14 and 2014-15 to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

**Committee Amendment "A" (H-21)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" To Committee Amendment "A" (S-336)**

This amendment reduces the ongoing funding for soil and water conservation districts from \$200,000 to \$50,000 for fiscal years 2013-14 and 2014-15.

**Enacted Law Summary**

Public Law 2013, chapter 435 provides an ongoing General Fund appropriation of \$50,000 in fiscal years 2013-14 and 2014-15 to the Department of Agriculture, Conservation and Forestry for soil and water conservation districts.

**LD 500      An Act To Permit Tribal Members To Have Access to Wood Fiber for  
Fuel, Shelter and Traditional Woodcraft Production**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill allows any member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Aroostook Band of Micmacs to enter and collect or harvest wood or wood fiber from any public or publicly controlled or managed property in the State for the purpose of using the wood or wood fiber for fuel, personal shelter construction or traditional woodcraft production.

**LD 718      An Act To Protect Maine Food Consumers' Right To Know about  
Genetically Engineered Food**

**PUBLIC 436**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL CAIN	OTP-AM OTP-AM OTP-AM	H-393 H-444 TIMBERLAKE

This bill was enacted by the Legislature during the First Regular Session of the 126th Legislature and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

## ***Joint Standing Committee on Agriculture, Conservation and Forestry***

The bill requires disclosure of genetic engineering at the point of retail sale of food and seed stock and provides that food or seed stock for which the disclosure is not made is considered to be misbranded and subject to the sanctions for misbranding. The bill provides that food or seed stock may not be labeled as "natural" if it has been genetically engineered. The bill exempts products produced without knowledge that the products or items used in their production were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed genetically engineered food; and products with only a minimum content produced by genetic engineering. The bill also provides that the disclosure requirements do not apply to restaurants, alcoholic beverages or medical food. The disclosure provisions are administered by the Department of Agriculture, Conservation and Forestry.

### **Committee Amendment "A" (H-393)**

This amendment is the majority report. The amendment adds a purpose section to the proposed new chapter on genetically engineered products in the Maine Revised Statutes, Title 22. It also changes the conditions governing the effective date and the repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when four other northeastern states have adopted mandatory labeling legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification. The amendment also removes all references to seed stock.

### **Committee Amendment "C" (H-395)**

This amendment is one of two minority reports. It differs from the majority report by requiring substantially similar legislation to have been enacted in five contiguous states, including Maine before it takes effect. The amendment adds a purpose section to the new chapter on genetically engineered products. It also changes the conditions governing the contingent effective date and the contingent repeal date of the bill. The amendment establishes a process for the Commissioner of Agriculture, Conservation and Forestry to report to the Secretary of State, the Revisor of Statutes and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when five contiguous states, including Maine have adopted substantially similar legislation. The amendment provides that the section of the bill that enacts Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification. The amendment also proposes to exempt from the labeling requirements of the bill food products derived from any highly refined ingredients, where the effect of the purification process is to remove DNA or novel protein.

### **Committee Amendment "B" (H-394)**

This amendment, which is one of two minority reports, changes the bill into a resolve. It directs the Commissioner of Agriculture, Conservation and Forestry to petition the United States Secretary of Agriculture and the United States Commissioner of Food and Drugs to develop a nationwide system to more fully evaluate, monitor and provide for necessary labeling to reinforce consumer confidence in the safety of the nation's food system.

### **House Amendment "B" To Committee Amendment "A" (H-444)**

This amendment defines "food" to mean food intended for human consumption and changes the contingent effective date to provide that the Act takes effect when legislation requiring mandatory labeling of genetically engineered food has been adopted by five contiguous states, including Maine.

### **Enacted Law Summary**

Public Law 2013, chapter 436 requires disclosure of genetic engineering at the point of retail sale of food and provides that food for which the disclosure is not made is considered to be misbranded and subject to the sanctions for misbranding.

The law provides that food may not be labeled as "natural" if it has been genetically engineered. It defines "food" to mean food intended for human consumption. It exempts products produced without knowledge that the products or

*Joint Standing Committee on Agriculture, Conservation and Forestry*

items used in their production were genetically engineered; animal products derived from an animal that was not genetically engineered but was fed genetically engineered food; and products with only a minimum content produced by genetic engineering.

The law also provides that the disclosure requirements do not apply to restaurants, alcoholic beverages or medical food. The disclosure provisions are administered by the Department of Agriculture, Conservation and Forestry.

Public Law 2013, chapter 436 goes into effect when legislation requiring mandatory labeling of genetically engineered food has been adopted by five contiguous states, including Maine.

**LD 1239      An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill repeals the definition of "intermittent agent" in the animal welfare laws. It changes the definitions of "kennel," "boarding kennel" and "breeding kennel" to create three new kennel license designations: personal kennel license, commercial boarding or training kennel license and commercial breeder kennel license. It also defines "serious bodily injury". The bill also makes the changes to the animal welfare laws necessary to reflect the changes made in the defined terms. It removes the provision of law that requires a person to obtain a vendor's license to sell a dog or cat.

**LD 1431      An Act To Support School Nutrition and Expand the Local Foods Economy      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C	OTP-AM	S-466
HICKMAN	OTP-AM	S-495    LANGLEY

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires the Department of Agriculture, Conservation and Forestry and the Department of Education to administer programs to support the expansion and coordination of the use of fresh local foods in public school food service programs. The Department of Agriculture, Conservation and Forestry is directed to provide grants in two phases for the identification of local food suppliers and the establishment of local food hubs to connect local food producers with public school food service programs and facilitate the operation of local food programs in schools. The bill also directs the Department of Education to develop and support local food training programs for public school food service personnel and facilitate the use of local food hubs to expand the use of local foods in schools.

The bill also provides a bond issue in the amount of \$12,000,000 to be used to develop up to ten local food hubs.

**Committee Amendment "A" (S-466)**

This amendment, which retains the emergency preamble and clause, strikes and replaces the bill and is the majority report. The amendment requires the Department of Agriculture, Conservation and Forestry and the Department of Education to administer programs to support the expansion and coordination of the use of fresh Maine foods in aggregated and institutional markets, including school food service programs.

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

The Department of Agriculture, Conservation and Forestry is directed to provide grants under the Agricultural Development Grant program for the purpose of conducting market feasibility studies and developing business plans for local food hubs in Maine to connect and enhance relationships between fresh food producers in Maine and aggregated and institutional markets, including school food service programs. The Commissioner of Agriculture, Conservation and Forestry may not award a local foods grant unless the applicant provides matching funds in an amount that is no less than 50 % of the grant amount.

The department is also directed to provide loans under the Agricultural Marketing Loan Fund to applicants in diverse geographic areas in the State for the purpose of establishing local food hubs located in Maine. Prior to awarding a local food hub loan, the Commissioner of Agriculture, Conservation and Forestry is required to determine that the potential overall impact of a proposal to Maine's agricultural economy and industry is beneficial to and in the best interest of the State. This amendment differs from the majority report, in that it provides that a loan for a local food hub project may not exceed 50 % of the total cost of the project.

The amendment also establishes the Maine Food Hub Advisory Committee, which includes representatives of statewide and regional organizations involved in supporting agriculture, public health, the environment and the state economy, including representatives of the member entities of the farm-to-school work group established by Resolve 2009, chapter 106.

The amendment directs the Department of Education to develop and support local food training programs for public school food service personnel, and facilitate the use of local food hubs to expand the use of local foods in schools. It retains the provision from the bill that increases the limit on the amount that the State matches for the acquisition of local food by a school administrative unit if the unit sends a food service employee for training in the acquisition and use of local foods. It also directs the department to develop and post a position description for school food service program personnel on its publicly accessible website and to develop an annual competitive skill-oriented school food service recognition.

The amendment adds an appropriations and allocations section.

### **Committee Amendment "B" (S-467)**

This amendment, which retains the emergency preamble and clause, strikes and replaces the bill and is the minority report. The amendment requires the Department of Agriculture, Conservation and Forestry and the Department of Education to administer programs to support the expansion and coordination of the use of fresh Maine foods in aggregated and institutional markets, including school food service programs.

The Department of Agriculture, Conservation and Forestry is directed to provide grants under the Agricultural Development Grant program for the purpose of conducting market feasibility studies and developing business plans for local food hubs in Maine to connect and enhance relationships between fresh food producers in Maine and aggregated and institutional markets, including school food service programs. The Commissioner of Agriculture, Conservation and Forestry may not award a local foods grant unless the applicant provides matching funds in an amount that is no less than 50% of the grant amount.

The department is also directed to provide loans under the Agricultural Marketing Loan Fund to applicants in diverse geographic areas in the State for the purpose of establishing local food hubs located in Maine. Prior to awarding a local food hub loan, the Commissioner of Agriculture, Conservation and Forestry is required to determine that the potential overall impact of a proposal to Maine's agricultural economy and industry is beneficial to and in the best interest of the State. The amendment also provides that a loan for a local food hub project may not exceed 50% of the total cost of the project (this is the only difference from the majority report).

The amendment also establishes the Maine Food Hub Advisory Committee, which includes representatives of statewide and regional organizations involved in supporting agriculture, public health, the environment and the state economy, including representatives of the member entities of the farm-to-school work group established by Resolve

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2009, chapter 106.

The amendment directs the Department of Education to develop and support local food training programs for public school food service personnel and facilitate the use of local food hubs to expand the use of local foods in schools. It retains the provision from the bill that increases the limit on the amount that the State matches for the acquisition of local food by a school administrative unit if the unit sends a food service employee for training in the acquisition and use of local foods. It also directs the department to develop and post a position description for school food service program personnel on its publicly accessible website and to develop an annual competitive skill-oriented school food service recognition.

The amendment adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-495)**

This amendment amends Committee Amendment "A." The amendment directs the Department of Education to apply for federal grant funding for the implementation of the local foods training program and the increased state contribution for the Local Produce Fund, and it makes implementation contingent on receipt of funding.

<b>LD 1521</b>	<b>Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors</b>	<b>Accepted Majority (ONTP) Report</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This resolve directs the Department of Agriculture, Conservation and Forestry to develop a pilot program to assist small food processors, similar to the Maine Farms for the Future program.

**Committee Amendment "A" (H-634)**

This amendment, which is the minority report, strikes and replaces the resolve and changes the title. The amendment directs the Department of Agriculture, Conservation and Forestry to review current initiatives that provide assistance to small food processors in the State, to research potential opportunities that may provide assistance to small food processors and to report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters with findings and recommendations no later than January 9, 2015. The joint standing committee may submit a bill relating to the subject matter of the report to the First Regular Session of the 127th Legislature. The amendment provides an appropriations and allocations section.

<b>LD 1567</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry</b>	<b>RESOLVE 88</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-590

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This bill was carried over from the First Regular Session of the 126th Legislature.

The resolve provides for legislative review of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-590)**

This amendment, which is the majority report, removes the emergency preamble and emergency clause from the resolve.

**Enacted Law Summary**

Resolve 2013, chapter 88 adopts portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The rules adopted pursuant to this resolve exempt certain requirements of Chapter 22 which would not be practical in an emergency situation when the Maine Center for Disease Control and Prevention recommends spraying due to vector-borne disease threats.

**LD 1568      Resolve, Regarding Legislative Review of Portions of Chapter 20:  
Special Provisions, a Late-filed Major Substantive Rule of the  
Department of Agriculture, Conservation and Forestry**

**RESOLVE 87**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-591

This bill was carried over from the First Regular Session of the 126th Legislature.

The resolve provides for legislative review of portions of Chapter 20: Special Provisions, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-591)**

This amendment, which is the majority report, removes the emergency preamble and emergency clause from the resolve.

**Enacted Law Summary**

Resolve 2013, chapter 87 adopts portions of Chapter 20: Special Provisions, a major substantive rule of the Department of Agriculture, Conservation and Forestry. Chapter 20 regulates the use, storage, and disposal of pesticides with an emphasis on registered pesticides, right-of-way and aquatic applications, and employer and employee requirements. Chapter 20 also covers landowner authorization for pesticide applications.

The rule adopted pursuant to this resolve relaxes the need for individual property owner authorization when the Maine Center for Disease Control and Prevention recommends spraying due to vector-borne disease threats.

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**LD 1569      Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry**

**RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-592

This bill was carried over from the First Regular Session of the 126th Legislature.

The resolve provides for legislative review of portions of Chapter 51: Notice of Aerial Pesticide Application, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-592)**

This amendment, which is the majority report, removes the emergency preamble and emergency clause from the resolve.

**Enacted Law Summary**

Resolve 2013, chapter 86 adopts portions of Chapter 51: Notice of Aerial Pesticide Application, a major substantive rule of the Department of Agriculture, Conservation and Forestry.

Chapter 51 describes the notification requirements for persons contracting aerial pesticide applications to control forest, ornamental plant, right-of-way, biting fly and public health pests. The rule adopted pursuant to this resolve exempts most of the requirements in Chapter 51 when the Maine Center for Disease Control and Prevention recommends spraying due to vector-borne disease threats, as notice requirements are included in Chapter 20, as adopted pursuant to Resolve 2013, chapter 87. The requirement for notice to the Board of Pesticides Control and the Maine Poison Control Center in Chapter 51 are not exempted.

**LD 1586      An Act To Strengthen Enforcement Standards for Potatoes**

**PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER LANGLEY	OTP-AM ONTP	H-632

This bill increases fines for violating the provisions of law regarding minimum standards for planting potatoes in the State and allows the Department of Agriculture, Conservation and Forestry access to planted fields for auditing purposes.

**Committee Amendment "A" (H-632)**

This amendment, which is the majority report of the committee, clarifies the bill's intent that the fine for violating the provision of law regarding minimum standards for planting potatoes in the State is \$1,000 plus not more than \$400 per acre for each acre or part of an acre planted in violation of the law.

**Enacted Law Summary**

Public Law 2013, chapter 475 increases fines for violating minimum standards for planting potatoes in the State and allows the Department of Agriculture, Conservation and Forestry access to planted fields for auditing purposes. The law provides that the fine for violating minimum standards for planting potatoes in the State is \$1,000 plus not more

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than \$400 per acre for each acre or part of an acre planted in violation of the law.

**LD 1587      An Act To Temporarily Ban the Use of Neonicotinoid Pesticides      ONTP**

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

This bill bans the use, sale, and distribution of neonicotinoid pesticides for two years. It also directs the joint standing committee of the Legislature having jurisdiction over agricultural matters to review the use and effects of neonicotinoid pesticides.

**LD 1665      An Act To Clarify the Confidentiality of Wood Processor Report Information      PUBLIC 513**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY WILSON	OTP-AM OTP-AM	S-452

This bill clarifies that all information, not just volume information, submitted by wood processing facilities annually to the Department of Agriculture, Conservation and Forestry, Maine Forest Service is confidential.

**Committee Amendment "A" (S-452)**

This amendment, which strikes and replaces the bill, makes a technical correction. Unlike the bill, which proposes to make all information submitted by word processing facilities to the Department of Agriculture, Conservation and Forestry, Maine Forest Service confidential, the amendment specifies which information submitted by roundwood processing operations and importers and exporters of forest products annually to the Maine Forest Service is confidential.

**Enacted Law Summary**

Public Law 2013, chapter 513 specifies which information submitted annually by roundwood processing operations, and importers and exporters of forest products to the Department of Agriculture, Conservation and Forestry, Maine Forest Service is confidential.

**LD 1673      An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry      PUBLIC 570**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE MAREAN	OTP-AM ONTP	S-428 S-541 HILL

Under the Natural Resources Protection Act, the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Bureau of Forestry each have permitting authority with respect to timber harvesting activities. This bill consolidates this permitting authority under the bureau.

**Committee Amendment "A" (S-428)**

The bill provides that the Department of Agriculture, Conservation and Forestry, Bureau of Forestry must issue permits under the Natural Resources Protection Act for timber harvesting activities in all areas of the State, except

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Indian reservations. This amendment, which is the majority report, strikes the exemption for Indian reservations.

The amendment provides that the bureau must consult with the Department of Environmental Protection prior to issuing permits for the mining of gravel used for the construction and maintenance of roads used primarily for timber harvesting in the organized areas of the State.

The amendment also adds an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-541)**

This amendment removes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 570 provides that the Department of Agriculture, Conservation and Forestry, Bureau of Forestry is authorized to issue permits under the Natural Resources Protection Act for timber harvesting activities in all areas of the State. The law also provides that the bureau must consult with the Department of Environmental Protection prior to issuing permits for the mining of gravel used for the construction and maintenance of roads used primarily for timber harvesting in the organized areas of the State.

**LD 1674 An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients**

**PUBLIC 498  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO DILL	OTP-AM ONTP	S-415

Public Law 2013, chapter 371 prohibited the use of a pesticide in the cultivation of medical marijuana unless the pesticide is exempt from federal registration requirements and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control. This bill expands the list of pesticides that may be used by a registered primary caregiver or registered dispensary to include other specified pesticides, even if those additional pesticides are not exempt from federal registration requirements or registered with the Board of Pesticides Control.

**Committee Amendment "A" (S-415)**

This amendment, which is the majority report of the committee, removes from the bill the list of specific pesticides that may be used by a primary caregiver or registered dispensary under the medical marijuana laws, and instead provides that primary caregivers and registered dispensaries may use pesticides whose product labels allow for such use. Like the bill, the amendment retains the provisions of current law that require the pesticides to be registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control and to be used in accordance with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry, but the amendment clarifies that the approved best management practices relate to pest management.

**Enacted Law Summary**

Public Law 2013, chapter 498 provides that primary caregivers and registered dispensaries under the medical marijuana laws may use pesticides whose product labels allow for such use. Current law requires pesticides to be registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control and to be used in accordance with best management practices approved by the Commissioner of Agriculture, Conservation and Forestry. Public Law 2013, chapter 498 clarifies that the approved best management practices relate to pest management.

Public Law 2013, chapter 498 was enacted as an emergency measure effective April 2, 2014.

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**LD 1678 An Act To Protect Maine's Lobster Fishery**

**ONTP**

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

This bill prohibits the use of methoprene or resmethrin, two chemicals used for mosquito control, in any body of water that drains into the Gulf of Maine or on land from which runoff could enter into any such waterway.

**LD 1680 An Act To Protect the Integrity of Funding for Harness Racing Purses**

**PUBLIC 490  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAREAN COLLINS	OTP-AM	H-654

This bill requires a person licensed to conduct harness horse racing by the Department of Agriculture, Conservation and Forestry, State Harness Racing Commission, to establish a trust account for the benefit of the persons who race horses at that licensee's facility. All funds, that by statute must be used to pay purses, must be deposited in that account and used exclusively to pay purses. If a licensee fails to conduct a race meet during a calendar year, all remaining funds held in the trust account established by that licensee must be returned to the commission and redistributed by the commission to the trust accounts of all racetracks that continue to conduct racing. It also requires a statewide association of horsemen to have been qualified as a tax-exempt organization under federal law before January 1, 2007 in order to be eligible to receive funds designated to supplement purses. It allows one new racetrack to replace a commercial track that closes.

**Committee Amendment "A" (H-654)**

This amendment removes the requirement proposed in the bill that a statewide association of horsemen qualify as a tax-exempt organization under federal law before January 1, 2007 in order to be eligible to receive funds designated to supplement harness racing purses. The amendment requires instead, that a majority of the membership of a statewide association of horsemen be composed of owners, trainers and drivers, or any combination of owners, trainers and drivers licensed by the Department of Agriculture, Conservation and Forestry, State Harness Racing Commission in order to be eligible to receive funds designated to supplement harness racing purses.

The amendment specifies which funds used to pay harness racing purses must be deposited into a licensee's trust account for the benefit of persons who race horses. The amendment also provides that funds in the trust account are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee and are not subject to attachment or execution by creditors of the licensee. The amendment provides that a licensee, solely for the purpose of funding racing operations, may make interim use of the funds in the trust account if certain conditions are met.

The amendment clarifies that if one new racetrack replaces a commercial track that ceases operations, the new racetrack is not required to have conducted racing during the preceding two calendar years but is required to conduct racing during each calendar year after initial licensure.

The amendment also provides that if one new racetrack replaces a commercial track that ceases operations, the racetrack that ceases operations is entitled to distribution of funds maintained by the State based on the number of days on which racing was conducted, not including funds used exclusively to pay harness racing purses.

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**Enacted Law Summary**

Public Law 2013, chapter 490 requires that a majority of the membership of a statewide association of horsemen be composed of owners, trainers and drivers, or any combination of owners, trainers and drivers licensed by the Department of Agriculture, Conservation and Forestry, State Harness Racing Commission in order to be eligible to receive funds designated to supplement harness racing purses.

The law specifies which funds used to pay harness racing purses must be deposited into a licensee's trust account for the benefit of persons who race horses. It also provides that funds in the trust account are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee, and are not subject to attachment or execution by creditors of the licensee. It provides that a licensee, solely for the purpose of funding racing operations, may make interim use of the funds in the trust account if certain conditions are met.

The law clarifies that if one new racetrack replaces a commercial track that ceases operations, the new racetrack is not required to have conducted racing during the preceding two calendar years but is required to conduct racing during each calendar year after initial licensure.

The law also provides that if one new racetrack replaces a commercial track that ceases operations, the racetrack that ceases operations is entitled to distribution of funds maintained by the State based on the number of days on which racing was conducted, not including funds used exclusively to pay harness racing purses.

Public Law 2013, chapter 490 was enacted as an emergency measure effective March 22, 2014.

**LD 1732      Resolve, Directing the Director of the Bureau of Parks and Lands To  
Convey the Chesuncook Community Church Building in Chesuncook  
Township to the Greenville Union Evangelical Church**

**RESOLVE 108**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM	H-660

This resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to convey the Chesuncook Community Church building in Chesuncook Township to the Greenville Union Evangelical Church.

**Committee Amendment "A" (H-660)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2013, chapter 108 directs the Director of the Bureau of Parks and Lands, within the Department of Agriculture, Conservation and Forestry to convey the Chesuncook Community Church building in Chesuncook Township to the Greenville Union Evangelical Church.

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**LD 1770      Resolve, Regarding Legislative Review of Portions of Chapter 33:  
Agricultural Development Grant Program, a Late-filed Major  
Substantive Rule of the Department of Agriculture, Conservation and  
Forestry**

**RESOLVE 96  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-661

This resolve provides for legislative review of portions of Chapter 33: Agricultural Development Grant Program, a major substantive rule of the Department of Agriculture, Conservation and Forestry that was filed outside the legislative rule acceptance period.

**Committee Amendment "A" (H-661)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2013, chapter 96 adopts portions of Chapter 33: Agricultural Development Grant Program, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The rule adopted pursuant to this resolve changes department designations based on the department reorganization. The rule adopted pursuant to this resolve also allows individuals, firms or organizations to submit proposals under the Special Projects section of Chapter 33, in response to Public Law 2013, chapter 64.

Resolve 2013, chapter 96 was finally passed as an emergency measure effective March 22, 2014.

**LD 1777      Resolve, To Amend the Resolve To Promote the Expansion of the Maine  
Maple Sugar Industry**

**RESOLVE 102**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve authorizes the task force convened pursuant to Resolve 2011, chapter 132 to develop strategies to address obstacles to the expansion of Maine's maple sugar industry to continue its work during the interim between the Second Regular Session of the 126th Legislature and the First Regular Session of the 127th Legislature. The resolve changes the deadline for the final report of the task force from December 4, 2013 to January 15, 2015.

**Enacted Law Summary**

Resolve 2013, chapter 102 authorizes the task force convened pursuant to Resolve 2011, chapter 132 to develop strategies to address obstacles to the expansion of Maine's maple sugar industry to continue its work during the interim between the Second Regular Session of the 126th Legislature and the First Regular Session of the 127th Legislature. The law changes the deadline for the final report of the task force from December 4, 2013 to January 15, 2015.

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**LD 1786    An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production**

**Accepted Report B  
(ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NOON TUTTLE	OTP-AM ONTP OTP-AM	

This bill facilitates direct sales of dairy products sold on the same farm on which the product is produced by exempting those sales from state licensing and inspection requirements if certain conditions are met.

**Committee Amendment "A" (H-761)**

This amendment, which is the majority report, strikes and replaces the bill. The amendment provides that the term "unpasteurized" has the same meaning as "not pasteurized." Current law defines a "milk distributor" as any person who offers for sale or sells to another person any milk or milk products in their final form. The amendment provides that a milk distributor who sells unpasteurized milk or unpasteurized milk product is exempt from licensing requirements if the following conditions are met.

1. The sale of the unpasteurized milk or unpasteurized milk product in its final form is made directly to the end consumer on the premises of the dairy farm, including a farm stand or eating establishment located on property contiguous to the dairy farm.
2. The milk distributor allows each person who purchases unpasteurized milk or unpasteurized milk product to visually inspect the dairy farm where the unpasteurized milk or unpasteurized milk product is produced. The milk distributor may require a person who chooses to inspect the dairy farm to follow sanitary procedures determined by the milk distributor.
3. The milk distributor does not promote the unpasteurized milk or unpasteurized milk product in any manner other than in person or a face-to-face exchange between the milk distributor and the end consumer.
4. Prior to selling unpasteurized milk or unpasteurized milk product, the milk distributor must complete a course on the sanitation of milk offered by the University of Maine Cooperative Extension. The milk distributor must complete this course at least every 3 years.
5. The milk distributor must sample source water and recirculating water on the dairy farm at least once a year, maintain records of all sampling results at the dairy farm, and post the most recent sampling result in a conspicuous place in locations where sales may occur. This requirement does not apply if the dairy farm's water is from a public source.
6. The unpasteurized milk or unpasteurized milk product must be sold in a package that meets applicable labeling requirements in law and has a label containing the name, address and phone number of the milk distributor and the following statement: "This food has been produced by a milk distributor that is exempt from licensing and inspection by the State of Maine."

The amendment also provides that the Commissioner of Agriculture, Conservation and Forestry may inspect a dairy farm when investigating an outbreak of foodborne illness.

**Committee Amendment "B" (H-762)**

This amendment, which is a minority report, strikes and replaces the bill. The amendment provides that the term "unpasteurized" has the same meaning as "not pasteurized." Current law defines a "milk distributor" as any person

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who offers for sale or sells to another person any milk or milk products in their final form. The amendment provides that a milk distributor who sells unpasteurized milk or unpasteurized milk product is exempt from licensing requirements if the following conditions are met.

1. The sale of the unpasteurized milk or unpasteurized milk product in its final form is made directly to the end consumer on the premises of the dairy farm, including a farm stand or eating and lodging place located on property contiguous to the dairy farm.
2. The milk distributor allows each person who purchases unpasteurized milk or an unpasteurized milk product to visually inspect the dairy farm where the unpasteurized milk or unpasteurized milk product is produced. The milk distributor may require a person who chooses to inspect the dairy farm to follow sanitary procedures determined by the milk distributor.
3. The milk distributor does not promote the unpasteurized milk or unpasteurized milk product in any manner other than in person or a face-to-face exchange between the milk distributor and the end consumer.
4. The unpasteurized milk or unpasteurized milk product must be sold in a package that meets applicable labeling requirements in law and has a label containing the name, address and phone number of the milk distributor and the following statement: "This food has been produced by a milk distributor that is exempt from licensing and inspection by the State of Maine."

The amendment also provides that the Commissioner of Agriculture, Conservation and Forestry may inspect a dairy farm when investigating an outbreak of foodborne illness.

**LD 1808     An Act To Protect the Public from Mosquito-borne Diseases**

**PUBLIC 548**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM ONTP	<u>Amendments Adopted</u> H-780
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This bill is reported out by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2013, chapter 13, section 2.

The bill establishes that the Department of Health and Human Services is the lead agency in the State for monitoring for mosquito-borne diseases. It authorizes the Commissioner of Health and Human Services to declare a mosquito-borne disease public health threat. The bill also establishes the state policy for managing disease-carrying mosquitoes and authorizes the Department of Agriculture, Conservation and Forestry, after consulting with affected municipalities, to conduct appropriate mosquito management activities in response to mosquito-borne disease public health threats. In addition, the bill authorizes municipalities to cooperate in managing mosquitoes through the formation of mosquito management districts. It establishes the Maine Mosquito Management Fund to provide funding for mosquito management activities.

**Committee Amendment "A" (H-780)**

The amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 548 establishes that the Department of Health and Human Services is the lead agency in the State for monitoring for mosquito-borne diseases. The law authorizes the Commissioner of Health and Human Services to declare a mosquito-borne disease public health threat. It also establishes the state policy for managing disease-carrying mosquitoes and authorizes the Department of Agriculture, Conservation and Forestry, after

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consulting with affected municipalities, to conduct appropriate mosquito management activities in response to mosquito-borne disease public health threats. In addition, the law authorizes municipalities to cooperate in managing mosquitoes through the formation of mosquito management districts. It establishes the Maine Mosquito Management Fund to provide funding for mosquito management activities.

**LD 1823      An Act To Amend the Outcome-based Forestry Experiment Laws      ONTP**

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

This bill amends the laws governing outcome-based forest policy experimental areas. It amends the membership of the technical panel assessing those experimental areas. It requires the technical panel to prepare an independent assessment and amends reporting requirements. It also repeals these laws July 1, 2021.

**LD 1838      An Act To Expand Affordable Heating Investments with Maine's Public Resources      Accepted Majority (ONTP) Report**

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

This bill establishes the Affordable Heating from Maine's Forests Fund, administered by the Efficiency Maine Trust. The fund receives revenue from the sale of timber and other things of value from Maine's public reserved lands. In 2014, a total of \$1,000,000 will be transferred from the Public Reserved Lands Management Fund to the Affordable Heating from Maine's Forests Fund, and in subsequent years, \$1,250,000 or \$1,000,000 will be transferred annually depending on the quantity of wood harvested. The Efficiency Maine Trust is required to use the funding for measures that reduce residential heating costs.

**Committee Amendment "A" (S-480)**

This amendment, which is the minority report, renames the Affordable Heating from Maine's Forests Fund established in the bill the Low-income Affordable Heating Assistance from Maine's Forests Fund.

The amendment provides that the fund administered by the Efficiency Maine Trust must be used for investments in affordable measures that reduce residential heating costs for individuals eligible for the federal Low-income Home Energy Assistance Program. The amendment also provides that the Treasurer of State is required to transfer funds from the Public Reserved Lands Management Fund to the Low-income Affordable Heating Assistance from Maine's Forests Fund, but only if the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry determines that the transfer of funds will not significantly impair management of public lands. It also provides that the transfer of funds will begin September 1, 2014 rather than March 1, 2014. It also removes the emergency preamble and the emergency clause. Finally, the amendment adds an appropriations and allocations section.

**LD 1847      An Act To Clarify Outcome-based Forestry      PUBLIC 542**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE CRAY	OTP-AM	S-502

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

This bill amends the laws governing outcome-based forest policy experimental areas. It amends the membership of the technical panel assessing those experimental areas to consist of at least six members, at least one of whom is a member of the public, and specifies that they must have expertise in the areas of outcome-based principles. The technical panel is required to determine whether the practices applied in an experimental area provide at least equivalent forest and environmental protection as provided by the local, state and federal rules and regulations that would otherwise apply to that experimental area.

This bill requires the Director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry to brief the joint standing committee of the Legislature having jurisdiction over forestry matters prior to entering into an outcome-based forestry experiment agreement. The bill also requires the director and the technical panel each to submit two different reports to the joint standing committee. The first is an annual report regarding the progress on the outcome-based forestry experiment and the second is a report that must be completed every five years after entering into an agreement, which must include an analysis as to whether the practices applied on the experimental area provide at least the equivalent forest and environmental protection as provided by rules and regulations in existence on the date of the agreement.

The bill also amends current reporting requirements to require the director to make a recommendation to continue, change or discontinue the outcome-based forestry experiment.

### **Committee Amendment "A" (S-502)**

This amendment replaces the term "experimental area" with "outcome-based forestry area" in the laws governing forestry practices. The amendment requires the Director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry to seek to designate outcome-based forestry areas of various sizes owned by different landowners. The amendment explicitly authorizes the director to renew an outcome-based forestry agreement if all applicable requirements are met. The amendment provides that the term of a subsequent outcome-based forestry agreement may not exceed five years.

The amendment provides that the panel of technical experts, when conducting an assessment, may consider information provided by the Bureau of Forestry, the landowner, or a third-party forest certification program auditor. The amendment strikes the requirement as proposed in the bill that the panel of technical experts must include at least one member representing the public.

The amendment adds forest health and economic and social considerations to the list of outcome-based forestry principles.

The amendment makes changes to the reporting requirements as proposed in the bill. The amendment requires the Director of the Bureau of Forestry, in consultation with the technical panel, beginning March 1, 2015, and annually thereafter, to submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters detailing the progress on each outcome-based forestry agreement. The amendment also provides that when an initial outcome-based forestry agreement is approved by the Director of the Bureau of Forestry, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. In the notification, the director is required to address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by applicable rules and regulations. The amendment provides that when an outcome-based forestry agreement is renewed, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. The amendment also requires that reports, notifications and other information relating to outcome-based forestry projects must be placed on the Department of Agriculture, Conservation and Forestry's publicly accessible website.

The amendment retains the provision in the bill that provides that the exemption for outcome-based forestry projects pertains to clear-cutting requirements only.

The amendment also retains the provision in the bill that provides that the state of the State's forests report include a

## *Joint Standing Committee on Agriculture, Conservation and Forestry*

recommendation to continue, change or discontinue designated outcome-based forestry projects.

### **Enacted Law Summary**

Public Law 2013, chapter 542 replaces the term "experimental area" with "outcome-based forestry area" in the laws governing forestry practices. The law requires the Director of the Bureau of Forestry, within the Department of Agriculture, Conservation and Forestry to seek to designate outcome-based forestry areas of various sizes owned by different landowners. It explicitly authorizes the director to renew an outcome-based forestry agreement if all applicable requirements are met. The law provides that the term of a subsequent outcome-based forestry agreement may not exceed five years.

The law provides that the panel of technical experts, when conducting an assessment, may consider information provided by the Bureau of Forestry, the landowner or a third-party forest certification program auditor.

The law also adds forest health and economic and social considerations to the list of outcome-based forestry principles.

The law requires the Director of the Bureau of Forestry, in consultation with the technical panel, beginning March 1, 2015, and annually thereafter, to submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters detailing the progress on each outcome-based forestry agreement. The law also provides that when an initial outcome-based forestry agreement is approved by the Director of the Bureau of Forestry, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. In the notification, the director is required to address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by applicable rules and regulations.

The law provides that when an outcome-based forestry agreement is renewed, the director is required to notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. It also requires that reports, notifications and other information relating to outcome-based forestry projects must be placed on the Department of Agriculture, Conservation and Forestry's publicly accessible website.

The law provides that the exemption for outcome-based forestry projects pertains to clear-cutting requirements only.

It also provides that the state of the State's forests report include a recommendation to continue, change or discontinue designated outcome-based forestry projects.

### **LD 1859 An Act To Amend the Laws Governing Poultry Processing**

**PUBLIC 567**

Sponsor(s)

DILL

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee. This bill makes a technical correction by adding language to Title 22, section 2517-C, subsection 1 that was inadvertently omitted from Committee Amendment "A" to LD 218, An Act to Promote Small-scale Poultry Farming, in the First Regular Session of the 126th Legislature.

### **Enacted Law Summary**

Public Law 2013, chapter 567 makes a technical correction by adding language to Title 22, section 2517-C, subsection 1 that was inadvertently omitted from Committee Amendment "A" to LD 218, An Act to Promote Small-scale Poultry Farming, in the First Regular Session of the 126th Legislature.

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SUBJECT INDEX

*Agriculture - Policy*

Enacted

- LD 718 An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food PUBLIC 436
- LD 1859 An Act To Amend the Laws Governing Poultry Processing PUBLIC 567

Not Enacted

- LD 1431 An Act To Support School Nutrition and Expand the Local Foods Economy Veto Sustained
- LD 1521 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Create a Pilot Program To Support the State's Small Food Processors Majority (ONTP) Report

*Animal Control, Health and Welfare*

Not Enacted

- LD 1239 An Act To Clarify, Streamline and Promote Fair Animal Welfare Laws ONTP

*Department of Agriculture, Conservation and Forestry - Bureau of Parks and Lands*

Enacted

- LD 1732 Resolve, Directing the Director of the Bureau of Parks and Lands To Convey the Chesuncook Community Church Building in Chesuncook Township to the Greenville Union Evangelical Church RESOLVE 108

Not Enacted

- LD 1838 An Act To Expand Affordable Heating Investments with Maine's Public Resources Majority (ONTP) Report

*Department of Agriculture, Conservation and Forestry - Maine Forest Service*

Enacted

- LD 1665 An Act To Clarify the Confidentiality of Wood Processor Report Information PUBLIC 513
- LD 1673 An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry PUBLIC 570
- LD 1847 An Act To Clarify Outcome-based Forestry PUBLIC 542

Not Enacted

- LD 1823 An Act To Amend the Outcome-based Forestry Experiment Laws ONTP

*Department of Agriculture, Conservation and Forestry - Regulation*

Enacted

- LD 1770 Resolve, Regarding Legislative Review of Portions of Chapter 33: Agricultural Development Grant Program, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry RESOLVE 96 EMERGENCY

*Harness Racing*

Enacted

- LD 1680 An Act To Protect the Integrity of Funding for Harness Racing Purses PUBLIC 490 EMERGENCY

*Miscellaneous*

**Enacted**

LD 377      An Act To Provide Funding to Soil and Water Conservation Districts      PUBLIC 435

**Pesticides**

**Enacted**

LD 1567      Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry      RESOLVE 88

LD 1568      Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry      RESOLVE 87

LD 1569      Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry      RESOLVE 86

LD 1674      An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients      PUBLIC 498  
EMERGENCY

LD 1808      An Act To Protect the Public from Mosquito-borne Diseases      PUBLIC 548

**Not Enacted**

LD 1587      An Act To Temporarily Ban the Use of Neonicotinoid Pesticides      ONTP

LD 1678      An Act To Protect Maine's Lobster Fishery      ONTP

**Public Access**

**Not Enacted**

LD 500      An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production      ONTP

**Regulated Products**

**Enacted**

LD 1586      An Act To Strengthen Enforcement Standards for Potatoes      PUBLIC 475

LD 1777      Resolve, To Amend the Resolve To Promote the Expansion of the Maine Maple Sugar Industry      RESOLVE 102

**Not Enacted**

LD 1786      An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production      Report B (ONTP)

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 16      An Act To Authorize a General Fund Bond Issue To Invest in      ONTP**  
**Transportation Infrastructure**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The funds provided by this bond issue in the amount of \$100,000,000 will be used to make improvements to state and local highways, roads and bridges, rail lines, public transportation and pedestrian trails.

**LD 25      An Act To Exclude Certain State-funded Costs from the State Share of      ONTP**  
**the Total Cost of Funding Public Education**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education and Cultural Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides that, beginning in fiscal year 2013-14, the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance may not be included in the calculation of the state share percentage of the total cost of funding public education from kindergarten to grade 12 as required by the Essential Programs and Services Funding Act.

**LD 39      An Act To Expand the Number of Qualified Educators      PUBLIC 486**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM	H-621

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill changes the law regarding the restoration of retired teachers to service by removing the provision that a retired teacher may be paid only 75% of the posted salary for the position and replaces the provision that a retired teacher may be restored to service for only up to 5 years with a provision that allows the retired teacher to be restored to service through one-year contracts.

**Committee Amendment "A" (H-621)**

This amendment replaces the bill. It amends the law regarding the restoration of service for state employees and teachers by providing that, effective August 1, 2014, certain "classroom-based employees" who have reached normal retirement age and who have retired after September 1, 2011 may be restored to service as classroom-based employees at 100% of the compensation established for the positions to be filled through one-year contracts for no more than 5 one-year contracts per school administrative unit.

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This amendment also provides that a retired classroom-based employee may return to service at the same school administrative unit for a maximum of 10 years: 5 years under one-year contracts at 100% of the compensation for that position and 5 years at 75% of the compensation for that position as specified in current law.

This amendment also requires the Commissioner of Administrative and Financial Services to convene a working group to review the impact that the Maine Revised Statutes, Title 20-A, section 17859, as originally enacted in Public Law 2011, chapter 380, Part MMM, section 1, has had on the State as an employer, local school administrative units and the Maine Community College System and to provide a report by January 8, 2015 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs describing the working group's findings and recommendations, including any implementing legislation.

**Enacted Law Summary**

Public Law 2013, chapter 486 provides that, effective August 1, 2014, certain "classroom-based employees" who have reached normal retirement age and who have retired after September 1, 2011 may be restored to service as classroom-based employees at 100% of the compensation established for the positions to be filled through one-year contracts for no more than 5 one-year contracts per school administrative unit. The law also provides that a retired classroom-based employee may return to service at the same school administrative unit for a maximum of 10 years: 5 years under one-year contracts at 100% of the compensation for that position and 5 years at 75% of the compensation for that position as specified in current law.

The law also requires the Commissioner of Administrative and Financial Services to convene a working group to review the impact that the Maine Revised Statutes, Title 20-A, section 17859, as originally enacted in Public Law 2011, chapter 380, Part MMM, section 1, has had on the State as an employer, local school administrative units and the Maine Community College System and to provide a report by January 8, 2015 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs describing the working group's findings and recommendations, including any implementing legislation.

**LD 62      An Act To Provide Additional Funding for Respite Care for the Elderly      ONTP  
and for Adults with Disabilities**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides additional General Fund appropriations of \$130,000 in fiscal year 2013-14 and \$330,000 in fiscal year 2014-15 for the Department of Health and Human Services to fund respite services in the adult day services program. This appropriation is intended to increase funding for this program to \$450,000 in fiscal year 2013-14 and to \$650,000 in fiscal year 2014-15.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 87 An Act To Improve Community Mental Health Treatment**

**ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill requires the Department of Health and Human Services to develop programs to provide services and housing to persons with chronic mental illness. The programs must be designed to ensure psychiatric rehabilitation and to improve the rehabilitation and recovery of persons with chronic mental illness. The programs must provide medically necessary health and mental health services to persons with chronic mental illness in the least restrictive setting that is consistent with the person's choice and individual treatment plan and within the person's chosen community and provide housing options to persons with chronic mental illness including a person's home or group residential setting or another configuration according to the person's choice.

**LD 126 An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations**

**ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides a sales tax exemption for sales to incorporated nonprofit performing arts organizations.

**LD 137 An Act To Amend the Laws Governing Retirement under the Maine Public Employees Retirement System**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Under current law governing the Maine Public Employees Retirement System, the retirement benefit for a teacher or a state employee with creditable service of 25 years who had fewer than 10 years of creditable service on July 1, 1993 is reduced by 6% for each year that the member's age precedes 62 years of age. This bill provides that, for such a member who is 55 years of age or older on July 1, 2013 and who retires no earlier than July 1, 2013 and no later than June 30, 2014, the reduction amount is reduced to 2% for each year that the member's age precedes 62 years of age.

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

**LD 138      An Act To Amend the Laws Governing the Issuance of Bonds That Have      ONTP**  
**Been Ratified by the Citizens of the State**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft, pursuant to Joint Rule 208, which proposes to amend the laws governing the issuance of General Fund bonds that have been approved by referendum by the citizens of the State. Under this bill, once the issuance of bonds is approved by referendum, the bonds must be issued by the Treasurer of State unless the Treasurer of State determines, based on information available to the Treasurer of State, that the issuance of the bonds will adversely affect the credit rating of the State; a delay in the issuance of the bonds will likely result in a more financially advantageous interest rate; or alternative funding sources are available to implement, within a comparable time frame, the projects and the purposes for which the bonds were authorized and ratified, and use of the alternative funding sources is fiscally preferable.

**LD 156      RESOLUTION, Proposing an Amendment to the Constitution of Maine      Final Passage**  
**Concerning Early Voting and Voting by Absentee Ballot      Failed**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW LANGLEY	OTP-AM ONTP	H-587

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Veterans and Legal Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This resolution proposes to amend the Constitution of Maine to require the Legislature to authorize a process to allow a qualified voter to vote at a polling place in or outside of the city, town or plantation where that voter's residence has been established during a period immediately preceding an election. It also allows for voting by absentee ballot by citizens for reasons deemed sufficient without requiring in the Constitution of Maine that the citizens be absent or physically incapacitated.

**Committee Amendment "B" (H-587)**

This amendment eliminates the language in the resolution that requires the Legislature to authorize early voting by voters within or outside their places of residence and instead directs the Legislature to authorize a process of early voting that allows voting to occur in the same manner as on election day during a period immediately preceding an election.

**LD 180      An Act Concerning the Use of Tobacco Settlement Funds for Children's      ONTP**  
**Health Care**

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

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill amends the law on the Fund for a Healthy Maine to require that funding for children's health care not be reduced in order to address a budget deficit.

**LD 182      An Act To Support the Maine Lobster Industry      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Marine Resources. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Council to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

**LD 186      An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Under current law, when making determinations on applications for disability retirement, the Maine Public Employees Retirement System is required to consider the applicant's disability application, medical records and the analysis of a medical board that is designated by, and advisory to, the Maine Public Employees Retirement System. This bill provides instead that the retirement system may consider, but is not required to consider, the medical board's analysis.

**LD 228      An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue to reduce energy costs and to create jobs. The funds provided by this

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bond issue in the amount of \$55,000,000 will be used to support weatherization and other energy efficiency improvements for Maine homes, businesses and public buildings to save money, reduce dependence on increasingly scarce heating fuels, support health and comfort and protect the environment. Funds are also provided to expand the workforce for weatherization and energy efficiency services and other parts of a new green economy.

**LD 230      An Act To Establish the Commission on Health Care Cost and Quality      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill establishes the Commission on Health Care Cost and Quality to monitor the accessibility, cost and quality of health care in the State. The bill also reestablishes the State Health Plan and requires the commission to develop the plan on a biennial basis.

**LD 232      An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers      PUBLIC 578 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-375

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill increases the base for the calculation of cost-of-living increases for retired teachers and state employees under the Maine Public Employees Retirement System from \$20,000 to \$30,000 beginning in 2014 and makes a grammatical correction.

**Committee Amendment "A" (S-375)**

This amendment replaces the bill and increases the base for the calculation of the one-time, noncumulative cost-of-living adjustment payable in 2014 for retired teachers and state employees under the Maine Public Employees Retirement System from \$20,000 to \$30,000. The amendment also adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2013, chapter 578 increases from \$20,000 to \$30,000 the base for the calculation of the one-time, noncumulative cost-of-living adjustment payable in 2014 for retired teachers and state employees under the Maine Public Employees Retirement System.

Public Law 2013, chapter 578 was enacted as an emergency measure effective April 29, 2014.

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

**LD 234      An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill allows a member of a pass-through entity, such as a limited liability company or S corporation, to receive an income tax credit against taxes imposed on that member's distributive share or pro rata share of the pass-through entity's income, and ensures that the amount used to calculate the income tax credit for certain members of pass-through entities cannot also be used as a deduction from income. This bill applies to tax years beginning on or after January 1, 2014.

**LD 273      An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$6,500,000 to be used for dredging Portland Harbor in Casco Bay and for improvements to the Portland Fish Exchange building.

**LD 276      Resolve, To Improve Access to Oral Health Care for MaineCare Recipients      ONTP**

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

In the First Regular Session of the 126th Legislature, this resolve was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This resolve increases MaineCare dental reimbursement rates for 20 preventive, diagnostic and restorative dental procedures to the tenth percentile.

*Joint Standing Committee on Appropriations and Financial Affairs*

**LD 294      An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$8,000,000 to be used to provide funds to assist Maine agriculture and to protect Maine farms through the creation of an animal and plant disease and insect control facility administered by the University of Maine Cooperative Extension Service.

LD 1861, as enacted by the 126th Legislature, contains a similar bond proposal.

**LD 295      An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$75,000,000 and directs the Efficiency Maine Trust to establish a weatherization rebate program for persons who receive social security retirement benefits or are veterans or dependents of veterans if the general obligation bond is approved by referendum.

**LD 359      An Act To Authorize a General Fund Bond Issue To Implement the Riverfront Island Master Plan      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$20,000,000 to be used to implement the Riverfront Island Master Plan along the Androscoggin River in Lewiston and Auburn.

**LD 360      An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine      ONTP**

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

*Joint Standing Committee on Appropriations and Financial Affairs*

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$18,000,000 to be used to improve rail lines in western Maine, particularly the rail line from Portland to Lewiston.

**LD 368      An Act To Ensure the Continuation of Dairy Farming      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Agriculture, Conservation and Forestry. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill is a concept draft pursuant to Joint Rule 208, which proposes to provide financial and technical assistance to dairy farms in the State to adapt new techniques and utilize new technology to offset the high cost of farming overhead, including the cost of feed and fuel.

**LD 378      An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General fund bond issue in the amount of \$1,000,000 to be used to complete renovation of a pier at the Gulf of Maine Research Institute.

**LD 390      An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services      P & S 29 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER GRATWICK	OTP-AM ONTP	H-840

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill restores funding for MaineCare coverage for ambulatory surgical center services.

**Committee Amendment "B" (H-840)**

This amendment removes from the emergency preamble the word "inpatient," which was included in the bill in error. This amendment removes the appropriations and allocations section and adds a requirement that the Department of Health and Human Services adopt routine technical rules regarding the reimbursement of ambulatory

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surgical centers to take effect by July 1, 2014.

**Enacted Law Summary**

Private and Special Law 2013, chapter 29 requires the Department of Health and Human Services to adopt routine technical rules regarding the reimbursement of ambulatory surgical centers to take effect by July 1, 2014.

Private and Special Law 2013, chapter 29 was enacted as an emergency measure effective April 30, 2014.

**LD 396      An Act To Appropriate Sufficient Funds for Indigent Legal Services      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Judiciary. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides a General Fund appropriation of \$3,490,209 in fiscal year 2013-14 and \$5,995,237 in fiscal year 2014-15 for the Maine Commission on Indigent Legal Services to increase reimbursement for indigent legal services from \$50 per hour to \$70 per hour effective October 1, 2013, and to \$75 per hour effective July 1, 2014.

**LD 436      An Act To Raise the Maximum 529 Plan Contribution Tax Deduction      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill increases the maximum deduction for contributions to a qualified tuition program established under Section 529 of the United States Internal Revenue Code of 1986 to \$1,000 per designated beneficiary. The change applies to tax years beginning on or after January 1, 2013.

**LD 440      An Act To Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas      PUBLIC 599**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

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This bill extends the existing dental care access tax credit, which currently allows the Department of Health and Human Services to certify dentists as eligible for the credit through 2015, by eliminating the repeal date of December 31, 2020. It creates a similar credit for primary care professionals practicing in underserved areas. It requires the Department of Health and Human Services oral health program to certify up to five eligible dentists who have unpaid student loans and practice full time for at least five years in an underserved area for the dental care access credit in each taxable year beginning on January 1, 2016. It requires the Department of Health and Human Services to certify up to five eligible primary care professionals who have unpaid student loans and practice full time for at least five years in an underserved area for the primary care access credit in each taxable year beginning on January 1, 2013. These eligible dentists and primary care professionals may claim a credit, not to exceed \$12,000, for up to five years or until their student loans are paid in full, whichever comes first. The credit is nonrefundable.

### **Committee Amendment "B" (S-548)**

This amendment eliminates the provision in the bill that extends the existing dental care access tax credit and additionally:

1. Clarifies that in order to be eligible for the primary care access tax credit, the person's unpaid student loan must be owed to an institution for course work directly related to that person's training in primary care medicine;
2. Adds an area with a medically underserved population to the definition of "underserved area";
3. Creates a graduated schedule for claiming the credit allowing an eligible primary care professional to claim an amount equal to the annual payments made on the professional's student loan not to exceed \$6,000 in the first year, \$9,000 in the second year, \$12,000 in the third year, \$15,000 in the fourth year and \$18,000 in the fifth year;
4. Provides that the primary care access credit is available for tax years beginning on or after January 1, 2014, but before January 1, 2019;
5. Requires the Department of Health and Human Services and the Department of Administrative and Financial Services, Maine Revenue Services to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters beginning on January 1, 2016, indicating the number of eligible primary care professionals certified and decertified each year by the Department of Health and Human Services and the total annual loss of revenue attributable to the primary care access credit; and
6. Adds a \$23,000 transfer from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund no later than June 30, 2015.

### **Enacted Law Summary**

Public Law 2013, chapter 599 creates a credit for primary care professionals practicing in underserved areas for tax years beginning on or after January 1, 2014 but before January 1, 2019 with a graduated schedule for claiming the credit allowing an eligible primary care professional to claim an amount equal to the annual payments made on the professional's student loan not to exceed \$6,000 in the first year, \$9,000 in the second year, \$12,000 in the third year, \$15,000 in the fourth year and \$18,000 in the fifth year. It requires the Department of Health and Human Services and the Department of Administrative and Financial Services, Maine Revenue Services to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters beginning on January 1, 2016 indicating the number of eligible primary care professionals certified and decertified each year by the Department of Health and Human Services and the total annual loss of revenue attributable to the primary care access credit. This law also requires a \$23,000 transfer from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the

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General Fund no later than June 30, 2015.

**LD 455      An Act To Increase the State Earned Income Credit      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

Beginning in 2013, this bill increases the state earned income credit from 5% to 50% of the federal earned income credit and provides that the state earned income credit is fully refundable.

**LD 464      An Act To Change Compensation for Career and Technical Education      PUBLIC 583**  
**Region Cooperative Board Meeting Attendance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHAPMAN	OTP-AM	H-836

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill increases the compensation for a career and technical education region cooperative board member from \$10 to \$20 for each meeting the member attends.

**Committee Amendment "B" (H-836)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 583 increases the compensation for a career and technical education region cooperative board member from \$10 to \$20 for each meeting the member attends.

**LD 481      An Act To Amend the Laws Governing Virtual Public Charter Schools      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education and Cultural Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

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This bill amends the laws governing virtual public charter schools to:

1. Require the authorizer of a virtual public charter school to review and approve the courses and curricula for the virtual public charter school prior to the beginning of each school year;
2. Require that education personnel operating a virtual public charter school hold valid teacher certification in the State;
3. Require that each virtual public charter school student receive at least two personal visits from a teacher during each school year; and
4. Provide that only 20% of the per-pupil allocation of state and local operating funds follows the student to a virtual public charter school.

**LD 488      *An Act To Improve Access to Home-based and Community-based Care in the MaineCare Program*      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides that Department of Health and Human Services coverage for services to a member who is served under one of the home-based and community-based care waiver programs in MaineCare must be at least 95% of what it would otherwise cost to provide such services to the member if the member were served in a nursing facility.

**LD 499      *An Act To Promote Dental Care for Low-income Populations*      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides funding for the dental clinic operated in Portland by Riverview Psychiatric Center. Specifically it provides funding for one part-time Physician III position and one Customer Representative Associate II - Human Services position and associated All Other funding for the dental clinic. These positions and funding are proposed for elimination in the Governor's proposed biennial budget for fiscal year 2014-2015.

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**LD 513**      **An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment**      **ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$85,000,000 to be used to provide funds over five years for the State's transportation biennial capital work plan, the Communities for Maine's Future Program, the ConnectME Authority, the Land for Maine's Future Board, the University of Maine System and the Maine Community College System for tourism-related training, targeted to particular projects in labor markets that have an unemployment rate higher than the statewide average.

**LD 538**      **An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards**      **PUBLIC 582**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER	OTP-AM	H-837

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides that, to align treatment of long-term care providers with other government contractors and typical private transactions, MaineCare depreciation recapture from sellers of nursing facilities and residential care facilities does not apply to any sales on or after July 1, 2012.

**Committee Amendment "B" (H-837)**

This amendment provides a new methodology under the MaineCare program for calculating recapture of depreciation upon the sale of a nursing facility. The amendment requires the Department of Health and Human Services to apply for a state plan amendment to enable the use of the new methodology and makes the effective date of the provision of law that establishes the new methodology contingent upon the approval of the state plan amendment by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The amendment also provides a new methodology for recapturing depreciation upon the sale of residential care facilities for which reimbursement for room and board costs, including depreciation, is provided by the Department of Health and Human Services. The methodology is similar to the methodology used for nursing facilities.

**Enacted Law Summary**

Public Law 2013, chapter 582 establishes a new methodology under the MaineCare program for calculating recapture of depreciation upon the sale of a nursing facility and requires the Department of Health and Human

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Services to apply for a state plan amendment to enable the use of the new methodology. It also provides a new methodology, similar to the new methodology for nursing homes, for recapturing depreciation upon the sale of residential care facilities for which reimbursement for room and board costs, including depreciation, is provided by the Department of Health and Human Services.

The effective date of the provision of law that establishes the new methodology for calculating recapture of depreciation upon the sale of a nursing facility is contingent upon the approval of the state plan amendment by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

**LD 549      An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge      ONTP**  
**Certain Criminal Convictions**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Judiciary. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill allows a person who is 21 years of age or older to petition the Secretary of State to expunge a criminal record of the person if the crime was committed when the person was between 18 and 20 years of age and it is the person's only criminal conviction.

**LD 631      An Act To Change the Taxes on Fuel Purchased for Use Other Than on      ONTP**  
**the Highways**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill changes the taxes on fuel purchased for use other than for vehicles used on the highways of this State from 1¢ per gallon plus 5% use tax to 5¢ per gallon with no use tax.

**LD 672      An Act Relating to Exemption from Immunization for Schoolchildren      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education and Cultural Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

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This bill requires that a school health care provider supply to the parent of a child excepted from the immunization requirements for schoolchildren in the State information about the benefits and risks of immunization and sign a statement that the information has been provided to the parent.

**LD 707      An Act To Provide Assistance to Maine's Dairy Farms      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Agriculture, Conservation and Forestry. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill is a concept draft pursuant to Joint Rule 208, which proposes to limit hauling costs of milk by a milk transportation company for a dairy farmer to the mileage between the dairy farm and the nearest milk plant still operating in the State, regardless of the final disposition of the milk.

**LD 713      An Act To Return Local Revenue Sharing to Full Funding      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill establishes a plan to return the state-municipal revenue-sharing program to full funding over a three year period and replace the fixed-dollar reductions to this program and provide some long-term certainty in this revenue source for local governments.

The phased-in return to full 5% funding of the state-municipal revenue sharing starts with a transfer to the Local Government Fund of 3.5% of the revenue-sharing tax revenue collected during fiscal year 2013-14, and increases to 4% of revenue collected in fiscal year 2014-15 and finally to 5% of the revenue collected in fiscal year 2015-16 and thereafter. A portion of the transfers to the Local Government Fund are transferred each month to the Disproportionate Tax Burden Fund according to a scheduled phased-in increase to the percentage share.

**LD 715      An Act To Improve Access to Career and Technical Schools      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education and Cultural Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a

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Special or Regular Session.

This bill provides for reimbursement by the State of the actual transportation costs for career and technical education students who reside in a school administrative unit that is determined to be an isolated small unit pursuant to the provisions of the Essential Programs and Services Funding Act. Isolated small units must be reimbursed in the following fiscal year for the actual transportation costs for career and technical education students that are incurred in a fiscal year.

**LD 741      An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides a sales tax exemption for vehicles used in interstate or foreign commerce, including those without operating authority under Title 49 of the Code of Federal Regulations, Section 392.9a.

**LD 781      An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$25,000,000 to be used to provide funds for the construction of a new Maine State Archives facility to provide up-to-date storage space.

**LD 790      An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority      Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill removes the authority of the Maine Governmental Facilities Authority to issue bonds or negotiable securities beginning October 1, 2013.

**Committee Amendment "A" (H-588)**

This amendment is the minority report of the committee. It changes the effective date from October 1, 2013 to October 1, 2014.

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**LD 804      An Act To Improve Preventive Dental Health Care and Reduce Costs in      ONTP**  
**the MaineCare Program**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill adds one annual preventive oral health visit to the MaineCare-covered oral health services for adults 21 years of age and older.

**LD 864      An Act Regarding Service of Small Claims Notices      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Judiciary. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill permits service of a statement of claim in a small claims court proceeding by alternate means as permitted for service of a summons and complaint under the Maine Rules of Civil Procedure, Rule 4(g).

**LD 874      An Act To Authorize a General Fund Bond Issue To Reduce the Cost of      ONTP**  
**Shipping for Maine Businesses, Attract Tourists and Facilitate the**  
**Development of Commuter Rail Transportation**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$27,500,000 to be used to provide funds for railroad reconstruction and expansion to assist Maine's businesses by facilitating the shipment of goods and enhancing the ability of those businesses to compete. It requires that the Department of Transportation consult with the business and economic development sectors to develop a list of priorities in regard to railroad construction and reconstruction projects, focusing on projects important to tourism and projects with greatest potential for increased commuter and passenger rail service and taking into consideration the extent to which the proposed projects reduce the consumption of oil.

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**LD 904      An Act To Clarify When Bonds May Be Issued**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY TUTTLE	OTP-AM ONTP	H-595

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208, which proposes to amend the laws governing the issuance of General Fund bonds that have been approved by referendum by the citizens of the State. Under this bill, once the issuance of bonds is approved by referendum, the issuance of the bonds must be approved by the Governor unless the Governor determines, based on information available to the Governor, that the debt service on the bonds would be greater than the amount budgeted, or the project or projects for which the bonds were authorized are not going forward and the funding to be provided by the bonds is not required.

**Committee Amendment "A" (H-595)**

This amendment strikes the bill and specifies the events that allow the Governor to delay or forgo issuing a general obligation bond. This amendment also requires the Governor to provide certain information upon delaying or forgoing issuance of a bond..

**LD 906      An Act To Permit a School Administrative Unit Discretion Concerning  
Participation of Students from Charter Schools in School  
Extracurricular and Interscholastic Activities**

**PUBLIC 601**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN MILLETT	OTP-AM	H-838

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education and Cultural Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill allows a public charter school, at the discretion of the superintendent of the school administrative unit, to participate in school administrative unit sponsored interscholastic and other activities and, at the discretion of the superintendent, allows a student of the public charter school to participate in a school's extracurricular activities.

**Committee Amendment "B" (H-838)**

This amendment provides that the superintendent of a school administrative unit may deny the request of a public charter school student to participate in an extracurricular or interscholastic activity only if the public charter school the student attends already provides that same activity or if the noncharter public school does not have the capacity to provide the student with the opportunity to participate in the activity. If approval for participation is withheld by the superintendent of the school administrative unit, the superintendent must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision. The amendment also adds a mandate preamble.

**Enacted Law Summary**

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Public Law 2013, chapter 601 allows a public charter school, at the discretion of the superintendent of the school administrative unit, to participate in school administrative unit-sponsored interscholastic and other activities. It also requires the superintendent of the school administrative unit to allow a student of the public charter school to participate in a school's extracurricular activities unless the public charter school the student attends already provides that same activity or the noncharter public school lacks the capacity to provide the student with the opportunity to participate in the activity. If approval for participation is withheld by the superintendent of the school administrative unit, the superintendent must provide a written explanation to the student or the student's parent or guardian stating the reason or reasons for the decision.

**LD 925      An Act To Authorize a General Fund Bond Issue for Riverfront Community Development      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

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

**LD 928      An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill provides supplemental MaineCare payments to nursing homes that serve a high percentage of MaineCare residents and establishes a pay-for-performance program in nursing homes.

The Department of Health and Human Services is authorized to adopt emergency rules to take effect retroactively to July 1, 2013 for the establishment of the supplemental MaineCare payments to nursing homes that serve a high percentage of MaineCare residents.

The bill also appropriates state funds and allocates matching federal funds for cost-of-living increases for MaineCare reimbursement to nursing facilities in the 2014-2015 biennium.

**LD 933      An Act To Establish a State Board of Dental Hygiene      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM	H-845

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill establishes the State Board of Dental Hygienists.

### **Committee Amendment "B" (H-845)**

This amendment makes the following changes to the bill:

1. It changes the name of the State Board of Dental Hygienists to the State Board of Dental Hygiene;
2. It establishes the State Board of Dental Hygiene as an affiliated board with the Department of Professional and Financial Regulation that shares resources with the Board of Dental Examiners;
3. It adds provisions to explain that the administrative expenses for staff and infrastructure of the Board of Dental Examiners must be shared on a pro rata basis with the State Board of Dental Hygiene and provides that the State Board of Dental Hygiene is required to charge sufficient licensure fees to finance the pro rata sharing of costs;
4. It removes all references in the bill that add an executive and assistant executive director and a secretary to the board and removes other technical provisions relating to the board's powers and duties that are not necessary to the board's primary responsibilities;
5. It removes provisions in the bill that establish dental hygienist adjudicatory panels;
6. It amends provisions in the bill relating to appointments to the board of public health hygienists and independent practice dental hygienists to ensure the qualifications for appointment accurately reflect the current statutory licensure requirements. It also adds the requirement that one dental hygienist on the board be an active instructor in an approved educational program in dental hygiene;
7. It establishes that any fees set by the board may not exceed \$175;
8. It removes provisions that require an in-person interview for applicants who had completed the North East Regional Board of Dental Examiners, Inc. dental hygiene examination more than one year prior to application for licensure and for applicants seeking licensure by endorsement;
9. It adds two unallocated transition provisions to provide that the rules of the Board of Dental Examiners applicable to dental hygienists that are in effect on the effective date of this legislation remain in effect until amended or repealed by the State Board of Dental Hygiene and establishes staggered terms for initial appointments to that board;
10. It requires the State Controller to transfer \$211,820 from available balances in the Board of Dental Examiners, Other Special Revenue Funds account to the State Board of Dental Hygiene, Other Special Revenue Funds account no later than August 15, 2014 to cover the initial start-up costs of the State Board of Dental Hygiene;
11. It changes the allocation of the provisions establishing the State Board of Dental Hygiene to the Maine Revised Statutes, Title 32, chapter 143 to avoid a numbering conflict; and
12. It adds an appropriations and allocations section.

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**LD 939      An Act To Restore Maine's Groundfishing Industry      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill includes ongoing General Fund appropriations of \$3,500,000 annually to the Department of Marine Resources beginning in fiscal year 2013-14 for the purchase of federal groundfishing permits.

**LD 940      An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Beginning July 1, 2015, this bill restructures two funds that are the depositories of state-municipal revenue-sharing resources prior to distribution to municipalities and renames the funds as irrevocable trust funds.

**LD 942      An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The funds provided by this bond issue in the amount of \$120,000,000 will be used for improvements to highways and bridges and rail, aviation, pedestrian and bicycle and marine facilities and to replace transit buses. Highway and bridge investments will be in high-priority roads that are rated in poor or unacceptable condition. Funding is also provided to repair state aid minor collector highways in partnership with municipalities under the Secondary Road Program Fund. Bond funds will match federal, local and private funds providing a total match of at least \$173,000,000.

**LD 951      An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare      ONTP**

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

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In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

Current law limits MaineCare coverage or reimbursement for buprenorphine and naloxone combination drugs, also known as Suboxone, for the treatment of addiction to opioids and for methadone for the treatment of addiction to opiates, to 24 months. This bill repeals the 24-month limit.

**LD 979      An Act To Exempt the Sale of the United States Flag from the Sales Tax      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill exempts sales of United States flags made entirely of cloth from sales tax.

**LD 998      An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Taxation. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill expands the property tax exemption for property owned by religious organizations to include all real and personal property owned and occupied or used solely for its own purposes by a religious organization in connection with religious worship and removes the \$20,000 limitation on the exemption for parsonages and the \$6,000 limitation on the exemption for personal property.

**LD 1010      An Act To Authorize a General Fund Bond Issue To Ensure Clean Water      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$50,000,000 to be used to provide funds for the Maine Clean Water Fund to assist municipalities in achieving clean water by addressing various water quality issues

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and mandates, including, but not limited to, separate and combined sewer and storm water overflow and sewage treatment.

**LD 1011      An Act To Authorize a General Fund Bond Issue To Upgrade Facilities      ONTP**  
**and Purchase Classroom Equipment for Maine's Seven Community**  
**Colleges**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$15,000,000 to be used to provide funds to renovate and provide for new facilities and to fund a backlog of projects at the seven Maine community colleges, of which \$13,800,000 is provided for renovation and new facilities and \$1,200,000 is provided for funding a backlog of projects.

**LD 1036      An Act To Amend the Social Work Education Loan Repayment Program      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Education and Cultural Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill amends the Social Work Education Loan Repayment Program to allow the Finance Authority of Maine to provide debt relief directly to the applicant or to make loan repayments to the lender. This bill also increases the number of applicants who may be eligible for loan relief from three applicants to 40 applicants per year, decreases the maximum amount of debt relief to \$1,000 and provides an ongoing appropriation of \$20,000 per year.

**LD 1043      An Act To Improve the Regional Economic Development Revolving      PUBLIC 605**  
**Loan Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY CUSHING	OTP-AM	H-851

This bill was carried over from the First Regular Session of the 126th Legislature.

Part A provides funds in the amount of \$10,000,000 to be used to provide funds for state, regional and local financial intermediaries to make flexible loans to and investments in small businesses and real estate projects to create jobs.

Part B amends the laws regarding the Regional Economic Development Revolving Loan Program of the Finance Authority of Maine to include revitalization of downtowns and building stronger communities and a sustainable economy as purposes of the program. It clarifies that a corporation under the program may use revenue from

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commitment fees and interest to cover its operating costs, including loan fund management, increases the dollar amount of the maximum loan available to a borrower and adjusts other financing terms. It also adds businesses engaged in commercial and mixed-use real estate and community facilities and businesses engaged in serving tourists to the list of businesses that are eligible for financial assistance under the program. Part B takes effect only if the General Fund bond issue proposed in Part A is approved by the voters of the State.

### **Committee Amendment "A" (H-851)**

This amendment strikes the bill and replaces it with changes to the laws regarding the Regional Economic Development Revolving Loan Program of the Finance Authority of Maine. It adds revitalization of downtowns and building stronger communities and a sustainable economy as purposes of the program. It clarifies that a lending corporation under the program may use revenue from commitment fees and interest to cover its operating costs, including loan fund management, increases the dollar amount of the maximum loan available to a borrower, allows a lending corporation to serve more than one region and adjusts other financing terms. It adds businesses engaged in commercial and mixed-use real estate and community facilities, businesses engaged in serving tourists and value-added natural resource enterprises to the list of businesses that are eligible for financial assistance under the program. It changes the program to allow participation by companies with 100 or fewer employees, instead of 50 or fewer, and by companies with annual sales of up to \$10,000,000, instead of \$5,000,000 or less. It also amends the total loan amount by increasing the cap from \$250,000 to \$350,000 for corporations and from \$100,000 to \$350,000 for quality child care projects. The amendment also adds a contingent effective date, under which the provisions of the Act do not take effect until the effective date of an act of the Legislature that appropriates or allocates a sum of at least \$1,000,000 to the Finance Authority of Maine for the Regional Economic Development Revolving Loan Program and that specifies that the funds are appropriated or allocated for the purposes of this Act.

### **Enacted Law Summary**

Public Law 2013, chapter 605 makes the following changes to the laws regarding the Regional Economic Development Revolving Loan Program of the Finance Authority of Maine:

1. It adds revitalization of downtowns and building stronger communities and a sustainable economy as purposes of the program;
2. It clarifies that a lending corporation under the program may use revenue from commitment fees and interest to cover its operating costs, including loan fund management, increases the dollar amount of the maximum loan available to a borrower, allows a lending corporation to serve more than one region and adjusts other financing terms;
3. It adds businesses engaged in commercial and mixed-use real estate and community facilities, businesses engaged in serving tourists and value-added natural resource enterprises to the list of businesses that are eligible for financial assistance under the program;
4. It changes the program to allow participation by companies with 100 or fewer employees, instead of 50 or fewer, and by companies with annual sales of up to \$10,000,000, instead of \$5,000,000 or less; and
5. It amends the total loan amount by increasing the cap from \$250,000 to \$350,000 for corporations and from \$100,000 to \$350,000 for quality child care projects.

Public Law 2013, chapter 605 does not take effect until the effective date of an act of the Legislature that appropriates or allocates a sum of at least \$1,000,000 to the Finance Authority of Maine for the Regional Economic Development Revolving Loan Program and that specifies that the funds are appropriated or allocated for the purposes of this Act.

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**LD 1052     An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure     ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$20,000,000 to be used to provide funds to reconfigure, repair, maintain and improve the intermodal infrastructure in the State, including but not limited to rail, truck, marine and air transit modes.

**LD 1090     An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges     ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$15,000,000 to be used to provide funds to expand nursing programs at the seven Maine community colleges.

**LD 1101     An Act To Authorize a General Fund Bond Issue To Support Waterfront Development     ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$10,000,000 to be used to fund a grant program to invest in projects that contribute to economic, environmental and community development and revitalization along the State's waterfronts, promote economic activity, protect the environment and enhance the quality of life for Maine people.

**LD 1105     An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy     ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

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This bill authorizes a General Fund bond issue in the amount of \$10,000,000 to be used as seed money to capitalize the Downtown Revitalization Fund, a revolving loan and grant fund to encourage business development in downtown areas, targeting innovative businesses, light manufacturing, trades and small businesses and space for artists and artisans. Loans must be matched by \$1 from the recipient for every \$2 received from the fund and issues grants.

**LD 1125      An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$2,000,000 to be used to establish a grant program to expand public water infrastructure to areas that experience well-water contamination.

**LD 1142      An Act Regarding Correctional Officers' Retirement      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that, for purposes of determining retirement benefits under the Maine Public Employees Retirement System, state and county corrections employees are entitled to receive service credit for any period during which the employee was employed but unable to work due to a work-related injury compensable under the Maine Workers' Compensation Act of 1992.

**LD 1157      An Act To Establish the Fair Chance for Employment Act      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill establishes the Fair Chance for Employment, which:

1. Prohibits employers from refusing to consider for employment or offer employment to an individual based on the individual's status as employed or unemployed. Employers are also prohibited from advertising that current employment status is a qualification or requirement for a job or that the employer will not consider an applicant based on current employment status. Employers are prohibited from directing an employment agency to take current employment status into consideration when screening or referring applicants;



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automatic recipients of federal Community Development Block Grant funds and \$8,000,000 to be awarded through open competitive grants for all municipalities.

**LD 1175      An Act To Review the Laws Governing Retirement Benefits for Certain State Employees      P & S 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-413
KESCHL	ONTP	S-544 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety be computed on the basis of all of the member's creditable service, regardless of when that service was earned.

**Committee Amendment "A" (S-413)**

This amendment is the majority report of the committee. Part A clarifies that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety, Bureau of Capitol Police on the effective date of the legislation must be computed on the basis of all of the member's creditable service, regardless of when that service was earned. Part A also adds an appropriations and allocations section and makes technical changes to the bill. Part B directs the Executive Director of the Maine Public Employees Retirement System to determine the number of active members who have earned creditable service in the 1998 Special Plan after earning creditable service in the regular plan in a capacity set forth in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1; identify the required changes to the laws governing retirement benefits to allow service benefits for a current member of the 1998 Special Plan to be computed on the basis of all the member's creditable service in a capacity set forth in Title 5, section 17851-A, subsection 1, regardless of when that service was earned; and calculate the cost to the State of implementing such a change. The executive director is required to report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over retirement matters.

**Senate Amendment "A" To Committee Amendment "A" (S-544)**

This amendment strikes the provisions of the bill and the provisions of Committee Amendment "A" that provide that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety, Bureau of Capitol Police on the effective date of the legislation must be computed on the basis of all of the member's creditable service, regardless of when that service was earned.

This amendment retains the provisions of Committee Amendment "A" that direct the Executive Director of the Maine Public Employees Retirement System to determine the number of active members who have earned creditable service in the 1998 Special Plan after having earned creditable service in the regular plan in a capacity set forth in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1; identify the required changes to the laws governing retirement benefits to allow service benefits for a current member of the 1998 Special Plan to be computed on the basis of all the member's creditable service in a capacity set forth in Title 5, section 17851-A, subsection 1, regardless of when that service was earned; and calculate the cost to the State of implementing such a change. The executive director is required to report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over retirement matters.

**Enacted Law Summary**

Private and Special Law 2013, chapter 30 directs the Executive Director of the Maine Public Employees Retirement System to do the following:

1. Determine the number of active members who have earned creditable service in the 1998 Special Plan after

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having earned creditable service in the regular plan in a capacity set forth in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1;

2. Identify the required changes to the laws governing retirement benefits to allow service benefits for a current member of the 1998 Special Plan to be computed on the basis of all the member's creditable service in a capacity set forth in Title 5, section 17851-A, subsection 1, regardless of when that service was earned;
3. Calculate the cost to the State of implementing such a change; and
4. Report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over retirement matters by January 15, 2015.

**LD 1180      An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$25,000,000 to be used to establish the Maine Community Reinvestment and Job Creation Fund, to benefit Brunswick Landing, formerly the Brunswick Naval Air Station, and to benefit the Loring Development Authority of Maine.

**LD 1185      An Act To Enhance Efforts To Use Locally Produced Food in Schools      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE ALFOND	OTP-AM	H-839

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill requires a school administrative unit to report on its use of local foods in its school meal programs. It also requires the Department of Education to make the reporting available to the public and to publish a list of schools that meet benchmarks for increasing the use of local foods. It also requires the Department of Education to establish rules to implement the provisions.

**Committee Amendment "B" (H-839)**

This amendment provides that school administrative units must determine and report at least annually the percentage of food purchased, grown or otherwise acquired for use in its elementary schools and secondary schools that is grown, raised or caught in the State as well as the percentage of dairy products purchased for use in its elementary schools and secondary schools that is produced in the State. It also adds an effective date of September 1, 2014 and a mandate preamble.

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**LD 1188      Resolve, Directing the Department of Health and Human Services To      ONTP**  
**Amend Its Rules of Reimbursement under the MaineCare Program for**  
**Audiology and Speech-language Pathology Services**

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

In the First Regular Session of the 126th Legislature, this resolve was referred to and reported out of the Joint Standing Committee on Health and Human Services. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement under the MaineCare program for audiology and speech-language pathology services by October 1, 2013 in order to equalize rates, eliminate a prior authorization requirement and provide for payment by the MaineCare program of the Medicare deductible for audiology services for certain MaineCare members. The rules are designated as routine technical rules.

**LD 1223      An Act To Authorize a General Fund Bond Issue To Support Human      PUBLIC 568**  
**Health Research in Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN DILL	OTP-AM	S-557

This bill was carried over from the First Regular Session of the 126th Legislature.

The funds provided by this bond issue, in the amount of \$50,000,000, will be used to provide funds over five years for research, development and commercialization for targeted technology sectors, awarded after a competitive process administered by the Department of Economic and Community Development, Maine Technology Institute.

**Committee Amendment "A" (S-557)**

This amendment strikes and replaces the bill. Under this amendment, the funds provided by the bond issue, in the amount of \$3,000,000, will be matched by \$5,700,000 in private and public funds to be awarded through a competitive process to institutions that have been designated as Centers of Biomedical Research Excellence and have also received IDeA Network of Biomedical Research Excellence grants and will be used to modernize and expand the infrastructure in a biological laboratory specializing in tissue repair and regeneration located in Maine in order to increase workforce training, to retain and recruit to Maine biomedical research groups and to create a drug discovery and development facility.

**Enacted Law Summary**

Public Law 2013, chapter 568 provides for a bond issue in the amount of \$3,000,000 to be matched by \$5,700,000 in private and public funds and awarded through a competitive process to institutions that have been designated as Centers of Biomedical Research Excellence and have also received IDeA Network of Biomedical Research Excellence grants and will be used to modernize and expand the infrastructure in a biological laboratory specializing in tissue repair and regeneration located in Maine in order to increase workforce training, to retain and recruit to Maine biomedical research groups and to create a drug discovery and development facility.

The bond issue is subject to voter approval at a statewide election to be held in November 2014.

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**LD 1287     An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers     ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Agriculture, Conservation and Forestry. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill facilitates direct sales between Maine farmers and consumers. It allows persons preparing food in their own homes to sell directly to consumers or to offer homemade food at certain events without being licensed as food establishments.

**LD 1309     An Act To Strengthen the Maine Clean Election Act     ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Veterans and Legal Affairs. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill makes the following changes to the Maine Clean Election Act:

1. It doubles the current seed money cap for participating Senate and House candidates and removes the seed money requirement for gubernatorial candidates;
2. It replaces the Maine Clean Election Act matching funds system with a system of optional supplemental funding for participating Maine Clean Election Act candidates who collect additional qualifying contributions; and
3. It establishes new baseline initial distribution amounts.

**LD 1354     An Act To Create the Aging in Place Program     ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

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This bill establishes the Aging in Place Program within the Department of Economic and Community Development to assist low-income seniors with aging in place, including assisting low-income seniors to remain in their homes. It also establishes the Aging in Place Fund and appropriates money to the fund. The department is required to disburse money from the fund to a statewide network that provides weatherization and home repair services, including but not limited to repairs to meet federal Americans with Disabilities Act standards, to replace substandard fixtures and hardware and to reduce ongoing maintenance and heating costs for low-income residents.

**LD 1385 An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund**

**PUBLIC 447**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Current law requires the Commissioner of Administrative and Financial Services to provide to the State Budget Officer and departments and agencies notice of quarterly premium payments due to the Workers' Compensation Management Fund so that the charges may be incorporated into the normal budgetary process. This bill instead requires the Department of Administrative and Financial Services, Division of Employee Health and Benefits to inform the State Budget Officer of the premium charges for the fiscal year, and directs the State Budget Officer to advise any affected department or agency so those charges may be incorporated into the normal budgetary process. This bill also removes transitional language that was applicable in the 114th Legislature.

**Enacted Law Summary**

Public Law 2013, chapter 447 requires the Department of Administrative and Financial Services, Division of Employee Health and Benefits to inform the State Budget Officer of the health insurance premium charges for the fiscal year, and directs the State Budget Officer to advise any affected department or agency so those charges may be incorporated into the normal budgetary process. This law also removes transitional language that was applicable in the 114th Legislature.

**LD 1395 An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that the public employee pension adjustment for changes in the Consumer Price Index does not include downward adjustments to achieve cost-neutrality attributable to a decrease in the Consumer Price Index for years prior to a retiree's retirement.

**LD 1418 An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses**

**ONTP**

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

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This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$10,000,000 to be used to provide matching funds for the seven Maine community colleges in order to improve facilities, enhance education grant-issuing foundations and expand academic bridge programs after the Maine community colleges raise \$2,500,000 in private or in-kind donations.

**LD 1424      An Act To Increase Mileage Reimbursement and Compensation for Jurors      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Judiciary. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill changes the mileage rate paid to jurors and witnesses from 15¢ per mile and 22¢ per mile, respectively, to the rate paid by the State for travel by employees of the State for the business of the State, which is currently 44¢ per mile. This bill also increases the daily rate paid to jurors and witnesses from \$10 to \$20.

**LD 1445      An Act To Facilitate Children's Testimony      ONTP**

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

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Judiciary. It was placed on the Special Appropriations Table, removed from the table, committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

This bill allows a court, by motion from the State, to allow the testimony of a child who is ten years of age or younger and the alleged victim of a sexual assault or sexual exploitation outside of the presence of the defendant if the court finds by clear and convincing evidence that the protection of the judicial process or the well-being of the child outweighs the constitutional rights of the defendant to confront the defendant's accuser. This bill requires that testimony by a child victim outside the presence of the defendant must be televised by live, two-way closed-circuit television with adequate provisions, including that the court, jury and defendant can hear and observe the child. This bill does not allow testimony of a child outside of the presence of the defendant if the defendant is an attorney pro se or if a positive identification of the defendant by the child is required.

**LD 1455      An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities      PUBLIC 589**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL BERRY	OTP-AM	S-558

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a bond issue in the amount of \$50,000,000 in order to make cost-effective investments in natural and built infrastructure to reduce threats to the State's water resources and provide a host of benefits for communities across Maine, including ensuring an abundant and high-quality drinking water supply, allowing communities to more effectively prepare for storms and flood events, conserving habitat for recreational fisheries, waterfowl and aquatic and wildlife species and strengthening the State's long-term economic base and competitive advantage. The bill establishes the Water Resources Commission and the Fund To Ensure Clean Water and Safe Communities. The commission is charged with assessing the State's water resource infrastructure needs and with allocating funds for resource conservation and development projects.

**Committee Amendment "A" (S-558)**

This amendment authorizes a bond issue in the amount of \$10,000,000 in order to make cost-effective investments in natural and built infrastructure to encourage improvements to the State's water resources and provide a host of benefits for communities across Maine, including ensuring an abundant and high-quality drinking water supply, restoring wetlands and strengthening the State's long-term economic base and competitive advantage.

**Enacted Law Summary**

Public Law 2013, chapter 589 authorizes a bond issue in the amount of \$10,000,000 in order to make cost-effective investments in natural and built infrastructure to encourage improvements to the State's water resources and provide a host of benefits for communities across Maine, including ensuring an abundant and high-quality drinking water supply, restoring wetlands and strengthening the State's long-term economic base and competitive advantage.

The bond issue is subject to voter approval at a statewide election to be held in November 2014.

**LD 1461      An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that the State Treasurer and the Board of Trustees of the Maine Public Employees Retirement System may not invest assets within in the fossil fuel industry and requires divestment of such existing assets by January 1, 2018.

**LD 1468      Resolve, Directing the Public Utilities Commission To Study the Potential Benefits and Barriers Involved in Making Renewable Thermal Technologies Eligible for Qualification in Maine's Renewable Energy Portfolio Standard      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HOBBINS	REF TO EUT	S-510 JACKSON T

In the First Regular Session of the 126th Legislature, this bill was referred to and reported out of the Joint Standing Committee on Energy, Utilities and Technology. It was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to a Special or Regular Session.

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This bill establishes the High-efficiency Biomass Pellet Boiler Rebate Program, administered by the Efficiency Maine Trust, to give rebates to owners or occupants of buildings who install high-efficiency wood pellet boilers or heating systems in the buildings. The rebates are paid from the Home Heating Conversion Fund, administered by the Efficiency Maine Trust, which also provides funds to replace outdoor wood boilers that do not meet air quality standards as determined by the Department of Environmental Protection. The Home Heating Conversion Fund is funded by \$20,000,000 in revenue bonds issued by the Efficiency Maine Trust and paid for by the sale of sustainably harvested timber from public reserved lands.

**Senate Amendment "B" (S-510)**

This amendment replaces the bill with a resolve. The resolve directs the Public Utilities Commission to study the potential benefits and barriers involved in making renewable thermal technologies eligible for qualification in the State's renewable energy portfolio standard. In conducting this study, the commission is directed to examine and consider the renewable energy portfolio standards of New Hampshire, Massachusetts and Maryland.

**LD 1473     An Act To Create a Public Option Pension System**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill establishes the Maine Secure Choice Retirement Savings Trust within the Department of Labor, which:

1. Requires eligible employers to offer a payroll deduction retirement savings arrangement so that eligible employees can contribute a portion of their salary or wages to a retirement savings program account in the Maine Secure Choice Retirement Savings Program, also created by the bill;
2. Requires an eligible employee to participate in the Maine Secure Choice Retirement Savings Program, unless the employee specifically opts out of the program. The Bureau of Labor Standards is required to provide forms to employers for employees to opt out of the program;
3. Establishes the seven-member Maine Secure Choice Retirement Savings Investment Board to administer the trust;
4. Specifies risk management and investment policies that the board must follow in administering the program.;
5. Requires a specific percentage of the annual salary or wages of an eligible employee participating in the program to be deposited in the trust, which is divided into a program fund and an administrative fund, and authorizes the board to establish a gain and loss revenue account within the program fund;
6. Requires the board to establish a retirement investment clearinghouse on the Internet and a vendor registration process through which information about employer-sponsored retirement plans and payroll deduction individual retirement accounts and annuities offered by private sector providers is available for consideration by eligible employers contingent upon sufficient interest and funding by vendors;
7. Requires the Bureau of Labor Standards to assess a penalty on an eligible employer who fails to make the program available to eligible employees;
8. Provides that the State has no liability for the payment of benefits under the program;

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9. Directs the board to conduct a market analysis to determine whether the necessary conditions needed to implement the provisions of the trust can be achieved. The analysis may be conducted only where sufficient funding is available from the nonprofit or private sector or the state or federal government. The provisions of the bill establishing the Maine Secure Choice Retirement Savings Investment Board and the trust are repealed December 31, 2015 unless the board reports to the Legislature the board's determination, through the market analysis, that those provisions of the trust are self-sustaining and that funds exist to allow the board to implement the program until sufficient funds become available to make it self-sustaining and the Legislature takes action based on the board's determination and requires the board to ensure that insurance, annuity or other funding mechanisms are in place to protect the value of individuals' accounts; and

10. Prevents the board from implementing the trust if the individual retirement account arrangements offered fail to qualify for favorable federal income tax treatment ordinarily accorded to individual retirement accounts under the Internal Revenue Code or if the program is determined to be an employee benefit plan under the federal Employee Retirement Income Security Act.

**LD 1492      An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill authorizes a General Fund bond issue in the amount of \$85,000,000 to be used to provide funds for development projects for the Communities for Maine's Future Program; for capital investment in programs to train workers for which there is a demonstrated need; for research and development and commercialization of technology; for infrastructure repairs and improvements for public transport and public trails; and for wastewater and safe drinking water infrastructure improvements.

**LD 1514      An Act To Reform the Maine Public Employees Retirement System      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208, which proposes to amend the retirement provisions for state employees and teachers participating in the Maine Public Employees Retirement System in the following ways:

1. It would increase the cost-of-living adjustment formula for all individuals receiving a pension benefit from the State and provide adjustment options for employees at retirement;
2. It would increase the pension amount for individuals choosing to defer retirement until after the normal retirement age specified in the State Employee and Teacher Retirement Program. The intent of this provision is to increase the flexibility of the program for employees choosing retirement at any age and to increase the financial benefits from continuing to work;

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3. The baseline pension formula for retirement at the normal retirement age would provide a benefit amount of 2% of final average salary per year of service through June 30, 2013, plus 1.5% of final average salary per year of service after June 30, 2013; and

4. A state employee or teacher would automatically be enrolled in an opt-out defined contribution plan with a default employee contribution rate of 4% of salary. The State or the participating local school district would match 25% of the employee's or teacher's contribution, up to a maximum of 2% of the employee's or teacher's salary.

**LD 1572     An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-575   ROTUNDO H-581   ROTUNDO

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill was reported out by the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Joint Order, H.P. 1140. It corrects minor technical errors and inconsistencies in the Binnial Budget, Public Law 2013, chapter 368, including:

1. Correcting a technical conflict created where two sections of the public law amended the same section of law;
2. Clarifying that the temporary increase in the sales tax to 5.5% applies to the services currently subject to the 5% sales tax;
3. Correcting a numbering error created where two different provisions of law were enacted with the same title and section number by reallocating the provision establishing the Maine capital investment credit for 2013;
4. Resolving a conflict created where two sections amended the provision of law that provides for an annual adjustment for inflation of the income tax rate brackets in different ways, one by delaying the annual adjustment of the income tax rate brackets and the other by providing for an annual adjustment of the itemized deduction limitation amount. Both provisions are maintained;
5. Correcting an initiative to reflect that the MaineCare reimbursement is limited to behavioral health services; and
6. Deappropriating funds to offset an appropriation in an initiative in the committee amendment that should have been eliminated when statutory changes were made in the enacted version of the unified budget bill.

**House Amendment "A" (H-575)**

This amendment specifies that the temporary sales tax increase applies to products transferred electronically, as intended in the unified budget bill, Public Law 2013, chapter 368.

**House Amendment "B" (H-581)**

This amendment removes the emergency preamble and emergency clause.

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**LD 1593      Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN LACHOWICZ	OTP-AM	H-829

This resolve was carried over from the First Regular Session of the 126th Legislature by the Joint Standing Committee on Health and Human Services. During the Second Regular Session, this resolve was reported out by the Health and Human Services Committee and referred to the Joint Standing Committee on Appropriations and Financial Affairs.

This resolve directs the Department of Health and Human Services to amend the rules of reimbursement for behavioral health services under the MaineCare program to provide that all community-based behavioral health services are reimbursed at community-based rates. The amended rules must prohibit billing at hospital rates. The rules, which are routine technical rules, must be amended by October 1, 2014.

**Committee Amendment "A" (H-829)**

This amendment replaces the resolve. It directs the Department of Health and Human Services to convene a stakeholder group to review MaineCare reimbursement rates provided under Chapter 101, MaineCare Benefits Manual, Chapter III, Section 65 and similar services provided by a hospital or an administrative unit of a hospital. It also requires the department to report the stakeholder group's findings and recommendations, including recommendations on how rates should be adjusted, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 1, 2015.

**LD 1639      An Act To Fund Merit and Longevity Pay for Executive, Judicial and Legislative Branch Employees Pursuant to a Collective Bargaining Agreement      ONTP**

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

This bill repeals the sections of Public Law 2013, chapters 354 and 368 that prohibited merit increases for employees in the executive, legislative and judicial branches of government in fiscal year 2014-15 and longevity payments to individuals not eligible on June 30, 2013. It includes General Fund appropriations and Highway Fund allocations to offset reductions made in the biennial budgets for 2014-2015 to restore funding for merit increases and longevity payments.

Funding for these items in fiscal year 2014-15 was included in Public Law 2013, chapter 502 (see LD 1843).

**LD 1709      An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine Sector of the State's Economy      PUBLIC 592**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T CASSIDY	OTP-AM	S-556

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The funds provided by this bond issue in the amount of \$10,000,000 will be used for the development of lobster processing capacity in the State.

**Committee Amendment "A" (S-556)**

This amendment replaces the bill and authorizes the issuance of bonds in the amount of \$7,000,000, to be matched by at least \$7,000,000 in private and other funds, to support Maine's marine economy in order to create jobs in the State's marine economy and related industries through capital investments awarded after a competitive process.

**Enacted Law Summary**

Public Law 2013, chapter 592 authorizes the issuance of bonds in the amount of \$7,000,000, to be matched by at least \$7,000,000 in private and other funds, to support Maine's marine economy in order to create jobs in the State's marine economy and related industries through capital investments awarded after a competitive process.

The bond issue is subject to voter approval at a statewide election to be held in November 2014.

**LD 1719      An Act To Improve Education about and Awareness of Maine's Health      Veto Sustained**  
**Laws and Resources and To Increase the Reimbursement Rate for Adult**  
**Day Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROCHELO SAVIELLO	OTP-AM	H-844

Under the provisions of the judgement in State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134, Maine will receive a one-time disbursement. Allocations from or in relation to this lawsuit are, pursuant to the Maine Revised Statutes, Title 22, section 1511, limited to the prevention and health promotion purposes of smoking prevention, cessation and control activities, including, but not limited to, reducing smoking among the children of the State; prevention, education and treatment activities concerning unhealthy weight and obesity; prenatal and young children's care including home visits and support for parents of children from birth to six years of age; child care for children up to 15 years of age, including after-school care; health care for children and adults, maximizing to the extent possible federal matching funds; prescription drugs for adults who are elderly or disabled, maximizing to the extent possible federal matching funds; dental and oral health care to low-income persons who lack adequate dental coverage; substance abuse prevention and treatment; and comprehensive school health and nutrition programs, including school-based health centers.

This bill allocates funds from the disbursement in accordance with Title 22, section 1511 for smoking prevention and health promotion programs, such as education regarding the use of marijuana, the improvement of tobacco and substance abuse policies, an education campaign regarding family planning and reproductive health and grants for an outreach campaign on the impact of food and beverage choices on obesity.

**Committee Amendment "A" (H-844)**

This amendment transfers funds from the Fund for a Healthy Maine to the General Fund and directs the Department of Health and Human Services to increase reimbursement rates for adult day services programs. It eliminates the increases in allocations for 4 programs.

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**LD 1756 An Act To Authorize a General Fund Bond Issue To Support Biomedical Research in Maine**

**PUBLIC 574**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES BURNS	OTP-AM	H-850

This bill authorizes the issuance of bonds in the amount of \$30,000,000, to be matched by \$31,000,000 in other funds, to:

1. Establish a Maine center for marine economy coordinated and managed by the University of New England in partnership with public sector and private sector marine research centers and marine industries throughout the State, including but not limited to the Southern Maine Community College; the University of Maine at Machias, Downeast Institute of Applied Marine Research and Education; and the Cobscook Community Learning Center, to facilitate the growth of business and commercial enterprises that create jobs in Maine's marine economy and related industries and interests through capital investments in a shared marine research and resource vessel; infrastructure and equipment to support the vessel and its statewide operations; expanded facilities statewide to support collaboration and commercialization; and infrastructure and equipment for experimental sea- and land-based sustainable aquaculture sites located around the State; and
2. Establish at The Jackson Laboratory in Bar Harbor a center for biometric analysis using state-of-the-art technologies to expand the State's research capabilities in the area of medical analytics, make the State a global resource for precision medicine, improve the State's capacity to attract and retain young professionals and facilitate additional grant funding, private sector investment, job growth and economic activity in the State.

**Committee Amendment "A" (H-850)**

This amendment replaces the bill. It authorizes the issuance of bonds in the amount of \$10,000,000, to be awarded through a competitive process and to be matched by \$11,000,000 in private and other funds, to expand the State's research capabilities in the areas of mammalian genetics and murine biometric analytics, make the State a global resource for precision medicine, improve the State's capacity to attract and retain young professionals and bring additional grant funding, private sector investment, job growth and economic activity to the State.

**Enacted Law Summary**

Public Law 2013, chapter 574 authorizes the issuance of bonds in the amount of \$10,000,000, to be awarded through a competitive process and to be matched by \$11,000,000 in private and other funds, to expand the State's research capabilities in the areas of mammalian genetics and murine biometric analytics; make the State a global resource for precision medicine; improve the State's capacity to attract and retain young professionals; and bring additional grant funding, private sector investment, job growth and economic activity to the State.

The bond issue is subject to voter approval at a statewide election to be held in November 2014.

**LD 1762 An Act Related to the Report of the Tax Expenditure Review Task Force**

**PUBLIC 451**

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

This bill provides funding to avoid a provision in Part S of the biennial budget bill, Public Law 2013, chapter 368, that reduced the transfers to municipal revenue sharing by \$40,000,000 in fiscal year 2014-15 if legislation is not

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enacted by July 1, 2014 pursuant to Part S that generates an increase of \$40,000,000 in budgeted General Fund revenue. This bill also:

1. Repeals the fiscal year 2014-15 year-end transfers required under Public Law 2013, chapter 386, Part S of \$40,000,000 from the Local Government Fund to the unappropriated surplus of the General Fund;
2. Requires a transfer at the end of fiscal year 2013-14 from the General Fund unappropriated surplus of \$21,000,000 to the Maine Budget Stabilization Fund and the transfer of the same amount by the end of fiscal year 2014-15 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund; and
3. Transfers \$4,000,000 from the Tax Relief Fund for Maine Residents and \$21,000,000 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund by the end of fiscal year 2014-15. The State Controller is authorized to make post-closing entries and adjustments to effect this change.

**Enacted Law Summary**

Public Law 2013, chapter 451 provides funding to avoid a provision in Part S of the biennial budget bill, Public Law 2013, chapter 368, that reduced the transfers to municipal revenue sharing by \$40,000,000 in fiscal year 2014-15 if legislation is not enacted by July 1, 2014 pursuant to Part S that generates an increase of \$40,000,000 in budgeted General Fund revenue; repeals the fiscal year 2014-15 year-end transfers required under Public Law 2013, chapter 386, Part S of \$40,000,000 from the Local Government Fund to the unappropriated surplus of the General Fund; requires a transfer at the end of fiscal year 2013-14 from the General Fund unappropriated surplus of \$21,000,000 to the Maine Budget Stabilization Fund and the transfer of the same amount by the end of fiscal year 2014-15 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund; and transfers \$4,000,000 from the Tax Relief Fund for Maine Residents and \$21,000,000 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund by the end of fiscal year 2014-15.

**LD 1767      An Act To Authorize a General Fund Bond Issue for the Purchase of the      ONTP**  
**Bar Harbor Ferry Terminal**

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

This bill authorizes a General Fund bond issue in the amount of \$3,000,000 to be used to purchase the Bar Harbor Ferry Terminal from the government of Canada.

**LD 1806      An Act To Implement the Recommendations Contained in the State      PUBLIC 602**  
**Government Evaluation Act Review of the Maine Public Employees**  
**Retirement System**

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

This Act implements the recommendations contained in the State Government Evaluation Act review of the Maine Public Employees Retirement System.

Part A permits the Board of Trustees of the Maine Public Employees Retirement System to combine the assets of the State Employee and Teacher Retirement Program with the assets of other programs for investment purposes, but specifies that the assets of the State Employee and Teacher Retirement Program may be used only for the benefit of

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the employees and beneficiaries of that program and may not be used to satisfy the liabilities of any other program within the Maine Public Employees Retirement System.

Part B adds emergency medical services persons to the category of participating local district employees for which a special retirement plan is available.

Part C requires the Executive Director of the Maine Public Employees Retirement System to establish a task force to make recommendations to the Board of Trustees of the Maine Public Employees Retirement System on an environmental, social and governance policy and to report by January 15, 2015 to the joint standing committee of the Legislature having jurisdiction over public employee retirement matters on the recommendations made and the board's resulting action.

**Enacted Law Summary**

Public Law 2013, chapter 602 implements the recommendations contained in the State Government Evaluation Act review of the Maine Public Employees Retirement System.

Part A permits the Board of Trustees of the Maine Public Employees Retirement System to combine the assets of the State Employee and Teacher Retirement Program with the assets of other programs for investment purposes, but specifies that the assets of the State Employee and Teacher Retirement Program may be used only for the benefit of the employees and beneficiaries of that program and may not be used to satisfy the liabilities of any other program within the Maine Public Employees Retirement System.

Part B adds emergency medical services persons to the category of participating local district employees for which a special retirement plan is available.

Part C requires the Executive Director of the Maine Public Employees Retirement System to establish a task force to make recommendations to the Board of Trustees of the Maine Public Employees Retirement System on an environmental, social and governance policy and to report by January 15, 2015 to the joint standing committee of the Legislature having jurisdiction over public employee retirement matters on the recommendations made and the board's resulting action.

**LD 1807    An Act To Restore Funding in the Maine Budget Stabilization Fund through Alternative Sources**

**PUBLIC 487  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE THIBODEAU	OTP-AM	H-720

This bill restores funding to the Maine Budget Stabilization Fund as affected by Public Law 2013, chapter 451 (see LD 1762).

Part A repeals the transfer in fiscal year 2013-14 of \$21,000,000 to the Maine Budget Stabilization Fund and repeals the transfer of \$21,000,000 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund in fiscal year 2014-15. Both transfers were enacted in Public Law 2013, chapter 451.

Part B reduces funding for retiree health insurance as the result of a new actuarial projection.

Part C lapses \$10,169,276 from the unencumbered balance forward of the General Purpose Aid for Local Schools program in the Department of Education to the General Fund in fiscal year 2013-14.

**Committee Amendment "A" (H-720)**

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This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 487 restores funding to the Maine Budget Stabilization Fund as affected by Public Law 2013, chapter 451.

Part A repeals the transfer in fiscal year 2013-14 of \$21,000,000 to the Maine Budget Stabilization Fund and repeals the transfer of \$21,000,000 from the Maine Budget Stabilization Fund to the unappropriated surplus of the General Fund in fiscal year 2014-15. Both transfers were enacted in Public Law 2013, chapter 451.

Part B reduces funding for retiree health insurance as the result of a new actuarial projection.

Part C lapses \$10,169,276 from the unencumbered balance forward of the General Purpose Aid for Local Schools program in the Department of Education to the General Fund in fiscal year 2013-14.

Public Law 2013, chapter 487 was enacted as an emergency measure effective March 21, 2014.

**LD 1827    An Act To Authorize a General Fund Bond Issue To Support Maine  
Small Business and Job Creation**

**PUBLIC 596**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-555

This bill was reported out by the Joint Select Committee on Maine's Workforce and Economic Future pursuant to Joint Order S.P. 27 and Joint Order S.P. 602, and was subsequently referred to the Joint Standing Committee on Appropriations and Financial Affairs.

Part A of the bill provides for a bond issue in the amount of \$73,000,000 to be used to provide funds to the Finance Authority of Maine, the Maine Technology Institute, the Department of Economic and Community Development, the University of Maine System, The Jackson Laboratory and the Mount Desert Island Biological Laboratory. The funds would be used to:

1. Provide \$5,000,000 to insure portions of loans to small businesses made by a participating financial institution to spur investment and innovation;
2. Provide \$15,000,000 for state, regional and local financial intermediaries to make flexible loans to and investments in small businesses to create jobs;
3. Provide \$10,000,000 to promote research, development and commercialization for economic development and private sector job creation, awarded after a competitive process administered by the Maine Technology Institute, and leverage matching funds on at least a one-to-one basis;
4. Provide \$15,000,000, to be matched by \$16,000,000 in private and public contributions, to establish at The Jackson Laboratory in Bar Harbor a center for biometric analysis using state-of-the-art technologies to expand the State's research capabilities in the area of medical analytics, make the State a global resource for precision medicine, improve the State's capacity to attract and retain young professionals and facilitate additional grant funding, private sector investment, job growth and economic activity in the State;
5. Provide \$5,000,000, to be matched by \$9,500,000 in private and public funds, to modernize and expand infrastructure at the Mount Desert Island Biological Laboratory needed to increase biotechnology workforce training from 350 to 500 students a year, retain in and recruit to Maine multiple biomedical research and

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development groups and create a drug discovery and development facility to improve human health and stimulate biotechnology job growth and economic activity;

6. Provide \$15,000,000 in funds to facilitate the growth of marine businesses and commercial enterprises that create jobs and improve the sustainability of the State's marine economy and related industries through capital investments, awarded after a competitive process administered by the Department of Economic and Community Development in consultation with the Department of Marine Resources and the Maine Technology Institute, and leverage matching funds on at least a one-to-one basis; and

7. Provide \$8,000,000 in funds for a University of Maine Cooperative Extension Insect and Animal and Plant Disease Identification Facility to assist farmers and foresters and to protect plant, animal and human health.

Part B amends the laws regarding the Regional Economic Development Revolving Loan Program of the Finance Authority of Maine to include revitalization of downtowns and building stronger communities and a sustainable economy as purposes of the program. It clarifies that a lending corporation under the program may use revenue from commitment fees and interest to cover its operating costs, including loan fund management; increases the dollar amount of the maximum loan available to a borrower; allows a lending corporation to serve more than one region; and adjusts other financing terms. It also adds businesses engaged in commercial and mixed-use real estate and community facilities and businesses engaged in serving tourists to the list of businesses that are eligible for financial assistance under the program. It changes the program to allow participation by companies with 100 or fewer employees, instead of 50 or fewer, and by companies with annual sales of up to \$10,000,000, instead of \$5,000,000 or less. It amends the total loan amount by increasing the cap from \$250,000 to \$350,000 for corporations and from \$100,000 to \$350,000 for quality child care projects.

Part C provides guidelines for the administration of the \$15,000,000 for marine businesses provided in Part A.

Parts B and C take effect only if the General Fund bond issue proposed in Part A is approved by the voters of the State.

### **Committee Amendment "A" (S-555)**

This amendment strikes and replaces the bill and provides for a bond issue to be used to provide funds to the Finance Authority of Maine to provide \$4,000,000 to insure portions of loans to small businesses made by a participating financial institution to spur investment and innovation and to provide \$8,000,000 for state, regional and local financial intermediaries to make flexible loans to small businesses to create jobs, revitalize downtowns and strengthen the rural economy.

### **Enacted Law Summary**

Public Law 2013, chapter 596 provides for a bond issue to be used to provide funds to the Finance Authority of Maine to provide \$4,000,000 to insure portions of loans to small businesses made by a participating financial institution to spur investment and innovation and to provide \$8,000,000 for state, regional and local financial intermediaries to make flexible loans to small businesses to create jobs, revitalize downtowns and strengthen the rural economy.

The bond issue is subject to voter approval at a statewide election to be held in November 2014.

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**LD 1843 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Supplemental Funding Needs Projected for the Fiscal Year Ending June 30, 2014 and To Adjust Funding for the Fiscal Year Ending June 30, 2015**

**PUBLIC 502  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-445 HILL

LD 1843, the first of two supplemental budgets, addresses supplemental funding needs for fiscal year 2013-14. It was reported out by the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Joint Order H.P. 1284.

**Senate Amendment "A" (S-445)**

This amendment reduces funding in fiscal year 2013-14 for MaineCare cycle payments and payments to providers by \$5,000,000 and strikes language lapsing \$2,500,000 from the Department of Corrections, Capital Construction/Repairs/Improvements - Corrections, General Fund account to the unappropriated surplus of the General Fund in each fiscal year of the 2014-2015 biennium.

**Enacted Law Summary**

Public Law 2013, chapter 502 contains the following provisions.

PART A makes adjustments to appropriations and allocations.

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

PART C transfers \$5,081,000 from the Fund for a Healthy Maine to the General Fund in fiscal year 2013-14.

PART D transfers \$500,000 in fiscal year 2014-15 and \$5,746,207 in fiscal year 2014-15 from the Dirigo Health Fund to the General Fund unappropriated surplus. It also transfers \$1,788,956 in fiscal year 2013-14 from the Dirigo Health Fund to the Department of Health and Human Services, Medical Care - Payments to Providers, Other Special Revenue Funds account.

PART E transfers \$4,768,355 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2014. It also requires the State Controller to transfer \$5,294,492 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2015.

PART F provides an appropriation to partially offset the statewide deappropriation included in Part F of the biennial budget bill, Public Law 2013, chapter 368. It also excludes from the potential curtailment of allotments, should the Legislature fail to enact legislation to achieve the necessary savings, the University of Maine System, the Maine Community College System, the Maine Maritime Academy, the General Purpose Aid for Local Schools and Adult Education programs within the Department of Education and the Head Start program within the Department of Health and Human Services. It also requires the fiscal year 2013-14 savings identified by the Governor's Office of Policy and Management and implemented administratively to be considered as adjustments to appropriations in fiscal year 2013-14.

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PART G transfers \$2,000,000 in fiscal year 2013-14 and \$2,750,000 in fiscal year 2014-15 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus in fiscal year 2013-14. The specific accounts from which the funds must be transferred are to be determined by the Commissioner of Professional and Financial Regulation who must notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account. Part N of LD 1858, as enacted, reduced the fiscal year 2014-15 transfer by \$1,000,000.

PART H requires the State Employee Health Commission to use \$3,008,000 of the 2013 plan year savings identified by Aetna, Inc. to increase the resources available for the fiscal year 2014-15 health insurance plan design for the state employee and retiree health insurance programs. It also adjusts statewide appropriations to distribute the savings in fiscal year 2013-14 with the intent that the same amount of funding be made available to the two programs in fiscal year 2014-15.

PART I lapses \$2,500,000 from the Department of Administrative and Financial Services, Compensation and Benefit Plan program, General Fund account to the unappropriated surplus of the General Fund no later than June 30, 2015.

PART J terminates the income tax super credit for substantially increased research and development for tax years beginning on or after January 1, 2014. It also extends from five years to ten years the carryover period for credits carried from prior years and reduces the maximum credit from 50% of the tax otherwise due to 25% of the tax otherwise due.

PART K reduces the income tax credit for qualified Pine Tree Development Zone businesses by 50%. Part K of LD 1858, as enacted, reverses this change.

PART L lapses a total of \$2,250,000 from accounts in the Legislature to the General Fund unappropriated surplus no later than June 30, 2015.

PART M makes changes necessary to restore merit and longevity pay in fiscal year 2014-15.

PART N transfers \$700,000, by June 30, 2014, from accounts chosen by the Commissioner of Environmental Protection from available balances in Other Special Revenue Funds accounts within the Department of Environmental Protection to the General Fund unappropriated surplus.

PART O increases the amounts to be transferred by Public Law 2013, chapter 368, Part QQQ from the Competitive Skills Scholarship Fund in the Department of Labor to the General Fund unappropriated surplus in fiscal year 2013-14 from \$2,500,000 to \$3,450,000 and changes the cap on the annual amount that may be spent for administrative costs and career counseling from 10% of the annual revenue to the fund to \$550,000, beginning in fiscal year 2014-15. It also requires the Department of Labor to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the caseload being supported by funding from the Competitive Skills Scholarship Fund by January 30, 2015 and provides that if the average caseload of the prior three month period ending December 31, 2014 is below 400, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs may report out legislation that adjusts the amount of funding that may be used for administrative costs of the fund.

PART P lapses \$1,867,740 from the Personal Services line category in the Education in Unorganized Territory, General Fund account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2014.

PART Q transfers \$135,000 by June 30, 2014 from the Callahan Mine Site Restoration program, Other Special Revenue Funds account within the Department of Transportation to the General Fund unappropriated surplus.

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PART R reduces funding for MaineCare cycle payments and payments to providers to reflect decreased health care costs. This part was amended by Senate Amendment "A."

PART S requires the Department of the Attorney General to deposit \$1,246,965 of the funds received under the "Johnson & Johnson Risperdal/Invega settlement" to the General Fund no later than June 30, 2014.

PART T increases the amount of revenue from the Housing Opportunities for Maine Fund's share of the real estate transfer tax that must be credited to the General Fund by \$200,000 in fiscal year 2013-14.

PART U transfers \$100,000 from the Judicial Department, Foreclosure Mediation, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2013-14.

PART V allows the State Court Administrator to establish a fee for Judicial Department record searches. Twenty percent of the fee is dedicated to the Judicial Department, Publications and Technology Fund, Other Special Revenue Funds account, and 80% of the fee is credited to the General Fund.

PART W transfers \$250,000 from the Department of Health and Human Services, Medical Use of Marijuana Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund in fiscal year 2013-14.

PART X lapses \$1,000,000 from the Department of Health and Human Services, State-funded Foster Care/Adoption Assistance program, General Fund account to the unappropriated surplus of the General Fund no later than June 30, 2014.

PART Y gives the Department of Health and Human Services authority to adopt emergency rules to appropriately adjust the hospital supplemental pool for both acute care and critical access hospitals without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART Z authorizes the Maine Commission on Indigent Legal Services to transfer up to \$50,000 in available Personal Services balances to All Other during the 2014-2015 biennium.

PART AA authorizes remaining balances of All Other appropriations within the Department of the Attorney General to carry forward from fiscal year 2013-14 into fiscal year 2014-15.

PART BB authorizes the Judicial Department to transfer up to \$250,000 in available Personal Services balances to All Other in the Courts - Supreme, Superior and District program during the 2014-2015 biennium.

PART CC carries forward unexpended All Other and Capital Expenditures funds as of June 30, 2014 in the Department of Secretary of State, Administration - Archives program to be used for computer hardware and computer software to preserve and provide public access to state records.

Public Law 2013, chapter 502 was enacted as an emergency measure effective April 3, 2014.

**LD 1853      An Act Requiring a Dynamic Fiscal Analysis of Changes to Visual Media      ONTP**  
**Production Tax Credits and Reimbursements**

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

Part A of this bill creates a pilot project to develop and evaluate a tax simulation model for state dynamic fiscal analysis of potential changes to the certified visual media production credit established in the Maine Revised

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Statutes, Title 36, section 5219-Y and the visual media production reimbursement established in Title 36, section 6902. The Department of Economic and Community Development is permitted to enter into a memorandum of understanding with the University of Maine to conduct the pilot project. The Department of Administrative and Financial Services, Maine Revenue Services and the Office of Fiscal and Program Review are required to evaluate the findings of the pilot project and to jointly report to the Joint Standing Committee on Taxation whether the proposed changes to the visual media production credit and reimbursement would result in a negative or positive fiscal impact.

Part B of this bill repeals the certified visual media production credit and instead increases the reimbursement amount for certified production wages paid from 12% to 25% for residents of Maine, increases the cap on the reimbursement of wages from \$50,000 to \$100,000 and provides for a reimbursement of 20% of nonwage visual media production expenses. These changes take effect only if the result of the joint finding of Maine Revenue Services and the Office of Fiscal and Program Review is that the changes proposed in this Part would result in a positive fiscal impact on state revenue.

**LD 1855      An Act To Validate Certain Proceedings Authorizing the Issuance of  
Bonds and Notes of the Town of Old Orchard Beach**

**P & S 28  
EMERGENCY**

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

This bill validates the referendum of the Town of Old Orchard Beach conducted on November 8, 2011. The Town of Old Orchard Beach notified the voters of the referendum by posting specimen ballots rather than warrants or notices of election, which has created a legal technicality that could affect the marketability of the bonds to be issued for the addition to the Edith Belle Libby Memorial Library in the Town of Old Orchard Beach.

**Enacted Law Summary**

Private and Special Law 2013, chapter 28 validates the referendum of the Town of Old Orchard Beach conducted on November 8, 2011. The Town of Old Orchard Beach notified the voters of the referendum by posting specimen ballots rather than warrants or notices of election, which has created a legal technicality that could affect the marketability of the bonds to be issued for the addition to the Edith Belle Libby Memorial Library in the Town of Old Orchard Beach.

Private and Special Law 2013, chapter 28 was enacted as an emergency measure effective April 26, 2014.

**LD 1857      An Act To Expand Services to Persons Who Are Disabled or Elderly on  
Wait Lists by Reducing Revenue Sharing**

**ONTP**

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

This bill increases funding on an ongoing basis for developmental services waivers under Department of Health and Human Services Chapter 101: MaineCare Benefits Manual, Chapter II, Sections 21 and 29 and Chapter III, Sections 21 and 29 for consumer-directed home-based care and for the brain injury residential and community services waiver. In fiscal year 2014-15, the increased funding is offset by a reduction in the General Fund for municipal revenue sharing. The bill states that, after fiscal year 2014-15, it is the intent of the Legislature that funding for these allocations is to be paid for through savings achieved in the MaineCare budget as a result of the elimination of eligibility for parents with a household income equal to or greater than 100% of the nonfarm income official federal poverty level.

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**LD 1858    An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015**

**PUBLIC 595  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-833    ROTUNDO

LD 1858, the second of two supplemental budgets, is the response of the Joint Standing Committee on Appropriations and Financial Affairs to the recommendations of the Governor's Office of Policy and Management pursuant to Public Law 2013, chapter 368, Part F and addresses supplemental funding needs for fiscal year 2014-15.

This bill was reported out by the Joint Standing Committee on Appropriations and Financial Affairs pursuant to Public Law 2013, chapter 368, Part F, section 3.

**House Amendment "B" (H-833)**

This amendment designates up to \$1,300,000 of the 4th priority transfer of the year-end distribution of the unappropriated surplus of the General Fund at the close of fiscal year 2013-14 to be transferred by financial order to the Department of Health and Human Services, Developmental Services Waiver - MaineCare program for services provided under the MaineCare Benefits Manual, Chapter II, Section 21 for individuals on the Priority 1 waiting list for waiver services. These transfers are to be considered ongoing adjustments to appropriations beginning in fiscal year 2014-15.

This amendment also removes the time restriction on the availability of funds for the Maine Commission on Indigent Legal Services for investigator, interpreter, transcription and expert witness fee costs as well as increased attorney's fee expenses; makes a change to the vacant position review in Part Z to clarify that the review is of executive branch positions only; and directs the State Budget Officer to prepare a financial order to reduce allotments consistent with the lapsed Personal Services savings in the affected General Fund accounts.

**Enacted Law Summary**

Public Law 2013, chapter 595 contains the following provisions.

PART A includes appropriations and allocations in response to the recommendations of the Governor's Office of Policy and Management pursuant to Public Law 2013, chapter 368, Part F.

PART B makes supplemental appropriations and allocations for fiscal year 2014-15.

PART C establishes the total cost of public education from kindergarten to grade 12 for fiscal year 2014-15, the local and state contributions and the annual target state share percentage.

PART D transfers \$1,877,000 in fiscal year 2014-15 from the Dirigo Health Fund to the unappropriated surplus of the General Fund.

PART E removes certain dates relating to the grant application and award process that were not met by the Oral Health Advisory Committee and applies these changes retroactively to the effective date of the law that established the dates; makes a correction to Public Law 2013, chapter 425 to properly reference the Highway Fund rather than the General Fund; and adds a calculation and transfer provision so that the savings identified in Public Law 2013, chapter 502, Part H related to health insurance savings can be distributed to General Fund accounts from the statewide deappropriation.

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PART F requires the Finance Authority of Maine to transfer \$1,000,000 from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue no later than June 30, 2015.

PART G authorizes the adjustment of salary schedules in order to implement wage parity as authorized in Public Law 2013, chapter 425; adjusts the salaries of District Attorney positions, Assistant District Attorney positions and Assistant Attorney General positions upward by 4%; and transfers from the Salary Plan program for these purposes while limiting the amount available for transfer to the Department of the Attorney General to \$423,424 in fiscal year 2014-15.

PART H authorizes the Maine Health Data Organization to transfer up to \$265,450 in available Personal Services balances to All Other in the Maine Health Data Organization, Other Special Revenue Funds account during the 2014-2015 biennium.

PART I changes the use of the transfer from the Carrying Balances - Inland Fisheries and Wildlife, General Fund account in the biennial budget, Public Law 2013, chapter 368, Part YY, from funding security improvements and renovations at the Gray headquarters facility to funding permitting and development costs associated with the construction of a new headquarters facility in Gray.

PART J clarifies that the information provided by the Department of Health and Human Services to the Department of Administrative and Financial Services, Bureau of Revenue Services under the Maine Medical Use of Marijuana Act may be used by the bureau only for the administration and enforcement of taxes imposed under the Maine Revised Statutes, Title 36. It also provides a one-time special reporting date for the Department of Health and Human Services to provide the required information to the State Tax Assessor.

PART K restores the income tax credit to the percentages in effect prior to the changes made by Public Law 2013, chapter 502, Part K which reduced the income tax credit for qualified Pine Tree Development Zone businesses by 50%.

PART L sets aside any profit sharing payments from the wholesale liquor distribution contract that ends June 30, 2014 in excess of budgeted amounts for the final profit sharing payment into an Other Special Revenue Funds account in the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations for the purpose of funding additional liquor enforcement positions.

PART M provides that revenue generated from fees for admission to the Maine State Museum and miscellaneous services be deposited into a dedicated Other Special Revenue Funds account instead of to the General Fund, beginning in fiscal year 2014-15, to support the operations of the Maine State Museum.

PART N reduces by \$1,000,000, the amount of funds that must be transferred from available balances in the Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund in fiscal year 2014-15.

PART O amends Public Law 2013, chapter 368, Part PPPP to increase the amount of the transfer to the General Fund unappropriated surplus from the Revenue Services - Bureau of program, Other Special Revenue Funds account from \$500,000 to \$1,000,000 in fiscal year 2013-14. It also lapses \$250,000 from the Maine Revenue Services, General Fund account to the General Fund unappropriated surplus no later than June 30, 2015.

PART P increases the cap from \$2,786,700 to \$5,500,000 in any fiscal year of incentive payment revenue that may be expended for the purpose of covering the costs of making child support collections.

PART Q requires the Department of Health and Human Services to modify the timing of MaineCare payments. This modification is expected to achieve savings in the first year in which it is implemented.

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PART R requires the judicial branch, the University of Maine System, the Maine Community College System, the Maine Maritime Academy and each quasi-independent state entity to prepare a list of reports that each is required to submit to the Legislature, a statement of the amount of staff time required to prepare each report and proposed legislation to repeal each reporting requirement five years after the effective date of this legislation and submit the information to the joint standing committee of the Legislature with subject matter jurisdiction over that entity by January 9, 2015. This Part also requires each joint standing committee of the Legislature having subject matter jurisdiction over an entity providing a report to review the information provided and determine the need to either continue or repeal the reporting requirement. Each joint standing committee is authorized to report out legislation to implement its recommendations related to the report to the First Regular Session of the 127th Legislature.

PART S prohibits the Department of Health and Human Services from eliminating reimbursement for the medical add-on in the MaineCare Benefits Manual, Chapter III, Section 21 and Section 29 until the report required by Public Law 2013, chapter 368, Part NN has been submitted by the department to the joint standing committees of the Legislature pursuant to that Part and new rules adopted.

PART T removes from the cap on total itemized deductions medical and dental expenses included in an individual's itemized deductions from federal adjusted gross income for tax years beginning on or after January 1, 2014. It also provides allocations to the Department of Administrative and Financial Services, Bureau of Revenue Services to increase contingent-fee funding for contracted tax collection services to hire eight additional collectors and improve automated collection functions.

PART U amends or repeals several laws relating to mandates imposed on municipalities by the State. It also creates the State-local Intergovernmental Working Group which is required to meet periodically and report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters. This part also authorizes the joint standing committee of the Legislature having jurisdiction over state and local government matters to report out legislation relating to the final report of the mandate working group to the First Regular Session of the 127th Legislature.

PART V increases the General Fund share of the real estate transfer tax by \$1,000,000 in fiscal year 2014-15 the result of which is a like decrease in the amount transferred to the Housing Opportunities for Maine Fund.

PART W directs the Department of Health and Human Services to evaluate and improve its MaineCare program integrity processes to achieve additional MaineCare recoveries and savings.

PART X amends the fiscal year 2013-14 year-end distribution of the unappropriated surplus of the General Fund to replace the existing 4th priority transfer, which is no longer necessary, with a new 4th priority transfer of an amount up to \$20,000,000 to a General Fund reserve account established for future funding needs. Funds from the reserve account for future funding needs may be transferred only by the Legislature, and any balance not transferred and remaining in the account at the close of the fiscal year ending June 30, 2015 must be transferred by the State Controller to the Maine Budget Stabilization Fund. This Part was amended by House Amendment "B."

PART Y clarifies the use of funding provided to the Department of Health and Human Services for the Maine Medical Use of Marijuana Act.

PART Z requires the Department of Administrative and Financial Services, Bureau of the Budget to conduct a review of vacant General Fund positions in executive branch departments and agencies for the purpose of identifying \$599,533 in total savings in the Personal Services line category in fiscal year 2014-15; provide a report of the positions to be held vacant to achieve the identified savings and the General Fund accounts affected. This Part also requires the Department of Corrections to increase the term of work release from 12 months to 18 months prior to prisoner release, resulting in an increase in General Fund revenue and requires the Finance Authority of Maine to transfer the remaining balance in the Quality Child Care Education Scholarship Fund to the State as undedicated Fund for a Healthy Maine revenue no later than June 30, 2015. This Part was amended by House

*Joint Standing Committee on Appropriations and Financial Affairs*

Amendment "B."

Public Law 2013, chapter 595 was enacted as an emergency measure effective May 1, 2014.

**LD 1861      An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service      PUBLIC 572**

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

The funds provided by this bond issue in the amount of \$8,000,000 will be used to provide funds to assist Maine agriculture and to protect Maine farms through the creation of an animal and plant disease and insect control facility administered by the University of Maine Cooperative Extension Service.

**Enacted Law Summary**

Public Law 2013, chapter 572 provides for a bond issue in the amount of \$8,000,000 to be used to assist Maine agriculture and to protect Maine farms through the creation of an animal and plant disease and insect control facility administered by the University of Maine Cooperative Extension Service.

This law is amended by Public Law 2013, chapter 606 (LD 1865 as enacted).

The bond issue is subject to voter approval at a statewide election to be held in November 2014.

**LD 1864      An Act To Support Nursing Facilities and Home Care for Seniors and Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas      Died Between Houses**

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

This bill provides a primary care access tax credit for up to five eligible primary care professionals each year who practice in an underserved area in the State. It creates a graduated schedule for claiming the credit allowing an eligible primary care professional to claim an amount equal to the annual payments made on the professional's student loan not to exceed \$6,000 in the first year, \$9,000 in the second year, \$12,000 in the third year, \$15,000 in the fourth year and \$18,000 in the fifth year.

This bill also provides that the primary care access credit is available for tax years beginning on or after January 1, 2014, but before January 1, 2019. It requires the Department of Health and Human Services and the Department of Administrative and Financial Services, Maine Revenue Services to submit an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters beginning on January 15, 2016 indicating the number of eligible primary care professionals certified and decertified each year by the Department of Health and Human Services and the total annual loss of revenue attributable to the primary care access credit.

This bill uses one-time tobacco settlement funds from the Fund for a Healthy Maine to support health services for the elderly, including nursing home funding, transitional assistance with Medicare Part D plan selection and an increase for adult day services reimbursement. This bill also uses one-time tobacco settlement funds from the Fund for a Healthy Maine for the primary care access tax credit.

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**LD 1865    An Act To Clarify the Specific Purposes of Recently Enacted Legislation  
Authorizing the Issuance of a General Fund Bond**

**PUBLIC 608**

Sponsor(s)

DILL

Committee Report

Amendments Adopted

This bill clarifies the specific purposes of recently enacted legislation authorizing the issuance of a General Fund bond to create an animal and plant disease control facility administered by the University of Maine Cooperative Extension Service.

**Enacted Law Summary**

Public Law 2013, chapter 608 clarifies the specific purposes of the General Fund bond funds provided by Public Law 2013, chapter 772 (LD 1861) which creates an animal and plant disease control facility administered by the University of Maine Cooperative Extension Service.

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SUBJECT INDEX

*ACF: Agriculture - Policy*

Not Enacted

LD 707 An Act To Provide Assistance to Maine's Dairy Farms ONTP

*ACF: Dairy*

Not Enacted

LD 368 An Act To Ensure the Continuation of Dairy Farming ONTP

*ACF: Regulated Products*

Not Enacted

LD 1287 An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers ONTP

*Budget Bills*

Enacted

LD 1762 An Act Related to the Report of the Tax Expenditure Review Task Force PUBLIC 451

LD 1807 An Act To Restore Funding in the Maine Budget Stabilization Fund through Alternative Sources PUBLIC 487  
EMERGENCY

LD 1843 An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Supplemental Funding Needs Projected for the Fiscal Year Ending June 30, 2014 and To Adjust Funding for the Fiscal Year Ending June 30, 2015 PUBLIC 502  
EMERGENCY

LD 1858 An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for Fiscal Years Ending June 30, 2014 and June 30, 2015 PUBLIC 595  
EMERGENCY

Not Enacted

LD 1572 An Act To Correct Minor Technical Errors and Inconsistencies in the Unified Budget Bill Veto Sustained

*EDU: Alternative Education, Charter Schools and School Choice*

Enacted

LD 906 An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities PUBLIC 601

Not Enacted

LD 481 An Act To Amend the Laws Governing Virtual Public Charter Schools ONTP

*EDU: Career and Technical Education*

Enacted

LD 464 An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance PUBLIC 583

Not Enacted

LD 715 An Act To Improve Access to Career and Technical Schools ONTP

**EDU: Health, Nutrition and Safety**

**Not Enacted**

LD 672	An Act Relating to Exemption from Immunization for Schoolchildren	ONTP
LD 1185	An Act To Enhance Efforts To Use Locally Produced Food in Schools	Veto Sustained

**EDU: Postsecondary Education Finance and Student Aid**

**Not Enacted**

LD 1036	An Act To Amend the Social Work Education Loan Repayment Program	ONTP
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**EDU: School Finance**

**Not Enacted**

LD 25	An Act To Exclude Certain State-funded Costs from the State Share of the Total Cost of Funding Public Education	ONTP
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**EUT: Energy Conservation**

**Not Enacted**

LD 1468	Resolve, Directing the Public Utilities Commission To Study the Potential Benefits and Barriers Involved in Making Renewable Thermal Technologies Eligible for Qualification in Maine's Renewable Energy Portfolio Standard	Veto Sustained
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**Fiscal Policy**

**Enacted**

LD 1385	An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund	PUBLIC 447
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**Not Enacted**

LD 138	An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State	ONTP
LD 790	An Act To Repeal the Bonding Authority of the Maine Governmental Facilities Authority	Majority (ONTP) Report
LD 904	An Act To Clarify When Bonds May Be Issued	Died Between Houses
LD 1853	An Act Requiring a Dynamic Fiscal Analysis of Changes to Visual Media Production Tax Credits and Reimbursements	ONTP

**General Obligation Bond Bills**

**Enacted**

LD 1043	An Act To Improve the Regional Economic Development Revolving Loan Program	PUBLIC 605
LD 1223	An Act To Authorize a General Fund Bond Issue To Support Human Health Research in Maine	PUBLIC 568
LD 1455	An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities	PUBLIC 589
LD 1709	An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine Sector of the State's Economy	PUBLIC 592
LD 1756	An Act To Authorize a General Fund Bond Issue To Support Biomedical Research in Maine	PUBLIC 574
LD 1827	An Act To Authorize a General Fund Bond Issue To Support Maine Small Business and Job Creation	PUBLIC 596
LD 1861	An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service	PUBLIC 572
LD 1865	An Act To Clarify the Specific Purposes of Recently Enacted Legislation Authorizing the Issuance of a General Fund Bond	PUBLIC 608

**Not Enacted**

LD 16	An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure	ONTP
LD 228	An Act To Authorize a General Fund Bond Issue To Reduce Energy Costs by Weatherizing and Upgrading the Energy Efficiency of Maine Homes and Businesses and To Create Jobs by Providing for a Trained Workforce for Maine's Energy Future	ONTP
LD 273	An Act Authorizing a General Fund Bond Issue To Fund the Dredging of Casco Bay and the Expansion of the Portland Fish Exchange	ONTP
LD 294	An Act To Authorize a General Fund Bond Issue To Construct a Facility To Assist Maine Agriculture in Control of Animal and Plant Diagnostics	ONTP
LD 295	An Act To Authorize a General Fund Bond Issue To Provide Weatherization Rebates for Veterans and Persons Eligible for Social Security	ONTP
LD 359	An Act To Authorize a General Fund Bond Issue To Implement the Riverfront Island Master Plan	ONTP
LD 360	An Act To Authorize a General Fund Bond Issue To Improve Rail Lines in Western Maine	ONTP
LD 378	An Act To Authorize a General Fund Bond Issue To Complete Renovation of a Pier at the Gulf of Maine Research Institute	ONTP
LD 513	An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment	ONTP
LD 781	An Act To Authorize a General Fund Bond Issue To Fund the Construction of a New State Archives Facility	ONTP
LD 874	An Act To Authorize a General Fund Bond Issue To Reduce the Cost of Shipping for Maine Businesses, Attract Tourists and Facilitate the Development of Commuter Rail Transportation	ONTP
LD 925	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	ONTP
LD 942	An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities	ONTP
LD 1010	An Act To Authorize a General Fund Bond Issue To Ensure Clean Water	ONTP
LD 1011	An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges	ONTP
LD 1052	An Act To Authorize a General Fund Bond Issue To Improve Intermodal Infrastructure	ONTP
LD 1090	An Act To Authorize a General Fund Bond Issue To Expand Nursing Programs at Maine's Seven Community Colleges	ONTP
LD 1101	An Act To Authorize a General Fund Bond Issue To Support Waterfront Development	ONTP
LD 1105	An Act To Authorize a General Fund Bond Issue To Revitalize Maine's Downtowns through Innovative Business Development and the Creative Economy	ONTP
LD 1125	An Act To Authorize a General Fund Bond Issue To Expand Public Water Infrastructure to Areas with Contaminated Well Water	ONTP
LD 1163	An Act To Authorize a General Fund Bond Issue To Fund Main Street and Downtown Economic Development Projects	ONTP
LD 1180	An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund	ONTP

LD 1418	An Act To Authorize a Matching General Fund Bond Issue for Improvements to the Seven Community College Campuses	ONTP
LD 1492	An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Economy and Communities	ONTP
LD 1767	An Act To Authorize a General Fund Bond Issue for the Purchase of the Bar Harbor Ferry Terminal	ONTP

**HHS: Aging and Long-term Care**

**Enacted**

LD 538	An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards	PUBLIC 582
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**Not Enacted**

LD 62	An Act To Provide Additional Funding for Respite Care for the Elderly and for Adults with Disabilities	ONTP
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**HHS: Healthcare**

**Not Enacted**

LD 230	An Act To Establish the Commission on Health Care Cost and Quality	ONTP
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**HHS: Medicaid/MaineCare**

**Enacted**

LD 390	An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services	P & S 29 EMERGENCY
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**Not Enacted**

LD 276	Resolve, To Improve Access to Oral Health Care for MaineCare Recipients	ONTP
LD 488	An Act To Improve Access to Home-based and Community-based Care in the MaineCare Program	ONTP
LD 928	An Act To Improve MaineCare Nursing Home Reimbursement To Preserve Access and Promote Quality	ONTP
LD 1188	Resolve, Directing the Department of Health and Human Services To Amend Its Rules of Reimbursement under the MaineCare Program for Audiology and Speech-language Pathology Services	ONTP

**HHS: Mental Health**

**Not Enacted**

LD 87	An Act To Improve Community Mental Health Treatment	ONTP
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**HHS: Oral Health/Dental Care**

**Not Enacted**

LD 499	An Act To Promote Dental Care for Low-income Populations	ONTP
LD 804	An Act To Improve Preventive Dental Health Care and Reduce Costs in the MaineCare Program	ONTP

**HHS: Public Health**

**Not Enacted**

LD 180	An Act Concerning the Use of Tobacco Settlement Funds for Children's Health Care	ONTP
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**HHS: Substance Abuse**

**Not Enacted**

LD 951	An Act To Repeal the 2-year Limit on Methadone and Suboxone Treatments under MaineCare	ONTP
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**JUD: Courts and Court Procedure**

**Not Enacted**

LD 864 An Act Regarding Service of Small Claims Notices ONTP  
LD 1445 An Act To Facilitate Children's Testimony ONTP

**JUD: Courts, Jury Duty**

**Not Enacted**

LD 1424 An Act To Increase Mileage Reimbursement and Compensation for Jurors ONTP

**JUD: Criminal Law and Procedure**

**Not Enacted**

LD 549 An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions ONTP

**JUD: Legal Services**

**Not Enacted**

LD 396 An Act To Appropriate Sufficient Funds for Indigent Legal Services ONTP

**LCED: Economic Development-Programs**

**Not Enacted**

LD 1354 An Act To Create the Aging in Place Program ONTP

**LCED: Employment Practices**

**Not Enacted**

LD 1157 An Act To Establish the Fair Chance for Employment Act ONTP

**LCED: Occupational and Professional Regulation**

**Not Enacted**

LD 933 An Act To Establish a State Board of Dental Hygiene Veto Sustained

**MAR: Lobsters and Crabs**

**Not Enacted**

LD 182 An Act To Support the Maine Lobster Industry ONTP

**Miscellaneous Funding and Other Requests**

**Enacted**

LD 1855 An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach P & S 28 EMERGENCY

**Not Enacted**

LD 939 An Act To Restore Maine's Groundfishing Industry ONTP  
LD 1593 Resolve, To Eliminate Financial Inequality in MaineCare Reimbursement for Community-based Behavioral Health Services Veto Sustained  
LD 1639 An Act To Fund Merit and Longevity Pay for Executive, Judicial and Legislative Branch Employees Pursuant to a Collective Bargaining Agreement ONTP  
LD 1719 An Act To Improve Education about and Awareness of Maine's Health Laws and Resources and To Increase the Reimbursement Rate for Adult Day Services Veto Sustained  
LD 1857 An Act To Expand Services to Persons Who Are Disabled or Elderly on Wait Lists by Reducing Revenue Sharing ONTP  
LD 1864 An Act To Support Nursing Facilities and Home Care for Seniors and Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas Died Between Houses

**State Employee and Teacher Retirement**

**Enacted**

LD 39	An Act To Expand the Number of Qualified Educators	PUBLIC 486
LD 232	An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers	PUBLIC 578 EMERGENCY
LD 1175	An Act To Review the Laws Governing Retirement Benefits for Certain State Employees	P & S 30
LD 1806	An Act To Implement the Recommendations Contained in the State Government Evaluation Act Review of the Maine Public Employees Retirement System	PUBLIC 602

**Not Enacted**

LD 137	An Act To Amend the Laws Governing Retirement under the Maine Public Employees Retirement System	ONTP
LD 186	An Act To Amend the Laws Governing Disability Retirement Determinations by the Maine Public Employees Retirement System	ONTP
LD 1142	An Act Regarding Correctional Officers' Retirement	ONTP
LD 1395	An Act Regarding the Cost-of-living Adjustment for Certain State Retirees When the Cost of Living Declines	ONTP
LD 1461	An Act To Require the State To Divest Itself of Assets Invested in the Fossil Fuel Industry	ONTP
LD 1473	An Act To Create a Public Option Pension System	ONTP
LD 1514	An Act To Reform the Maine Public Employees Retirement System	ONTP

**Tax Reform - Revenue Sharing**

**Not Enacted**

LD 713	An Act To Return Local Revenue Sharing to Full Funding	ONTP
LD 940	An Act To Reestablish State-municipal Revenue-sharing as a Compact between the State and Municipal Governments	ONTP

**TAX: Fuel Tax**

**Not Enacted**

LD 631	An Act To Change the Taxes on Fuel Purchased for Use Other Than on the Highways	ONTP
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**TAX: Income Tax Credits, Exemptions, Deductions and Incentives**

**Enacted**

LD 440	An Act To Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas	PUBLIC 599
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**Not Enacted**

LD 234	An Act To Provide Tax Treatment Consistency for Limited Liability Companies and S Corporations	ONTP
LD 436	An Act To Raise the Maximum 529 Plan Contribution Tax Deduction	ONTP
LD 455	An Act To Increase the State Earned Income Credit	ONTP

**TAX: Property Tax - Exemptions**

**Not Enacted**

LD 998	An Act To Provide Consistency in the Application of the Property Tax Exemption for Religious Organizations	ONTP
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**TAX: Sales Tax Exemptions, Exclusions or Refunds**

**Not Enacted**

LD 126	An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations	ONTP
LD 741	An Act To Promote Fairness in the Sales Tax Exemption for Vehicles Used in Interstate Commerce	ONTP
LD 979	An Act To Exempt the Sale of the United States Flag from the Sales Tax	ONTP

***VLA: Campaign Finance and Maine Clean Elections Act***

**Not Enacted**

LD 1309	An Act To Strengthen the Maine Clean Election Act	ONTP
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***VLA: Voting***

**Not Enacted**

LD 156	RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Early Voting and Voting by Absentee Ballot	Final Passage Failed
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*Joint Standing Committee on Criminal Justice and Public Safety*

**LD 111      An Act To Restrict the Sale, Purchase and Use of Fireworks in the State**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAJOIE CLEVELAND	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill repeals the provisions of law enacted in Public Law 2011, chapter 416 that permit the sale, purchase and use of consumer fireworks.

**Committee Amendment "A" (H-593)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 168      An Act To Establish Reasonable Restrictions on the Use of Fireworks**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C LAJOIE	OTP-AM ONTP	S-380

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish reasonable restrictions on the sale and use of fireworks in the State. This bill would establish a mechanism for reviewing and determining whether restrictions should be placed on the use of fireworks depending on factors, including, but not limited to:

1. The level of fire danger within the area at the time of intended use;
2. The presence of farm animals in the area, and the propensity of such animals to suffer adverse health effects from exposure to the noise accompanying fireworks or, as a result of fear resulting from exposure to such noise, to endanger others;
3. The interests of summer residents and tourists, and the interests of local businesses that provide services to such residents and tourists;
4. The interests of year-round residents in living without unreasonable disturbances to their peace and tranquility; and
5. The effects on veterans who suffer from post-traumatic stress disorder, for whom exposure to fireworks carries the potential to trigger debilitating symptoms that have severe and long-lasting effects on their health and ability to function.

The mechanism for reviewing and determining the establishment of fireworks restrictions must evaluate the impact of the use of fireworks on tourism in the State, and balance the interests of the private individuals who choose to use fireworks and the members of the public who are then necessarily exposed to those fireworks. Restrictions imposed on the use of fireworks may include, among other things, a requirement to obtain a permit from the State Fire Marshal, a requirement to obtain local fire permits, limitations on the times during the day, week or month that

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fireworks may be used and the establishment of firework-free zones throughout the State.

**Committee Amendment "A" (S-380)**

This amendment, which is the majority report of the committee, replaces the concept draft and makes the following changes to the consumer fireworks law.

1. It changes the hours that consumer fireworks can be used to specify that they may not be used before noon.
2. It prohibits the use of consumer fireworks whenever the Governor issues a proclamation prohibiting out-of-door fires.
3. It clarifies that the use of consumer fireworks may constitute loud and unreasonable noise under the disorderly conduct law pursuant to the Maine Revised Statutes, Title 17-A, section 501-A.

**LD 222      An Act Regarding the Issuance of a Permit To Carry a Concealed Handgun**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARKS	OTP-AM OTP-AM	H-730 H-739 SHAW S-547 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill makes the Chief of the State Police in the Department of Public Safety the sole issuing authority in the State for concealed weapons permits.

**Committee Amendment "A" (H-730)**

This amendment is the majority report and replaces the bill and does the following.

1. It amends the definition of "issuing authority" to remove the authority of municipal officers and councilors and assessors of plantations to issue concealed handgun permits, and makes the municipality's full-time chief of police the sole issuing authority for that municipality. If the municipality does not have a full-time chief of police, the Chief of the State Police is the issuing authority unless the municipality has an agreement with the county sheriff in the county in which the municipality is located to serve as that municipality's issuing authority.
2. It provides that a nonresident must have a valid concealed handgun permit in that person's state of residence before that person is eligible for a Maine concealed handgun permit unless that person's state of residence does not require a permit to carry a concealed handgun.
3. It provides that the State Police must conduct record checks on an applicant for a concealed handgun permit and provide that information to the issuing authority for consideration when processing the application. It expressly provides that unless the State Police is the issuing authority, the State Police does not have the power to issue or prevent the issuance of a concealed handgun permit. Only the issuing authority can make that determination.
4. It requires the State Police to establish a confidential database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the database must be accessible by law enforcement agencies or law enforcement officers at any time, and that information about a permit holder or an applicant must be purged from the database within five years after the permit expires or after the period for an appeal on a denial or a revocation of a permit has run.

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5. It authorizes the Attorney General to modify or reword the statutory application questions for a concealed handgun permit to improve readability and clarity as long as the subject matter of those questions is retained. It also requires the Attorney General to provide the proposed changes to the wording of the questions to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review.
6. It increases the application and renewal fee for a concealed handgun permit for a resident from \$35 to \$52.50, and from \$20 to \$52.50, respectively, and for a nonresident from \$60 to \$120. It also extends the period a permit is valid from four years to six years.
7. It allows applicants to provide signatures on concealed handgun permit applications by an electronic means approved by the State Police.
8. It allows the holder of a valid resident concealed handgun permit issued before January 1, 2016 to replace that permit with the new standard concealed handgun permit developed by the State Police on or before January 1, 2016 for a fee of \$15.
9. It provides that, by January 1, 2016, the State Police must develop and make available a uniform concealed handgun permit form, which must be used by all issuing authorities.
10. It provides that concealed handgun permit fees paid to the Treasurer of State must be deposited in a special revenue account for the sole purpose of reimbursing the issuing authority for expenditures related to the development and the issuance of concealed handgun permits.
11. It provides that the legislation does not apply to a valid concealed handgun permit issued before the effective date of the legislation. An application for a concealed handgun permit or for renewal of a valid existing concealed handgun permit submitted on or after the effective date of the legislation is subject to the provisions of the legislation.
12. It makes the changes to the current types of concealed handgun model forms the Attorney General must develop, effective January 1, 2016, to coincide with the date the State Police must produce a uniform concealed handgun permit.
13. It expands the issuing authority's access to records pertaining to patient committals to include all state mental health institutes and nonstate mental health institutions.

### **Committee Amendment "B" (H-731)**

This amendment is the minority report and allows a person who is not otherwise prohibited from possessing a handgun to carry a concealed handgun without a permit. It also allows the Chief of the State Police to enter into reciprocity agreements with another state to permit a person holding a Maine concealed handgun permit to carry a concealed handgun in the other state. This amendment requires a nonresident to have a valid concealed handgun permit in that person's state of residence before that person is eligible for a Maine concealed handgun permit unless that person's state of residence does not require a permit to carry a concealed handgun.

### **House Amendment "A" To Committee Amendment "A" (H-739)**

This amendment removes the requirement that a course that includes handgun safety taken by an applicant for a permit to carry a concealed handgun must have been taken by the applicant within five years prior to the date of application.

### **Senate Amendment "B" To Committee Amendment "A" (S-547)**

This amendment requires the State Controller to transfer \$157,175 no later than August 1, 2014 from the Gambling Control Board, Other Special Revenue Funds account to the unappropriated surplus of the General Fund, and provides an allocation of concealed handgun permit fees for positions in the Department of Public Safety for a

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concealed handgun permit database and to perform record checks.

**LD 297      An Act To Require Forest Rangers To Be Trained in Order To Allow  
Them To Carry Firearms**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY LACHOWICZ	OTP-AM ONTP	H-608 S-546 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill repeals two requirements: that the Commissioner of Conservation sell all bulletproof vests, firearms and related equipment and that the commissioner is prohibited from purchasing bulletproof vests, firearms or related equipment without specific authorization by the Legislature.

This bill requires the Director of the Division of Forestry within the Department of Agriculture, Conservation and Forestry to develop a policy that requires all forest rangers to attend and complete a law enforcement training course at the Maine Criminal Justice Academy as a condition of continued employment. Forest rangers employed as such on the day this bill takes effect are required to attend the 4-week preservice training course and forest rangers hired after the effective date are required to take the basic law enforcement training course. A forest ranger who has already attended a law enforcement training course at the Maine Criminal Justice Academy is exempt.

The bill also requires the State Supervisor of the forest protection unit in the Division of Forestry and the director of the Maine Criminal Justice Academy to develop a plan to provide training to forest rangers in the use of firearms, bulletproof vests and other related equipment. The State Supervisor is directed to develop a plan to furnish such firearms and equipment to those forest rangers for the performance of their law enforcement duties. The plans must be submitted to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Criminal Justice and Public Safety for review no later than November 1, 2013 and implemented, including furnishing firearms and related equipment, no later than January 1, 2014.

**Committee Amendment "A" (H-608)**

This amendment is the majority report. It removes the requirement that forest rangers complete firearms training by a date certain and instead requires forest rangers with limited enforcement powers under the Maine Revised Statutes, Title 12, section 8901 to take at least seven hours of firearms classroom work and at least forty hours of firearms training on a firing range taught by an instructor certified by the Maine Criminal Justice Academy. In addition, it requires forest rangers to take at least eight hours of training regarding the use of force taught by the Office of the Attorney General and at least another eight hours of training on weapon retention and use-of-force scenarios taught by a Maine Criminal Justice Academy instructor.

The bill requires the State Supervisor of the forest protection unit in the Bureau of Forestry and the director of the Maine Criminal Justice Academy to develop a plan to provide training to forest rangers in the use of firearms, bulletproof vests and other related equipment. The State Supervisor is directed to develop a plan to furnish such firearms and equipment to those forest rangers for the performance of their law enforcement duties. This amendment changes the date by which these plans must be reported and implemented from November 1, 2013 to November 1, 2014 and from January 1, 2014 to January 1, 2016, respectively.

**Senate Amendment "B" To Committee Amendment "A" (S-546)**

This amendment deappropriates from Personal Services in the Division of Forest Protection account within the Department of Agriculture, Conservation and Forestry to recognize salary savings from managing vacancies. This offsets the General Fund appropriations still in the bill.

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**LD 502      An Act To Allow County Jails To Apply Savings to Debt Service without  
a Reduction in State Payments**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill allows the county jails to apply savings from the county's correctional budget to jail debt service without a reduction in payments from the State Board of Corrections.

**Committee Amendment "A" (S-374)**

This amendment, which is the minority report of the committee, provides clarification by replacing the term "efficiencies" with "reduced jail expenditures."

**LD 662      An Act Regarding Sexually Explicit Text Messaging by Minors**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO TUTTLE	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to prohibit sexually explicit text messaging, also known as sexting, by a minor in a manner different from the prohibition in current law. Sexting is the act of recording, copying or transmitting images, photographs or videos of a person's breasts, genitals, anus or pubic area using a telephone, computer, camera, memory device or other piece of electronic equipment. Sexting is a practice that is common and widespread among minors in the State, with minors sexting images of themselves and of other minors with and without consent of the persons who are the subjects of the images. The current provisions in the criminal law that prohibit sexting images of a minor do not except minors, even minors who transmit images of themselves, and potentially subject minors prosecuted for sexting to being listed on the sex offender registry for life.

This bill would create exceptions or other avenues in the law to discourage sexting by minors and provide educators and other adults with tools to prevent sexting and to punish minors short of treating them as sexual predators or serious criminals as current law does.

**Committee Amendment "A" (H-586)**

This amendment is the minority report. It directs the Criminal Law Advisory Commission to study the legal and policy ramifications of a minor texting a sexually explicit image of that minor or another minor. It also requires the commission to report its findings, recommendations and any proposed legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2015.

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**LD 1513      Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System** **ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This resolve requires the Department of Corrections, the Department of Education, the Department of Health and Human Services and the Department of Labor to fund, support the administration of and provide staffing for the statewide coordinated services district system established pursuant to Resolve 2009, chapter 204 to coordinate and implement service delivery initiatives to increase high school graduation rates, reduce the number of youth in the juvenile justice system, reduce child abuse and neglect and increase employment opportunities for youth.

**LD 1588      An Act To Amend the Laws Regarding the Maine Correctional Center and To Establish the Bolduc Correctional Facility in Statute** **PUBLIC 508**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION PLUMMER	OTP-AM OTP-AM	H-696

This bill changes the title of the chief administrative officer of the Maine Correctional Center from "superintendent" to "warden." It also provides that a corrections officer, corrections supervisor or law enforcement officer is justified in using deadly force against a person confined in the Maine Correctional Center when the officer or supervisor reasonably believes that deadly force is necessary to prevent an escape from custody.

**Committee Amendment "A" (H-696)**

This amendment is the majority report of the committee and does the following.

1. It removes the provisions of the bill that authorize a corrections officer at the Maine Correctional Center to use deadly force against an inmate.
2. It establishes the existing Bolduc Correctional Facility in statute following the language that established the Charleston Correctional Facility and the Downeast Correctional Facility.
3. It makes technical changes to the bill.

**Committee Amendment "B" (H-697)**

This amendment is the minority report and establishes the existing Bolduc Correctional Facility in statute following the language that established the Charleston Correctional Facility and the Downeast Correctional Facility. It also makes technical changes to the bill.

**Enacted Law Summary**

Public Law 2013, chapter 508 changes the title of the chief administrative officer of the Maine Correctional Center from "superintendent" to "warden" and establishes the existing Bolduc Correctional Facility in statute following the language that established the Charleston Correctional Facility and the Downeast Correctional Facility.

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**LD 1589      Resolve, To Ensure Notification to the Public of the Location in Maine  
of Persons Convicted in Foreign Countries of Certain Crimes**

**RESOLVE 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER BURNS	ONTP OTP-AM	H-600 H-619    MAKER

This bill applies the requirements of the Sex Offender Registration and Notification Act of 2013 to a person who is sentenced on or after January 1, 2015 in a foreign country for an offense that, if committed in this State, would subject that person to inclusion on this State's sex offender registry.

**Committee Amendment "A" (H-600)**

This amendment is the minority report. It restricts the application of the provisions of the bill to the foreign countries of Canada, the United Kingdom, New Zealand, and Australia.

**House Amendment "A" To Committee Amendment "A" (H-619)**

This amendment amends Committee Amendment "A" to strike the bill and directs the Commissioner of Public Safety to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association, the Attorney General and the commissioner to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry.

The amendment directs the commissioner to submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

**Enacted Law Summary**

Resolve 2013, chapter 97 directs the Commissioner of Public Safety to convene a task force that includes members of the Maine Sheriffs' Association, members of the Maine Chiefs of Police Association, the Attorney General and the commissioner to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. It also directs the Commissioner of Public Safety to submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

**LD 1590      An Act To Amend the Operating-under-the-influence Laws**

**PUBLIC 459  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING GERZOFKY	OTP-AM	H-614

This bill amends the laws regarding operating under the influence, or OUI, in the following ways.

1. It increases the minimum administrative license suspension imposed by the Secretary of State to 150 days for a person convicted of OUI once in a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for the same crime.
2. It increases the minimum administrative license suspension imposed by the Secretary of State to eight years for a

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person convicted of four or more OUI offenses within a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for a person convicted of OUI when that person has been convicted of OUI three or more times within a ten-year period at the time of sentencing.

3. It clarifies that the license of a person convicted of OUI who installs an ignition interlock device may be reinstated by paying a reinstatement fee of \$50 and an administrative fee of \$50.

### **Committee Amendment "A" (H-614)**

This amendment does the following.

1. It removes references to "breath" from the evidentiary rules because police no longer use balloon kits for breath analysis; police now use a self-contained, breath-alcohol testing apparatus.
2. It amends the law governing the administration of tests for the presence of drugs to remove antiquated references to drug "concentrations" and replaces them with "the presence of drugs or drug metabolites." The inclusion of metabolites conforms this section of law with other laws pertaining to drug testing.
3. It removes a reference to the Department of Health and Human Services in the statute that provides liability protection for people who draw blood at the request of a law enforcement officer, because the department no longer certifies this group of people. It also explicitly provides liability protection for people whose occupational license or training allows them to draw blood.

### **Enacted Law Summary**

Public Law 2013, chapter 459 amends the laws regarding operating under the influence, or OUI, in the following ways.

1. It increases the minimum administrative license suspension imposed by the Secretary of State to 150 days for a person convicted of OUI once in a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for the same crime.
2. It increases the minimum administrative license suspension imposed by the Secretary of State to eight years for a person convicted of four or more OUI offenses within a ten-year period. This length of suspension mirrors the length of suspension imposed by the court for a person convicted of OUI when that person has been convicted of OUI three or more times within a ten-year period at the time of sentencing.
3. It clarifies that the license of a person convicted of OUI who installs an ignition interlock device may be reinstated by paying a reinstatement fee of \$50 and an administrative fee of \$50.
4. It removes references to "breath" from the evidentiary rules because police no longer use balloon kits for breath analysis; police now use a self-contained, breath-alcohol testing apparatus.
5. It amends the law governing the administration of tests for the presence of drugs to remove antiquated references to drug "concentrations" and replaces them with "the presence of drugs or drug metabolites." The inclusion of metabolites conforms this section of law with other laws pertaining to drug testing.
6. It removes a reference to the Department of Health and Human Services in the statute that provides liability protection for people who draw blood at the request of a law enforcement officer, because the department no longer certifies this group of people. It also explicitly provides liability protection for people whose occupational license or training allows them to draw blood.

Public Law 2013, chapter 459 was enacted as an emergency measure effective March 12, 2014.

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**LD 1616 An Act Regarding Appointments of Certain Positions in the Department of Corrections**

**PUBLIC 491**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION PLUMMER	OTP-AM	H-677

This bill eliminates one associate commissioner position and creates a deputy commissioner position in the Department of Corrections, and it changes the positions to be appointed by the Commissioner of Corrections. It authorizes the commissioner to appoint regional correctional administrators as necessary.

**Committee Amendment "A" (H-677)**

This amendment prohibits the Commissioner of Corrections from appointing a person to any of the positions changed or specified by the bill as subject to appointment by the commissioner until the person serving in that position on the effective date of the legislation no longer serves in that position.

**Enacted Law Summary**

Public Law 2013, chapter 491 eliminates one associate commissioner position and creates a deputy commissioner position in the Department of Corrections, and it changes the positions to be appointed by the Commissioner of Corrections. It also authorizes the commissioner to appoint regional correctional administrators as necessary.

This law prohibits the Commissioner of Corrections from appointing a person to any of the positions changed or specified by this law as subject to appointment by the commissioner until the person serving in that position on the effective date of Public Law 2013, chapter 491 no longer serves in that position.

**LD 1656 An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault**

**PUBLIC 478  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN HERBIG	OTP-AM	S-409

Current law limits the ability of bail commissioners to set preconviction bail in cases involving domestic violence; as a result, the period of time between the arrest and the setting of bail by a judge or justice for alleged perpetrators of domestic violence may be greater than it is with other crimes. In order to increase the safety of victims of domestic violence during the period between arrest and the setting of bail, this bill provides that a person is guilty of improper contact prior to the establishment of bail if, while being detained as a result of the person's arrest for specified domestic violence offenses and prior to the establishment of preconviction bail, the person intentionally or knowingly makes direct or indirect contact with the victim of the alleged crime.

Current law also requires that law enforcement officers use and be trained in how to administer an evidence-based domestic violence risk assessment. In order to increase the ability of Maine criminal justice agencies to use information gathered in the course of the risk assessment to keep victims and families safe, this bill permits those agencies to share confidential criminal history record information with advocates for the purpose of planning for the safety of a victim of domestic violence.

This bill also expands the definition of "advocate" to include an employee or volunteer of a Maine tribal program. Under this bill, an advocate who receives confidential criminal history record information must use the information solely for the purpose of planning for the safety of a victim of domestic violence and is prohibited from further disseminating the information.

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This bill also clarifies that once a person is certified as a participant in the Address Confidentiality Program that person's actual residential street, school or work address or United States Postal Service address may not be used or disclosed by any state or local agency or the courts unless such use or disclosure is approved by the Secretary of State under the circumstances set forth in the program.

### **Committee Amendment "A" (S-409)**

The amendment:

1. Changes the title of the bill to include victims of sexual assault; and
2. Provides that prior to criminal liability for the crime, county jail staff must notify a defendant arrested for a domestic violence offense or sexual assault, and prior to the setting of bail, not to make direct or indirect contact with a specifically identified family or household member who is the victim of the offense.

The bill permits a law enforcement agency to share confidential criminal history record information with an advocate for the sole purpose of planning for the safety of a victim of domestic violence. This amendment also allows the sharing of this information with an advocate of a victim of sexual assault for the same purpose.

This amendment also directs the State Board of Corrections to establish a minimum, uniform policy by June 1, 2014, for notifying defendants detained at a county jail or other correctional facility after being arrested for a domestic violence offense or sexual assault, and prior to the setting of preconviction bail by a justice or judge, that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

Finally, the amendment adds an emergency preamble and emergency clause.

### **Enacted Law Summary**

Public Law 2013, chapter 478 creates the new crime of improper contact with a family or household member prior to the setting of preconviction bail, which applies in cases of domestic violence and sexual assault. It provides that prior to criminal liability for the crime, county jail staff must notify a defendant arrested for a domestic violence offense or sexual assault, and prior to the setting of bail, not to make direct or indirect contact with a specifically identified family or household member who is the victim of the offense. Prior to the enactment of Public Law 2013, chapter 475, the law limited the ability of bail commissioners to set preconviction bail in cases involving domestic violence; as a result, the period of time between the arrest and the setting of bail by a judge or justice for alleged perpetrators of domestic violence may be greater than it is with other crimes. This law increases the safety of victims of domestic violence during the period between arrest and the setting of bail.

Current law also requires that law enforcement officers use and be trained in how to administer an evidence-based domestic violence risk assessment. In order to increase the ability of Maine criminal justice agencies to use information gathered in the course of the risk assessment to keep victims and families safe, Public Law 2013, chapter 478 permits those agencies to share confidential criminal history record information with advocates for the purpose of planning for the safety of a victim of domestic violence.

This law expands the definition of "advocate" to include an employee or volunteer of a Maine tribal program and provides that an advocate who receives confidential criminal history record information must use the information solely for the purpose of planning for the safety of a victim of domestic violence and is prohibited from further disseminating the information. It permits a law enforcement agency to share confidential criminal history record information with an advocate. Public Law 2013, chapter 478 also clarifies that once a person is certified as a participant in the Address Confidentiality Program that person's actual residential street, school or work address, or United States Postal Service address may not be used or disclosed by any state or local agency, or the courts unless such use or disclosure is approved by the Secretary of State under the circumstances set forth in the program.

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This law also directs the State Board of Corrections to establish a minimum, uniform policy by June 1, 2014, for notifying defendants detained at a county jail or other correctional facility after being arrested for a domestic violence offense or sexual assault, and prior to the setting of preconviction bail by a justice or judge, that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

Public Law 2013, chapter 478 was enacted as an emergency measure effective March 16, 2014.

**LD 1672 An Act To Amend Maine's Emergency Management Laws**

**PUBLIC 462**

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

This bill changes language in various provisions of the Maine Revised Statutes to conform with the current terminology of the Department of Defense, Veterans and Emergency Management. It also allows disbursements from the Emergency Response Commission Fund to be made for hazardous materials incident response equipment and supplies.

**Enacted Law Summary**

Public Law 2013, chapter 462 changes language in various provisions of the Maine Revised Statutes to conform with the current terminology of the Department of Defense, Veterans and Emergency Management. It also allows disbursements from the Emergency Response Commission Fund to be made for hazardous materials incident response equipment and supplies.

**LD 1679 An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Training, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff at the Maine State Prison and HIV Prevention Education**

**PUBLIC 591**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION PLUMMER	OTP-AM	H-617 S-540 HILL

This bill provides ongoing funding for the Department of Public Safety, Maine Criminal Justice Academy.

**Committee Amendment "A" (H-617)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" To Committee Amendment "A" (S-540)**

This amendment changes the title of the bill and, in addition to the funding provided to the Maine Criminal Justice Academy in the bill, provides funding to:

1. The Department of Economic and Community Development to support the code enforcement officer training and certification program;
2. The Maine Lakes Society to manage and analyze certain data to assist with water pollution control, water quality protection and other environmental training programs;
3. The Department of Education for HIV prevention training and education;

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- 4. The Department of Administrative and Financial Services, Bureau of Revenue Services for three positions to allow the bureau to address tax collection cases; and
- 5. The Department of Corrections for three months of contracted clinical staff to a mental health unit at the Maine State Prison.

This amendment also transfers funds from the Gambling Control Board in the Department of Public Safety to the General Fund.

**Enacted Law Summary**

Public Law 2013, chapter 591 provides funding for the following:

- 1. The Department of Public Safety, Maine Criminal Justice Academy, to support the activities of the Academy;
- 2. The Department of Economic and Community Development to support the code enforcement officer training and certification program;
- 3. The Maine Lakes Society to manage and analyze certain data to assist with water pollution control, water quality protection and other environmental training programs;
- 4. The Department of Education for HIV prevention training and education;
- 5. The Department of Administrative and Financial Services, Bureau of Revenue Services for three positions to allow the bureau to address tax collection cases; and
- 6. The Department of Corrections for three months of contracted clinical staff to a mental health unit at the Maine State Prison.

Public Law 2013, chapter 591 also transfers funds from the Gambling Control Board in the Department of Public Safety to the General Fund.

**LD 1729 An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence**

**PUBLIC 604**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARKS	OTP-AM	H-729

This bill increases the period of time for calculating a prior conviction for operating under the influence from 10 years to 15 years.

**Committee Amendment "A" (H-729)**

This amendment does the following.

- 1. It removes the provisions of the bill that increase the period of time for calculating a prior conviction for operating under the influence from 10 years to 15 years.
- 2. It amends the laws governing criminal operating under the influence to provide that the period of time for the calculation of a prior conviction for a Class B or C crime of operating under the influence is unlimited.
- 3. It changes the time from which a prior conviction is calculated from the date of the docket entry of conviction to

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the date the sentence is imposed.

**Enacted Law Summary**

Public Law 2013, chapter 604 amends the laws governing criminal operating under the influence to provide that the period of time for the calculation of a prior conviction for a Class B or C crime of operating under the influence is unlimited. It also changes the time from which a prior conviction is calculated from the date of the docket entry of conviction to the date the sentence is imposed.

**LD 1764 An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes**

**PUBLIC 519**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP	H-698

This bill implements the following Criminal Law Advisory Commission recommendations.

1. In regard to the prohibition on the possession of firearms for certain persons, it adds an exception to the prohibition for a person under a deferred disposition until sentence imposition.
2. In the laws concerning limitations on the authority of a bail commissioner to set bail for an alleged violation of a condition of release, it imposes the same limitations on the setting of post-conviction bail as previously imposed on the setting of preconviction bail for that alleged violation.
3. It makes a technical correction to the laws concerning competency of a juvenile.
4. It adds a justice of the peace to those judicial officers authorized to issue a warrant to obtain portable electronic device content information and to obtain location information and, as to the latter, grant an extension of the warrant.
5. In the laws concerning computer crimes in the Maine Criminal Code, it adds a definition for "criminal justice agency."
6. In the laws concerning deferred disposition in the Maine Criminal Code, it clarifies that preconviction bail applies to a person on a deferred disposition until sentence imposition notwithstanding the definition of "preconviction" for purposes of the Maine Bail Code.
7. It replaces an outdated directive to reflect recent changes made to the Maine Revised Statutes, Title 17-A, section 1304 regarding the proration of sentences for inmates committed to the custody of a sheriff for nonpayment of fines.

**Committee Amendment "A" (H-698)**

This amendment is the majority report and amends the provision of the bill regarding the prohibition on the possession of firearms by certain persons in cases involving a deferred disposition. The bill provides that in cases of deferred disposition, a person is deemed to have been convicted when the court imposes the sentence; however, this amendment provides that in cases involving certain crimes, including domestic violence crimes, the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.

**Enacted Law Summary**

Public Law 2013, chapter 519 implements the following Criminal Law Advisory Commission recommendations.

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1. In regard to the prohibition on the possession of firearms for certain persons, it adds an exception to the prohibition for a person under a deferred disposition until sentence imposition, but it excludes from that exception cases involving certain crimes, including domestic violence crimes, in which case the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.
2. It provides that in cases involving certain crimes, including domestic violence crimes, the person is prohibited from possessing a firearm when the deferred disposition period begins and not at the point when the sentence is imposed.
3. In the laws concerning limitations on the authority of a bail commissioner to set bail for an alleged violation of a condition of release, it imposes the same limitations on the setting of post-conviction bail as previously imposed on the setting of preconviction bail for that alleged violation.
4. It adds a justice of the peace to those judicial officers authorized to issue a warrant to obtain portable electronic device content information and to obtain location information and, as to the latter, grant an extension of the warrant.
5. In the laws concerning computer crimes in the Maine Criminal Code, it adds a definition for "criminal justice agency."
6. In the laws concerning deferred disposition in the Maine Criminal Code, it clarifies that preconviction bail applies to a person on a deferred disposition until sentence imposition notwithstanding the definition of "preconviction" for purposes of the Maine Bail Code.
7. It replaces an outdated directive to reflect recent changes made to the Maine Revised Statutes, Title 17-A, section 1304 regarding the proration of sentences for inmates committed to the custody of a sheriff for nonpayment of fines.
8. It makes a technical correction to the laws concerning competency of a juvenile.

**LD 1765      An Act To Establish the Criminal Law Revision Commission**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	S-426 S-549 HILL

This bill is an emergency measure and:

1. Establishes the 13-member Criminal Law Revision Commission for the purpose of examining all criminal statutes within the Maine Revised Statutes, and the administration of those statutes to ensure their clarity and consistency, the proportionality of penalties to offenses and the effectuation of policy objectives;
2. Provides that the membership of the commission must include four members of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, the Attorney General or a designee, a member of the judicial branch who is not a judge or a justice, the chair of the Criminal Law Advisory Commission or a designee, a member representing a statewide criminal defense association, a member representing a statewide prosecutors association, and two members appointed by the Governor. It also provides for two nonvoting members who are active or retired judges or justices;
3. Directs the commission to begin its work with the Maine Criminal Code before working on crimes outside of the Maine Criminal Code. It also requires the commission to report its findings and recommendations to the second regular session of each Legislature starting with the 127th Legislature and authorizes the commission to submit legislation to effectuate its recommendations;

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4. Provides that operations and staffing of the commission are dependent on adequate funding, and that the commission must postpone its operations if funding and staffing levels are not sufficient to allow the commission to fully and effectively carry out its duties. The commission must notify the Legislature in writing at least 30 days prior to postponing activities that it no longer has sufficient funding to continue its work;
5. Provides that, if funding is not available for staffing support, the commission may request staffing assistance from the Legislative Council, subject to certain restrictions;
6. Provides an appropriation of \$155,000 in fiscal year 2013-14 and \$2,500 every year thereafter to contract for a chief counsel and staffing support; and
7. Repeals the Criminal Law Revision Commission on October 1, 2017.

**Committee Amendment "A" (S-426)**

This amendment strikes and replaces the appropriations and allocations section of the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-549)**

This amendment removes the appropriations section that provides funds for staff for, and the per diem and expenses of Legislators serving on, the Criminal Law Revision Commission and replaces it with an allocation of Other Special Revenue Funds. This amendment also requires the Attorney General to seek outside funding for the work of the commission. The amendment provides for an effective date of July 1, 2015, or when the Attorney General is able to identify, and the State Controller to transfer, \$159,000 for this purpose to the Legislature, whichever occurs first. Any funds identified or received by the Attorney General for the Criminal Law Revision Commission on or after July 1, 2015, must be transferred by the State Controller to the Legislature, Criminal Law Revision Commission, Other Special Revenue Funds account established for the purposes of this Act.

This amendment also removes the emergency preamble and emergency clause.

**LD 1782     An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-427

This bill implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act enacted by Public Law 2013, chapter 267. Specifically, the bill makes changes to the Maine Revised Statutes, Title 16 as follows:

1. Amends section 703, subsection 2, paragraph E by replacing the phrase "indefinitely postponed" with the phrase "postponed for a period of more than one year";
2. Amends section 705, subsection 3 by replacing the incorrect term "use" in the final sentence with "employment";
3. Amends section 804 by adding the omitted words "is or" to conform with section 802, and includes the inadvertently omitted word "Maine" before the term "criminal justice agency";

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4. Amends section 805, subsection 3, paragraph B by adding "or court decision" for purposes of completeness;
5. Amends section 806, subsection 1 by adding government agencies or subunits of government agencies in this State or another state that by statute are responsible for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults, and changing the conditions under which intelligence and investigative record information may be provided to these agencies and investigatory agencies. The licensing agencies were unintentionally omitted from subsection 1 when it replaced former section 614, subsection 3, paragraphs B and B-1;
6. Amends section 806, subsection 2 by adding "foster parent or guardian" for purposes of completeness;
7. Amends section 807 by adding the inadvertently omitted word "Maine" before the words "criminal justice agency"; and
8. Amends section 809 by adding the inadvertently omitted word "confidential" to describe the words "intelligence and investigative record information."

The bill also makes a correction in Title 20-A. It amends Title 20-A, section 6103, subsection 1 to correct an error made in Public Law 2013, chapter 267 concerning sharing criminal history record information with the Department of Education. The law prior to 2013 authorized the sharing of conviction data, which was defined to be public information. Chapter 267 inadvertently and incorrectly revised the type of information available to confidential criminal history record information. The bill corrects that error by limiting the information to be provided to the Department of Education to public criminal history record information and corrects a cross-reference.

### **Committee Amendment "A" (S-427)**

This amendment amends the Maine Revised Statutes, Title 16, section 703, subsection 2, paragraph F regarding confidential criminal history record information to be consistent with other changes proposed in the bill. This recommendation of the Criminal Law Advisory Commission was inadvertently omitted from the bill.

It also restores the ability of an insurer to receive confidential investigative records. Public Law 2013, chapter 267, Part A, section 3 inadvertently changed the long-standing practice of law enforcement's sending this information to insurers.

### **Enacted Law Summary**

Public Law 2013, chapter 507 implements the recommendations of the Criminal Law Advisory Commission to make technical amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act enacted by Public Law 2013, chapter 267. Specifically, Public Law 2013, chapter 507 makes changes to the Maine Revised Statutes, Title 16 as follows:

1. Amends section 703, subsection 2, paragraph E by replacing the phrase "indefinitely postponed" with the phrase "postponed for a period of more than one year";
2. Amends section 705, subsection 3 by replacing the incorrect term "use" in the final sentence with "employment";
3. Amends section 804 by adding the omitted words "is or" to conform with section 802, and includes the inadvertently omitted word "Maine" before the term "criminal justice agency";
4. Amends section 805, subsection 3, paragraph B by adding "or court decision" for purposes of completeness;
5. Amends section 806, subsection 1 by adding government agencies or subunits of government agencies in this State or another state that by statute are responsible for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults and changing the conditions under which intelligence and

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investigative record information may be provided to these agencies and investigatory agencies. The licensing agencies were unintentionally omitted from subsection 1 when it replaced former section 614, subsection 3, paragraphs B and B-1;

- 6. Amends section 806, subsection 2 by adding "foster parent or guardian" for purposes of completeness;
- 7. Amends section 807 by adding the inadvertently omitted word "Maine" before the words "criminal justice agency";
- 8. Amends section 809 by adding the inadvertently omitted word "confidential" to describe the words "intelligence and investigative record information";
- 9. Amends Title 20-A, section 6103, subsection 1 to correct an error made in Public Law 2013, chapter 267, concerning sharing criminal history record information with the Department of Education. The law prior to 2013 authorized the sharing of conviction data, which was defined to be public information. Chapter 267 inadvertently and incorrectly revised the type of information available to confidential criminal history record information. Public Law 2013, chapter 507 corrects that error by limiting the information to be provided to the Department of Education to public criminal history record information and corrects a cross-reference; and
- 10. Restores the ability of an insurer to receive confidential investigative records.

**LD 1810      An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility      Accepted Majority (ONTP) Report**

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

This bill makes it a Class C crime if a person who is required to maintain proof of financial responsibility operates a vehicle, or allows the operation of that vehicle, on a public way without such proof and that vehicle is involved in an accident that results in severe bodily injury while being operated on the public way. This bill also increases from a Class E to a Class D crime the penalty for such a person operating a vehicle or allowing the operation of a vehicle without proof of financial responsibility.

**Committee Amendment "A" (S-455)**

This amendment is the minority report and changes the phrase "severe bodily injury" to "serious bodily injury" to conform to the language used in the Maine Criminal Code.

**LD 1811      An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER	OTP-AM OTP-AM OTP-AM	S-498

This bill creates four new District Court Judge positions within the Judicial Department. These judges must hear and decide drug-related criminal cases and sit in the cities of Presque Isle, Bangor, Lewiston and Portland.

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This bill provides funding for 14 Investigative Agent positions in the Department of Public Safety, Maine Drug Enforcement Agency and funding for training and costs associated with conducting investigations.

This bill also provides funding for four Assistant Attorney General positions in the Department of the Attorney General that will be dedicated to prosecuting drug crimes.

**Committee Amendment "A" (S-498)**

This amendment is the majority report. It creates two new District Court Judge positions within the Judicial Department instead of four as proposed in the bill. These judges are appointed to the District Court in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment provides ongoing funding for two Assistant Attorney General positions in the Department of the Attorney General dedicated to prosecuting drug crimes instead of four as proposed in the bill.

This amendment reduces the ongoing General Fund appropriation to the Department of Public Safety to support drug enforcement activities from \$1,692,123 to \$920,812.

Finally, this amendment also provides an ongoing General Fund appropriation of \$750,000 to the Department of Health and Human Services for substance abuse treatment programs.

**Committee Amendment "C" (S-500)**

This amendment is a minority report. It provides that the four new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously, and adds a General Fund appropriation for the appointment of the four new judges and their support staff.

**Committee Amendment "B" (S-499)**

This amendment is a minority report of the committee and provides that four new judge positions are appointed to the District Court and assigned in a manner that ensures geographic distribution and the ability of the court to address drug-related criminal matters expeditiously.

This amendment requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to develop a plan that includes proposed rules and any legislation needed to implement the personal use, taxation, and regulation of marijuana. The bureau is required to report its plan to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 31, 2015 and authorizes the joint standing committee to report out legislation, which includes enforcement and prosecution of drug crimes, and the treatment of substance abuse, to the First Regular Session of the 127th Legislature.

This amendment amends the bill by submitting the question of legalizing and taxing marijuana to voters in the State at a referendum, and makes establishing the new positions related to the enforcement and prosecution of drug crimes contingent on the availability of sufficient funding received from tax revenues on the sale of marijuana.

**LD 1814 An Act To Create a Secure, Therapeutic Mental Health Unit**

**ONTP**

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

This bill provides for the establishment of a secure, therapeutic mental health unit for defendants undergoing court-ordered assessments to determine their competency to stand trial or their criminal culpability. This bill also

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provides therapeutic care for forensic patients and authorizes involuntary placement in or transfer to the secure, therapeutic mental health unit for civilly committed patients with mental illness who pose a likelihood of serious harm to others. The bill establishes the unit as follows.

1. It directs the Commissioner of Corrections and the Commissioner of Health and Human Services to enter into an agreement to establish the unit with the sheriff of either Cumberland County or Somerset County.
2. It directs the Department of Corrections to provide security for the unit. Security staff must be dedicated to the unit and trained to provide security in a mental health hospital environment.
3. It directs the Department of Corrections to provide therapeutic mental health care for the unit. The therapeutic mental health care must meet standards established by a national organization on correctional facilities mental health standards. The Department of Health and Human Services may also provide mental health services to the unit upon agreement with the Department of Corrections and the county jail.
4. It requires that the population in a secure, therapeutic mental health unit be separated by sight and sound from the general jail population, and that forensic patients and civil patients must also be separated by sight and sound within the unit.
5. It specifies that a person under a court order to undergo a mental evaluation by the State Forensic Service must be admitted in the unit unless the Department of Health and Human Services determines that the person's mental health condition contraindicates admittance to the unit, the person is an inmate at a state correctional facility, or there is not a suitable bed available.
6. It also provides that a person not in a state correctional facility who poses a likelihood of serious harm must be admitted to the unit unless the Commissioner of Health and Human Services determines that the person's mental health condition contraindicates admittance to the unit or the unit does not have a suitable bed. Inmates with mental illness housed in a state correctional facility must be treated at the Maine State Prison's mental health unit and are not eligible to be admitted to the unit.

This bill establishes a procedure through which a patient who has been involuntarily committed to a state mental health institute may be involuntarily transferred to the secure, therapeutic mental health unit upon the order of a clinical review panel and after completion of a procedure that protects the rights of the patient and provides due process.

It also authorizes a court, in the process of ordering involuntary civil commitment for a person, to order placement in the secure, therapeutic mental health unit and provides for transfer of physical custody to a state mental health institute at the end of the order of involuntary placement.

**LD 1824      An Act To Provide Additional Authority to the State Board of Corrections**

**PUBLIC 598  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-511
DION	OTP-AM	S-533    HILL
	ONTP	

This bill directs the State Board of Corrections to establish an essential programs and services funding formula for county jails and to review county jail management models in other states. The bill also authorizes the board to:

1. Approve the budget of each county jail in the State;

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2. Review management decisions concerning county jail staffing and the use of overtime;
3. Withhold state funds from a county jail that fails to comply with a decision of the board; and
4. Rescind county jail employee salary and wage increases, and funding for county jail expenditures that exceed levels approved by the board.

### **Committee Amendment "A" (S-511)**

This amendment is the majority report and replaces the bill. It makes the following changes to the process for approving county correctional budgets, and to the authority of the State Board of Corrections.

1. It clarifies that the correctional services budget for a county does not include county jail debt.
2. It establishes a growth factor for county correctional budgets that is equivalent to the growth limitation factor established in the Maine Revised Statutes, Title 30-A, section 706-A.
3. It requires the State Board of Corrections to approve a county budget that does not exceed the budget growth factor that is calculated on the total county budget that includes both the state and county share of the budget.
4. It authorizes the State Board of Corrections to manage county inmate bed space and direct the transfer of inmates between county jails. If the State Board of Corrections fails to manage inmate bed space or inmate transfers, or if the State Board of Corrections requests that the Commissioner of Corrections take on one or more of these functions and the commissioner agrees, it authorizes the Commissioner of Corrections to perform these functions.
5. It clarifies the purpose of the State Board of Corrections to promote public safety and establish and implement a unified and efficient county jail system.
6. It adds to the list of goals for the State Board of Corrections benchmarks for performance that include increased standardization, economies of scale, a long-term capital improvement budget, addressing mental health and substance abuse issues, and best practices used at the national level.
7. It changes the membership of the State Board of Corrections from nine members to five members to include one sheriff, one county commissioner, two representatives of the executive branch and one member representing the public. It also repeals the requirement that one member must have expertise in mental health issues and directs the State Board of Corrections to consult with mental health and drug abuse experts to assist the board with issues related to mental health and drug abuse.
8. It allows the State Board of Corrections to enter into contracts on behalf of county jails and regional jails for goods and services and requires the counties to meet the terms of the contract and pay their pro rata share.
9. It amends the responsibilities of the Executive Director of the State Board of Corrections to include reviewing and making recommendations concerning the proposed county corrections budgets, preparing the State Board of Corrections budget, coordinating the long-term county improvement plans into a single document and preparing performance metrics. It also allows the executive director to appoint a financial analyst to assist the State Board of Corrections.
10. It provides that a county may exceed the budget growth factor as applied to personnel costs but may not exceed the county's overall budgeted growth factor cap.
11. It requires the State Board of Corrections to adopt and enforce standards related to the efficiency of the county correctional system including information systems, security equipment, inmate classification, pretrial services, staffing qualifications and staffing levels, ratios of personnel across different levels of command and other matters

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related to construction, maintenance and operations.

12. It requires the State Board of Corrections to receive and review all reports and results of county jail inspections conducted by the Department of Corrections.

13. It provides that the laws governing the State Board of Corrections do not authorize it to engage in collective bargaining obligations under the Maine Revised Statutes, Title 26, section 965.

14. It changes the name of the State Board of Corrections Investment Fund program to the State Board of Corrections Operational Support Fund program.

15. It provides that expenditures from the State Board of Corrections Operational Support Fund program are only for expenses approved by the board for personnel, goods and services, including, but not limited to, motor vehicles, information technologies and office equipment, that do not exceed \$50,000 per item.

16. It provides that in the first fiscal year in which any unencumbered balance in the corrections-related account of a county arises out of savings realized during the course of that fiscal year, the county may retain the unencumbered balance for future corrections-related purposes; however, 10% of savings in any subsequent fiscal year must be submitted to the State Board of Corrections.

17. It creates the County Corrections Capital Improvement Fund and requires the State Board of Corrections to prepare a 10-year system-wide capital investment plan with the assistance of an independent entity for the purpose of determining capital projects that can be funded for each county jail facility from the fund.

18. It directs the State Board of Corrections to contract with an independent entity with expertise in developing a capital investment plan for correctional facilities to assist in developing the ten-year system-wide capital investment plan.

19. It requires the State Board of Corrections to report on the status of a capital investment plan to the Legislature by no later than January 15th of each first regular session of the Legislature.

20. It requires the State Board of Corrections to develop a capital expenditure budget for each county jail facility based on a capital investment plan to be submitted by each county with the operational budget for inclusion in the biennial budget or as required by the State Budget Officer.

21. It establishes a uniform method of accounting and budgeting for county jail facilities.

22. It provides that federal or state inmate boarding revenues are retained by the county jail facility generating the funds and are not offset against the state appropriation otherwise due that county under the approved allocation formula.

23. For remaining federal revenues, it provides that federal inmate boarding revenues are retained by the county up to budgeted amounts approved as part of budgeted county correctional services. It requires a county jail holding jail debt on or before July 1, 2008 to transfer to the County Corrections Capital Improvement Fund 25% of any remaining federal revenue and apply 75% to the jail debt until the full discharge of that debt. A county jail without any jail debt must transfer 75% of any remaining federal revenue to the County Corrections Capital Improvement Fund.

24. It clarifies that any county that has realized savings may retain those savings for future corrections-related services without the State's withholding funds that it would otherwise have allocated to that county.

25. It gives the State Board of Corrections enforcement authority by allowing it to hold funding in escrow for

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violations of rules, declare a county jail facility ineligible for participation in programs, suspend or deny funding, and restrict or modify the operations of a county jail facility identified as a habitual violator.

26. It allows the State Board of Corrections to accept funds and apply for grants.

27. It prohibits a sheriff and a county commissioner from withdrawing from the coordinated correctional system or refusing to house any out-of-county inmates except in cases of jail overcrowding. It also provides that a disagreement or dispute with the State Board of Corrections is subject to mediation.

28. It establishes that the State Board of Corrections has the authority to monitor the operational, programmatic and financial performance of each county jail facility.

29. It requires the State Board of Corrections to work with the judicial branch to use electronic technology whenever possible to reduce the level of physical transfer of inmates between a county jail facility and a court, and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the progress in implementing electronic technologies.

30. It provides an appropriations and allocations section for the State Board of Corrections Operational Support Fund and to continue funding for a financial analyst position.

### **Committee Amendment "B" (S-512)**

This amendment is the minority report and replaces the bill. It makes the following changes to the process for approving county correctional budgets and to the authority of the State Board of Corrections.

1. It makes annual adjustments to the amount counties collect from municipalities for correctional services based on the Consumer Price Index.

2. It clarifies that the correctional services budget does not include county jail debt.

3. It establishes a growth factor for county correctional budgets that is equivalent to the growth limitation factor established in the Maine Revised Statutes, Title 30-A, section 706-A.

4. It requires the State Board of Corrections to approve a county budget that does not exceed the budget growth factor that is calculated on the total county budget that includes both the state and county share of the budget.

5. It authorizes the State Board of Corrections to manage county inmate bed space and direct the transfer of inmates between county jails. If the State Board of Corrections fails to manage inmate bed space or inmate transfers, or if the State Board of Corrections requests that the Commissioner of Corrections take on one or more of these functions and the commissioner agrees, it authorizes the Commissioner of Corrections to perform these functions.

6. It clarifies the purpose of the State Board of Corrections to promote public safety and establish and implement a unified and efficient county jail system.

7. It adds to the list of goals for the State Board of Corrections benchmarks for performance that include increased standardization, economies of scale, a long-term capital improvement budget, addressing mental health and substance abuse issues and best practices used at the national level.

8. It changes the membership of the State Board of Corrections from nine members to five members to include one sheriff, one county commissioner, two representatives of the executive branch and one member representing the public. It also repeals the requirement that one member must have expertise in mental health issues and directs the State Board of Corrections to consult with mental health and drug abuse experts to assist the board with issues related to mental health and drug abuse.

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9. It allows the State Board of Corrections to enter into contracts on behalf of county jails and regional jails for goods and services, and requires the counties to meet the terms of the contract and pay their pro rata share.
10. It amends the responsibilities of the Executive Director of the State Board of Corrections to include reviewing and making recommendations concerning the proposed county corrections budgets, preparing the State Board of Corrections budget, coordinating the long-term county improvement plans into a single document and preparing performance metrics. It also allows the executive director to appoint a financial analyst to assist the State Board of Corrections.
11. It provides that a county may exceed the budget growth factor as applied to personnel costs but may not exceed the county's overall budgeted growth factor cap.
12. It requires the State Board of Corrections to adopt and enforce standards related to the efficiency of the county correctional system including information systems, security equipment, inmate classification, pretrial services, staffing qualifications and staffing levels, ratios of personnel across different levels of command and other matters related to construction, maintenance and operations.
13. It requires the State Board of Corrections to receive and review all reports and results of county jail inspections conducted by the Department of Corrections.
14. It provides that the laws governing the State Board of Corrections do not authorize it to engage in collective bargaining obligations under the Maine Revised Statutes, Title 26, section 965.
15. It changes the name of the State Board of Corrections Investment Fund program to the State Board of Corrections Operational Support Fund program.
16. It provides that expenditures from the State Board of Corrections Operational Support Fund program are only for expenses approved by the board for personnel, goods and services, including, but not limited to, motor vehicles, information technologies and office equipment, that do not exceed \$50,000 per item.
17. It provides that in the first fiscal year in which any unencumbered balance in the corrections-related account of a county arises out of savings realized during the course of that fiscal year, the county may retain the unencumbered balance for future corrections-related purposes; however, 10% of savings in any subsequent fiscal year must be submitted to the State Board of Corrections.
18. It creates the County Corrections Capital Improvement Fund and requires the State Board of Corrections to prepare a 10-year system-wide capital investment plan with the assistance of an independent entity for the purpose of determining capital projects that can be funded for each county jail facility from the fund.
19. It directs the State Board of Corrections to contract with an independent entity with expertise in developing a capital investment plan for correctional facilities to assist in developing the ten-year system-wide capital investment plan.
20. It requires the State Board of Corrections to report on the status of a capital investment plan to the Legislature by no later than January 15th of each first regular session of the Legislature.
21. It requires the State Board of Corrections to develop a capital expenditure budget for each county jail facility based on a capital investment plan to be submitted by each county with the operational budget for inclusion in the biennial budget or as required by the State Budget Officer.
22. It establishes a uniform method of accounting and budgeting for county jail facilities.

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23. It provides that federal or state inmate boarding revenues are retained by the county jail facility generating the funds and are not offset against the state appropriation otherwise due that county under the approved allocation formula.

24. For remaining federal revenues, it provides that federal inmate boarding revenues are retained by the county up to budgeted amounts approved as part of budgeted county correctional services. It requires a county jail holding jail debt on or before July 1, 2008, to transfer to the County Corrections Capital Improvement Fund 25% of any remaining federal revenue and apply 75% to the jail debt until the full discharge of that debt. A county jail without any jail debt must transfer 75% of any remaining federal revenue to the County Corrections Capital Improvement Fund.

25. It clarifies that any county that has realized savings may retain those savings for future corrections-related services without the State's withholding funds that it would otherwise have allocated to that county.

26. It gives the State Board of Corrections enforcement authority by allowing it to hold funding in escrow for violations of rules, declare a county jail facility ineligible for participation in programs, suspend or deny funding, and restrict or modify the operations of a county jail facility identified as a habitual violator.

27. It allows the State Board of Corrections to accept funds and apply for grants.

28. It prohibits a sheriff and a county commissioner from withdrawing from the coordinated correctional system or refusing to house any out-of-county inmates except in cases of jail overcrowding. It also provides that a disagreement or dispute with the State Board of Corrections is subject to mediation.

29. It establishes that the State Board of Corrections has the authority to monitor the operational, programmatic, and financial performance of each county jail facility.

30. It requires the State Board of Corrections to work with the judicial branch to use electronic technology whenever possible to reduce the level of physical transfer of inmates between a county jail facility and a court and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the progress in implementing electronic technologies.

31. It provides an appropriations and allocations section for the State Board of Corrections Operational Support Fund and to continue funding for a financial analyst position.

### **Senate Amendment "A" To Committee Amendment "A" (S-533)**

This amendment eliminates the General Fund appropriation for a ten-year system-wide capital improvement plan in fiscal year 2014-15.

### **Enacted Law Summary**

Public Law 2013, chapter 598 makes the following changes to the process for approving county correctional budgets and to the authority of the State Board of Corrections.

1. It clarifies that the correctional services budget for a county does not include county jail debt.
2. It establishes a growth factor for county correctional budgets that is equivalent to the growth limitation factor established in the Maine Revised Statutes, Title 30-A, section 706-A.
3. It requires the State Board of Corrections to approve a county budget that does not exceed the budget growth factor that is calculated on the total county budget that includes both the state and county share of the budget.

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4. It authorizes the State Board of Corrections to manage county inmate bed space and direct the transfer of inmates between county jails. If the State Board of Corrections fails to manage inmate bed space or inmate transfers, or if the State Board of Corrections requests that the Commissioner of Corrections take on one or more of these functions and the commissioner agrees, it authorizes the Commissioner of Corrections to perform these functions.
5. It clarifies the purpose of the State Board of Corrections to promote public safety and establish and implement a unified and efficient county jail system.
6. It adds to the list of goals for the State Board of Corrections benchmarks for performance that include increased standardization, economies of scale, a long-term capital improvement budget, addressing mental health and substance abuse issues, and best practices used at the national level.
7. It changes the membership of the State Board of Corrections from nine members to five members to include one sheriff, one county commissioner, two representatives of the executive branch and one member representing the public. It also repeals the requirement that one member must have expertise in mental health issues and directs the State Board of Corrections to consult with mental health and drug abuse experts to assist the board with issues related to mental health and drug abuse.
8. It allows the State Board of Corrections to enter into contracts on behalf of county jails and regional jails for goods and services and requires the counties to meet the terms of the contract and pay their pro rata share.
9. It amends the responsibilities of the Executive Director of the State Board of Corrections to include reviewing and making recommendations concerning the proposed county corrections budgets, preparing the State Board of Corrections budget, coordinating the long-term county improvement plans into a single document and preparing performance metrics. It also allows the executive director to appoint a financial analyst to assist the State Board of Corrections.
10. It provides that a county may exceed the budget growth factor as applied to personnel costs but may not exceed the county's overall budgeted growth factor cap.
11. It requires the State Board of Corrections to adopt and enforce standards related to the efficiency of the county correctional system including information systems, security equipment, inmate classification, pretrial services, staffing qualifications and staffing levels, ratios of personnel across different levels of command and other matters related to construction, maintenance and operations.
12. It requires the State Board of Corrections to receive and review all reports and results of county jail inspections conducted by the Department of Corrections.
13. It provides that the laws governing the State Board of Corrections do not authorize it to engage in collective bargaining obligations under the Maine Revised Statutes, Title 26, section 965.
14. It changes the name of the State Board of Corrections Investment Fund program to the State Board of Corrections Operational Support Fund program.
15. It provides that expenditures from the State Board of Corrections Operational Support Fund program are only for expenses approved by the board for personnel, goods and services, including, but not limited to, motor vehicles, information technologies and office equipment, that do not exceed \$50,000 per item.
16. It provides that in the first fiscal year in which any unencumbered balance in the corrections-related account of a county arises out of savings realized during the course of that fiscal year, the county may retain the unencumbered balance for future corrections-related purposes; however, 10% of savings in any subsequent fiscal year must be submitted to the State Board of Corrections.

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17. It creates the County Corrections Capital Improvement Fund and requires the State Board of Corrections to prepare a ten-year system-wide capital investment plan with the assistance of an independent entity for the purpose of determining capital projects that can be funded for each county jail facility from the fund.
18. It requires the State Board of Corrections to report on the status of a capital investment plan to the Legislature by no later than January 15th of each first regular session of the Legislature.
19. It requires the State Board of Corrections to develop a capital expenditure budget for each county jail facility based on a capital investment plan to be submitted by each county with the operational budget for inclusion in the biennial budget or as required by the State Budget Officer.
20. It establishes a uniform method of accounting and budgeting for county jail facilities.
21. It provides that federal or state inmate boarding revenues are retained by the county jail facility generating the funds and are not offset against the state appropriation otherwise due that county under the approved allocation formula.
22. For remaining federal revenues, it provides that federal inmate boarding revenues are retained by the county, up to budgeted amounts approved as part of budgeted county correctional services. It requires a county jail holding jail debt on or before July 1, 2008 to transfer to the County Corrections Capital Improvement Fund 25% of any remaining federal revenue and apply 75% to the jail debt until the full discharge of that debt. A county jail without any jail debt must transfer 75% of any remaining federal revenue to the County Corrections Capital Improvement Fund.
23. It clarifies that any county that has realized savings may retain those savings for future corrections-related services without the State's withholding funds that it would otherwise have allocated to that county.
24. It gives the State Board of Corrections enforcement authority by allowing it to hold funding in escrow for violations of rules, declare a county jail facility ineligible for participation in programs, suspend or deny funding, and restrict or modify the operations of a county jail facility identified as a habitual violator.
25. It allows the State Board of Corrections to accept funds and apply for grants.
26. It prohibits a sheriff and a county commissioner from withdrawing from the coordinated correctional system or refusing to house any out-of-county inmates except in cases of jail overcrowding. It also provides that a disagreement or dispute with the State Board of Corrections is subject to mediation.
27. It establishes that the State Board of Corrections has the authority to monitor the operational, programmatic, and financial performance of each county jail facility.
28. It requires the State Board of Corrections to work with the judicial branch to use electronic technology whenever possible to reduce the level of physical transfer of inmates between a county jail facility and a court and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the progress in implementing electronic technologies.
29. It provides an appropriations and allocations section for the State Board of Corrections Operational Support Fund and to continue funding for a financial analyst position.

Public Law 2013, chapter 598 was enacted as an emergency measure effective May 1, 2014.

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SUBJECT INDEX

*Criminal History Record Information/DNA/Forensics*

Enacted

LD 1782 An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A PUBLIC 507

*Criminal Law*

Not Enacted

LD 1765 An Act To Establish the Criminal Law Revision Commission Veto Sustained

*Criminal Procedure/Bail/Sentencing*

Enacted

LD 1729 An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence PUBLIC 604

LD 1764 An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes PUBLIC 519

*Department of Corrections*

Enacted

LD 1616 An Act Regarding Appointments of Certain Positions in the Department of Corrections PUBLIC 491

LD 1824 An Act To Provide Additional Authority to the State Board of Corrections PUBLIC 598  
EMERGENCY

Not Enacted

LD 1513 Resolve, Directing the Department of Corrections, Department of Education, Department of Health and Human Services and Department of Labor To Support the Statewide Coordinated Services District System ONTP

*Domestic Violence*

Enacted

LD 1656 An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault PUBLIC 478  
EMERGENCY

*Drugs*

Not Enacted

LD 1811 An Act To Appropriate and Allocate Funds To Strengthen the State's Efforts To Investigate, Prosecute and Punish Persons Committing Drug Crimes Died On  
Adjournment

*Firearms/Concealed Firearms*

Not Enacted

LD 222 An Act Regarding the Issuance of a Permit To Carry a Concealed Handgun Veto Sustained

*Fireworks*

**Not Enacted**

LD 111	An Act To Restrict the Sale, Purchase and Use of Fireworks in the State	Majority (ONTP) Report
LD 168	An Act To Establish Reasonable Restrictions on the Use of Fireworks	Veto Sustained

**Juveniles**

**Not Enacted**

LD 662	An Act Regarding Sexually Explicit Text Messaging by Minors	Majority (ONTP) Report
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**Law Enforcement**

**Enacted**

LD 1679	An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Training, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff at the Maine State Prison and HIV Prevention Education	PUBLIC 591
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**Not Enacted**

LD 297	An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms	Veto Sustained
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**Maine Emergency Management Agency**

**Enacted**

LD 1672	An Act To Amend Maine's Emergency Management Laws	PUBLIC 462
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**OUI/OAS/Other MV Violations**

**Enacted**

LD 1590	An Act To Amend the Operating-under-the-influence Laws	PUBLIC 459 EMERGENCY
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**Not Enacted**

LD 1810	An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility	Majority (ONTP) Report
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**Prison/Jail/Inmate**

**Enacted**

LD 1588	An Act To Amend the Laws Regarding the Maine Correctional Center and To Establish the Bolduc Correctional Facility in Statute	PUBLIC 508
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**Not Enacted**

LD 502	An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments	Majority (ONTP) Report
LD 1814	An Act To Create a Secure, Therapeutic Mental Health Unit	ONTP

**Sex Offender Registration**

**Enacted**

LD 1589	Resolve, To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Certain Crimes	RESOLVE 97
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*Joint Standing Committee on Education and Cultural Affairs*

**LD 300      An Act To Protect School Administrative Units and Taxpayers**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that an insurer providing health insurance covering employees of a school administrative unit is not required to provide loss information concerning those employees if requested by the school administrative unit.

**LD 783      An Act To Change the Voting Requirements for the Withdrawal of a  
Municipality from a Regional School Unit**

**PUBLIC 461  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY BURNS	OTP-AM	H-611

This bill was carried over from the First Regular Session of the 126th Legislature.

Under current law, until January 1, 2015, a municipality that wishes to withdraw from a regional school unit must approve that withdrawal by a majority vote, with the total number of votes cast at least equal to 50% of the total number of votes cast in that municipality for Governor in the last gubernatorial election. If the municipality is part of a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws, a 2/3 approval is needed. Beginning January 1, 2015, any withdrawal must be approved by 2/3 of the voters, without any requirement regarding the total number of votes cast.

This bill allows a municipality to withdraw from a regional school unit by a majority vote and eliminates the requirement regarding the total number of votes cast.

This bill requires that a facilitator to oversee negotiations be appointed if, after 90 days of its formation, the withdrawal committee that is selected by the municipality seeking to withdraw from the regional school unit fails to reach an agreement with the regional school unit.

**Committee Amendment "B" (H-611)**

The bill proposes changes to the laws regarding voting requirements for the withdrawal of a municipality from a regional school unit and the withdrawal of a member municipality from a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws. This amendment changes the bill to remove its time limits for negotiations between the withdrawal committee and the regional school unit. The amendment retains the provisions in the bill striking the provisions in current law that repeal the existing voting requirements on January 1, 2015 and that provide that a 2/3 majority of the voters voting on a withdrawal agreement is required for the withdrawal of a municipality from a regional school unit and retains the provision in the bill changing the percentage of votes required when determining whether a municipality may petition to withdraw within two years of the vote on a previous withdrawal agreement that was not approved by the voters, but changes the bill's 50% of votes cast to 45%.

The bill proposes to eliminate the provisions of current law that require that the total number of votes cast for and

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against withdrawal at the municipal vote must equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. The amendment retains those provisions of current law.

The amendment also adds a distinct provision to the bill that restricts a withdrawal petition for a period of two years for a municipality that seeks to withdraw from a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws if the municipal vote on a petition for withdrawal received less than 45% of the votes cast or if the withdrawal agreement received less than 60% of the votes cast during the municipal vote.

### **Enacted Law Summary**

Public Law 2013, chapter 461 amends the laws regarding voting requirements for the withdrawal of a municipality from a regional school unit and the withdrawal of a member municipality from a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws. Under current law, until January 1, 2015, a municipality that wishes to withdraw from a regional school unit must approve that withdrawal by a majority vote, with the total number of votes cast at least equal to 50% of the total number of votes cast in that municipality for Governor in the last gubernatorial election. If the municipality is part of a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws, a 2/3 approval is needed. Beginning January 1, 2015, any withdrawal must be approved by 2/3 of the voters, without any requirement regarding the total number of votes cast.

Chapter 461 changes the laws governing the voting requirements for the withdrawal of a municipality from a regional school unit as follows.

1. It strikes the provisions in current law that repeal the existing voting requirements on January 1, 2015, including the stipulations that provide that a 2/3 majority of the voters voting on a withdrawal agreement is required for the withdrawal of a municipality from a regional school unit and for the withdrawal of a member municipality from a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws.
2. It amends the provision in current law regarding the percentage of votes required when determining whether a municipality may petition to withdraw from a regional school unit within two years of the vote on a previous withdrawal agreement that was not approved by the voters to provide that the percentage of votes required for this restriction is reduced from less than 60% of votes cast to less than 45% of votes cast during the municipal vote on the withdrawal agreement.
3. It also adds a distinct provision to the law that restricts a withdrawal petition for a period of two years for a municipality that seeks to withdraw from a school administrative district that was reformulated as a regional school unit pursuant to the school consolidation laws if the municipal vote on a petition for withdrawal received less than 45% of the votes cast or if the withdrawal agreement received less than 60% of the votes cast during the municipal vote.

Public Law 2013, chapter 461 was enacted as an emergency measure effective March 3, 2014.

### **LD 963 An Act To Expand Access to Early Postsecondary Education**

**Veto Sustained**

Sponsor(s)

NELSON  
LANGLEY

Committee Report

OTP-AM

Amendments Adopted

H-545  
S-328 GOODALL

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This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

The bill makes the following changes to the early postsecondary education programs statutes.

1. It creates a permanent Commission on Expanding Early Postsecondary Access for High School Students.
2. It clarifies that adult education students, home school students and students from private schools are eligible for state subsidy for postsecondary courses. It also clarifies that a student may be eligible if the parents, school administrative unit and postsecondary institution approve.
3. It requires high schools to grant academic credit for postsecondary courses rather than allowing discretion.
4. It requires postsecondary institutions to provide information to students on the transferability of academic credit between postsecondary institutions.
5. It requires the Department of Education to pay 50% of tuition for up to 12 credit hours in an academic year rather than only the first three credit hours up to a possible 6-credit-hour maximum.
6. It adds instructors of postsecondary education courses that are offered in secondary schools to the list of personnel that are subject to the fingerprinting and background check requirements.
7. It requires career and technical education centers to serve as sites for the administration of assessment tests to determine college-level academic skills.

The bill also requires the Department of Education and the Commission on Expanding Early Postsecondary Access for High School Students to establish and maintain a single publicly accessible website with information on early postsecondary education programs and research as well as hyperlinks to those programs and the research.

### **Committee Amendment "A" (H-545)**

This amendment makes several changes to the bill.

1. It adds the definition of "secondary school student" to the definitions in the Maine Revised Statutes, Title 20-A, chapter 208-A in order for the definition to apply to the entire chapter and clarifies that "secondary school student" includes a student enrolled in an adult education program or participating in an approved home instruction program.
2. It requires that in order to be eligible to receive state subsidy for postsecondary courses, a secondary school student must be a Maine resident.
3. It limits the total number of secondary school students enrolled in a postsecondary school course to no more than 1/3 of the total number of students enrolled in the course.
4. It requires the school administrative unit to inform a student enrolled in a postsecondary school course of the extent to which high school credit will be granted toward graduation requirements as a result of successfully completing the course.
5. In current law, the department pays 50% of the in-state tuition for the first three credit hours taken each semester. The amendment doubles the amount to six credits.
6. It reduces the percentage of total funding available that can be used to support secondary school students enrolled in summer term courses.

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7. It increases the membership of the Commission on Expanding Early Postsecondary Access for High School Students from 19 to 20.

**Senate Amendment "A" To Committee Amendment "A" (S-328)**

This amendment removes the Commission on Expanding Early Postsecondary Access for High School Students from the bill.

**LD 995      An Act To Establish a Moratorium on the Approval and Operation of  
Virtual Public Charter Schools**

**Died In  
Concurrence**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MACDONALD W	OTP ONTP	S-514   MILLETT

This bill was carried over from the First Regular Session of the 126th Legislature.

This emergency bill provides that the Maine Charter School Commission may not authorize the operation of any virtual public charter school until the Legislature enacts legislation that expressly authorizes the operation of virtual public charter schools in the State. The moratorium applies to the operations of any virtual public charter school that has not commenced operations as of the effective date of this legislation, regardless of whether the commission has approved, authorized or executed a contract for the virtual public charter school.

The bill amends the definition of "virtual public charter school" to specify that virtual public charter schools provide education services through an online learning program that enrolls students on a part-time basis in grades nine to 12.

The bill also requires the Maine Charter School Commission to review the law and the virtual public charter school models that have been implemented in other states and develop a virtual public charter school model that will best serve the learning needs of students. The virtual public charter school model developed must apply only to part-time students in grades nine to 12 and must place emphasis on blended learning models for high school students. The Maine Charter School Commission is directed to report its findings, recommendations and any necessary implementing legislation with respect to the authorization or operation of virtual public charter schools to the Joint Standing Committee on Education and Cultural Affairs no later than December 1, 2013 and authorizes the joint standing committee to report out a bill to the Second Regular Session of the 126th Legislature related to the recommendations included in this report.

**Senate Amendment "B" (S-514)**

This amendment extends the reporting date from December 1, 2013 to December 1, 2014 and changes other references to reflect this change.

**LD 1096      An Act To Amend the Laws Governing Students Experiencing  
Education Disruption**

**PUBLIC 439**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-243 S-347   HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

The bill makes the following changes to the laws governing students who experience an education disruption.

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1. It redefines "education disruption" to eliminate disruption caused by homelessness or foster care and adds enrollment in three or more schools or educational programs in a single school year.
2. It modifies the standards for diplomas issued by the Department of Education to students who experience education disruption to require achievement of the content standards of the system of learning results only, eliminating the requirement the student meet any other standards that are set forth in the school work recognition plan or specified by the school attended by the student.
3. It modifies the process by which diplomas are issued by the Department of Education to provide that the student applies to the commissioner and supplies evidence of achievement, that the commissioner forms a review team to review the evidence and make recommendations to the commissioner and that the commissioner then makes the final determination.
4. It modifies the law governing school work recognition plans. It designates a responsible school for preparing the school work recognition plan and certain other materials. It removes a provision allowing the plan to be developed through email or teleconferencing, a provision providing that a plan is not required if an existing plan such as an individualized education plan or a transition plan addresses school completion, and the requirement that the plan include any local diploma requirements beyond state learning results. It establishes the process and responsibility for school work recognition plans in cases where the disruption is caused by enrollment in three or more schools or educational programs in a single school year.

This bill also modifies the law governing excusable absences from compulsory attendance to include the new definition of "education disruption," thus eliminating from excusable absences those resulting from disruptions caused by homelessness or foster care and disruptions from an interim placement that results in an absence of less than 10 days.

### **Committee Amendment "A" (S-243)**

This amendment:

1. Removes the provision of the bill that alters the law governing compulsory attendance and excused absences, leaving in place the current law;
2. Amends the bill's definition of "education disruption" to include homelessness and foster care placement and identifies the school in which the student is enrolled or entitled to enroll as the responsible school for developing a school work recognition plan; and
3. Repeals a provision of law that is replaced by new provisions included in the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-347)**

This amendment adds a mandate preamble.

### **Enacted Law Summary**

Public Law 2013, chapter 439 makes the following changes to the laws governing students who experience an education disruption.

1. It redefines "education disruption" to add disruption of a student's educational program as a result of enrollment in three or more schools or educational programs in a single school year.
2. It modifies the standards for diplomas issued by the Department of Education to students who experience education disruption to require achievement of the content standards of the system of learning results only, eliminating the requirement the student meet any other standards that are set forth in the school work recognition

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plan or specified by the school attended by the student.

3. It modifies the process by which diplomas are issued by the Department of Education to provide that the student applies to the commissioner and supplies evidence of achievement, that the commissioner forms a review team to review the evidence and make recommendations to the commissioner and the commissioner then makes the final determination.

4. It modifies the law governing school work recognition plans. It designates a responsible school for preparing the school work recognition plan and certain other materials. It removes a provision allowing the plan to be developed through email or teleconferencing, a provision providing that a plan is not required if an existing plan such as an individualized education plan or a transition plan addresses school completion, and the requirement that the plan include any local diploma requirements beyond state learning results. It establishes the process and responsibility for school work recognition plans in cases where the disruption is due to homelessness or foster care placement and in cases where the disruption is caused by enrollment in 3 or more schools or educational programs in a single school year.

**LD 1330      An Act To Establish in Law a Method for Alternative Certification of Teachers      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill establishes an alternative pathway to teacher certification. Under this bill, programs that prepare persons for alternative certification are certified by the Commissioner of Education. The programs must provide targeted course work in teaching, mentoring or student teaching experience, classroom preparation and student assessments. Graduates of these programs are eligible to obtain professional teacher certificates. The bill also requires the State Board of Education to establish minimum standards of performance for these programs and, by October 31, 2016 to develop minimum standards of performance for all teacher preparation programs.

**LD 1353      An Act To Further Reduce Student Hunger      PUBLIC 445**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND BECK	OTP-AM	S-70 S-359 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

The 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 a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. The school administrative unit may collaborate with a service institution such as a local government, higher education institution or summer camp to operate the summer food service program.

It also requires such a school administrative unit that does not operate a summer educational or recreational program to collaborate with a service institution to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in the area served by the public school.

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A school administrative unit required to operate a federal summer food service program may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit after notice and a public hearing that operating such a program would be financially or logistically impracticable.

**Committee Amendment "A" (S-70)**

This amendment removes the requirement that if a school administrative unit chooses not to operate a federal summer food service program, it must notify parents of children in the school administrative unit of its decision and the reasons for its decision.

**Senate Amendment "A" To Committee Amendment "A" (S-359)**

This amendment adds a mandate preamble.

**Enacted Law Summary**

Public Law 2013, chapter 445 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 a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. The school administrative unit may collaborate with a service institution such as a local government, higher education institution or summer camp to operate the summer food service program.

Chapter 445 also requires such a school administrative unit that does not operate a summer educational or recreational program to collaborate with a service institution to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in the area served by the public school.

A school administrative unit required to operate a federal summer food service program may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit after notice and a public hearing that operating such a program would be financially or logistically impracticable.

**LD 1361      An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The purpose of this bill is to strengthen the teaching of writing and mathematics in public schools in the State, to improve literacy and mathematics education and to improve Maine high school graduates' college and career readiness. The bill does the following.

1. It establishes a standards-based approach to assessing the proficiency and competency of new teachers and teachers seeking a renewal of a professional teacher certificate in order to prepare teachers and ensure that school administrative units are prepared to implement the Common Core State Standards in English language arts and mathematics.
2. It requires the Education Coordinating Committee to conduct a review of college placement tests, including the ACCUPLACER test, used by the University of Maine System, the Maine Community College System, the Maine Maritime Academy and secondary schools in the State to determine a high school graduate's college readiness.

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3. It requires the Board of Trustees of the University of Maine System to establish graduation requirements that ensure that graduates of any baccalaureate degree program within the system can demonstrate writing competencies that are appropriate to the demands of careers that require a baccalaureate degree.

**LD 1530 An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age**

**PUBLIC 581**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-508
BERRY	OTP-AM	S-518 MILLETT
	ONTP	

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill requires implementation of universal voluntary prekindergarten education by the 2017-2018 school year. The Commissioner of Education is required to establish a stakeholder group to work with the commissioner and interested parties to establish a plan to implement the requirement. The stakeholder group is required to develop standards for prekindergarten education programs, recommend uniform statewide procedures for screening children and assessing program performance and recommend best practices to coordinate early childhood education programs with child care providers. The commissioner is required to submit a report of the work of the stakeholder group to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2014, and the committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature regarding the report.

The bill also clarifies the role of the State Board of Education with regard to prekindergarten education, changes the compulsory age for school attendance from seven years of age to five years of age beginning July 1, 2016 and provides that funding provided to a school administrative unit for prekindergarten purposes may not be used for other purposes. The bill provides that the Commissioner of Education must provide implementation grants and provides funds for those grants and for a position in the Department of Education to oversee early childhood education programs.

**Committee Amendment "A" (S-508)**

This amendment is the majority report of the committee and replaces the bill to provide that the implementation of universal voluntary public preschool programs by the 2018-2019 school year is subject to the extent that the State provides school administrative units with adequate funding to operate public preschool programs or provide for students to participate in such programs. The amendment makes the following changes to the bill.

1. It strikes the term "prekindergarten" and inserts in its place the term "public preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 23-A as a program offered by a public school that provides instruction to children who are four years of age.
2. It strikes the provisions in the bill that propose to change the compulsory age for school attendance from seven years of age to five years of age.
3. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to:
  - A. Provide that school boards must also operate or otherwise provide for the availability of public preschool programs for children four years of age to the extent that the State provides adequate funding to operate public preschool programs; and
  - B. Clarify that a school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs.

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4. It strikes the provision in the bill that proposes to appropriate money from the General Fund for awarding grants to school administrative units beginning in the 2014-2015 school year to implement and expand prekindergarten programs. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, including revenues distributed from general purpose aid for local schools that the Department of Education receives from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A.

5. It establishes the goal that the State provide adequate funding to ensure that public preschool programs for children four years of age are offered by all school administrative units by the 2018-2019 school year and ensure that adequate funding is provided for the operation of public preschool programs for children four years of age by all school administrative units during each subsequent school year.

6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this legislation, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under Title 20-A, section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to Title 20-A, section 15681, subsection 4.

7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the costs of operating public preschool programs for children four years of age must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to Title 20-A, section 15689 and provides that the amount of the adjustment for operating public preschool programs for children four years of age that is added to the state share of the total allocation under this legislation may not be included in the calculation of the local share amount of the qualified school administrative unit.

8. It amends the provision in the bill that directs the Commissioner of Education to establish rules to implement a uniform common statewide screening and assessment program for kindergarten by clarifying that the rule may establish only a uniform common statewide assessment program for kindergarten and by specifying that school administrative units may also implement other quality assessment programs they determine to be necessary for kindergarten.

9. It changes the proposed amount of the General Fund appropriation for the Early Childhood Coordinator position.

10. It changes the requirement in the bill that the Commissioner of Education establish a stakeholder group to require that, prior to beginning the process of adopting the Department of Education's rules related to the quality standards of program practice for public preschool programs for children four years of age, the Commissioner of Education invite stakeholders to provide their feedback and perspectives on the department's plan for the phase-in of the universal availability of public preschool programs for children four years of age beginning with the 2018-2019 school year and the recommended standards of program practice for public preschool programs for children four years of age. It also amends the provision that requires the commissioner to submit a report to the Legislature by clarifying that the report must contain a summary of the work of the stakeholders, as well as an outline of the rules proposed by the department to implement the universal availability of public preschool programs for children four years of age by the 2018-2019 school year, and providing that the report must be submitted to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

### **Committee Amendment "B" (S-509)**

This amendment is the minority report of the committee and replaces the bill to provide that the implementation of universal voluntary public preschool programs by the 2018-2019 school year is subject to the extent that the State provides school administrative units with adequate funding to operate public preschool programs or provide for

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students to participate in such programs. The amendment makes the following changes to the bill.

1. It strikes the term "prekindergarten" and inserts in its place the term "public preschool program," which currently is defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 23-A as a program offered by a public school that provides instruction to children who are four years of age.
2. It strikes the provisions in the bill that propose to change the compulsory age for school attendance from seven years of age to five years of age.
3. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to:
  - A. Provide that school boards may also operate or otherwise provide for the availability of public preschool programs for children four years of age to the extent that the State provides adequate funding to operate public preschool programs; and
  - B. Clarify that a school administrative unit is not required to expend local revenues to operate public preschool programs or to provide for students to participate in such programs.
4. It strikes the provision in the bill that proposes to appropriate money from the General Fund for awarding grants to school administrative units beginning in the 2014-2015 school year to implement and expand prekindergarten programs. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose, which may include revenues distributed from general purpose aid for local schools that the Department of Education receives from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A.
5. It establishes the goal that the State provide adequate funding so that public preschool programs for children four years of age may be offered by all school administrative units by the 2018-2019 school year and promote the provision of adequate funding for the operation of public preschool programs for children four years of age by all school administrative units during each subsequent school year.
6. It clarifies that, beginning with the 2015-2016 school year and for each subsequent school year, in addition to the grant funds awarded under this legislation, a school administrative unit that operates a public preschool program must receive an additional weight for the count of public preschool program students under Title 20-A, section 15675, subsection 3 and must receive targeted funds for public preschool to grade 2 students pursuant to Title 20-A, section 15681, subsection 4.
7. It provides that, beginning in fiscal year 2015-16, the grant funds provided for the costs of operating public preschool programs for children four years of age must be added to the adjustments to the state share of the total allocation received by qualified school administrative units pursuant to Title 20-A, section 15689 and provides that the amount of the adjustment for operating public preschool programs for children four years of age that is added to the state share of the total allocation under this legislation may not be included in the calculation of the local share amount of the qualified school administrative unit.
8. It amends the provision in the bill that directs the Commissioner of Education to establish rules to implement a uniform common statewide screening and assessment program for kindergarten by clarifying that the rule may establish only a uniform common statewide assessment program for kindergarten and by specifying that school administrative units may also implement other quality assessment programs they determine to be necessary for kindergarten.

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9. It changes the proposed amount of the General Fund appropriation for the Early Childhood Coordinator position.

10. It changes the requirement in the bill that the Commissioner of Education establish a stakeholder group to require that, prior to beginning the process of adopting the Department of Education's rules related to the quality standards of program practice for public preschool programs for children four years of age, the Commissioner of Education invite stakeholders to provide their feedback and perspectives on the department's plan for the phase-in of the universal availability of public preschool programs for children four years of age beginning with the 2018-2019 school year and the recommended standards of program practice for public preschool programs for children four years of age. It also amends the provision that requires the commissioner to submit a report to the Legislature by clarifying that the report must contain a summary of the work of the stakeholders, as well as an outline of the rules proposed by the department to implement the goal of providing universal availability of public preschool programs for children four years of age by the 2018-2019 school year, and providing that the report must be submitted to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

11. It adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-518)**

This amendment amends Committee Amendment "A." The amendment differs from Committee Amendment "A" in the following ways.

1. It removes the provisions that would have required school administrative units to submit an implementation plan for operating a new or expanded public preschool program by the 2018-2019 school year and provides that, beginning in the 2015-2016 school year and for each subsequent school year, a school administrative unit may receive start-up funding if the school administrative unit submits an implementation plan for operating a new or expanded public preschool program that is approved by the Department of Education.

2. It defines "start-up funding" as a one-time, start-up grant for the operation of a new or expanded public preschool program and it provides that, to the extent the Legislature appropriates or allocates adequate start-up funding from state, federal or private funds for these grants, the Commissioner of Education may award grants to qualified school administrative units to operate a new or expanded public preschool program.

3. It provides that, beginning in the 2015-2016 school year, \$4,000,000 of revenues received by the Department of Education from casino slot machines or casino table games must be distributed by the department to provide annual start-up funds for approved public preschool programs for children four years of age.

4. It provides that, beginning with funding for the 2015-2016 school year, the count for students four years of age and five years of age attending public preschool programs must be based on the most recent October 1st pupil count prior to the year of funding.

5. It modifies the rule-making provision related to the qualifications to be included in the Department of Education rules for the approval of implementation plans and the awarding of grants to school administrative units for operating new or expanded public preschool programs. The amendment strikes the requirement that the application submitted by a school administrative unit must meet standards and best practices for public preschool programs and must be coordinated with other early childhood programs in the community and replaces these provisions with language that permits the department's rules to address these criteria.

6. It strikes the provision that would have established an adjustment to the state share of the total allocation for new or expanded public preschool programs and replaces this provision to authorize the Commissioner of Education to expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children four years of age.

7. It adds a new appropriations and allocations section to transfer General Fund funds from the bus refurbishing

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program to fund the costs of an early childhood coordinator position.

### **Enacted Law Summary**

Public Law 2013, chapter 581 establishes a process for the implementation of universal voluntary public preschool programs by providing that, beginning in the 2015-2016 school year and for each subsequent school year, a school administrative unit may receive start-up funding if the school administrative unit submits an implementation plan for operating a new or expanded public preschool program that is approved by the Department of Education. Chapter 581 amends the laws related to the operation of public preschool programs as follows.

1. It establishes the goal that the State provide adequate funding to ensure that public preschool programs for children four years of age are offered by all school administrative units by the 2018-2019 school year and ensure that adequate funding is provided for the operation of public preschool programs for children four years of age by all school administrative units during each subsequent school year.
2. It amends the provision in Title 20-A that requires school boards to operate or otherwise provide for the availability of kindergarten programs for students in order to provide that school boards may also operate or otherwise provide for the availability of public preschool programs for children four years of age to the extent that the State provides adequate funding to operate public preschool programs.
3. It defines "start-up funding" as a one-time, start-up grant for the operation of a new or expanded public preschool program and it provides that, to the extent the Legislature appropriates or allocates adequate start-up funding from state, federal or private funds for these grants, the Commissioner of Education may award grants to qualified school administrative units to operate a new or expanded public preschool program.
4. It authorizes the Commissioner of Education to provide grant funding, beginning in the 2015-2016 school year and for each subsequent school year, to qualified school administrative units to implement plans to develop and operate public preschool programs from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose; and it requires that, \$4,000,000 of revenues received by the Department of Education from casino slot machines or casino table games pursuant to Title 20-A, section 15671, subsection 5-A must be distributed by the department to provide annual start-up funds for approved public preschool programs for children four years of age.
5. It provides that, beginning with funding for the 2015-2016 school year, the count for students four years of age and five years of age attending public preschool programs must be based on the most recent October 1st pupil count prior to the year of funding.
6. It provides that the Commissioner of Education shall promulgate rules that establish qualifications for the approval of implementation plans and the awarding of grants to school administrative units for operating new or expanded public preschool programs, including implementation plan qualifications that contain standards and best practices for public preschool programs and that encourage coordination with other early childhood programs in the community.
7. It also directs the Commissioner of Education to establish rules that strongly encourage the use of a uniform common statewide assessment program for kindergarten that school administrative units may implement along with other quality assessment programs they determine to be necessary for kindergarten beginning in the 2016-2017 school year.
8. It provides General Fund appropriations for an Early Childhood Coordinator position in the Department of Education and transfers General Funds from the bus refurbishing program to fund the costs of this position.
9. It requires the Commissioner of Education, prior to beginning the process of adopting rules related to the quality standards of program practice for public preschool programs for children four years of age, to invite stakeholders to

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provide their feedback on the department's plan for the phase-in of the universal availability of public preschool programs and the department's current partnership with other states and researchers in a consortium to establish a state-of-the-art system for assessing children's learning from kindergarten entry to grade three. It requires the commissioner to submit a report, including a summary of the work of the stakeholder group and an outline of the department's proposed rules to implement the universal availability of public preschool programs by the 2018-2019 school year, to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014.

**LD 1579 An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities**

**PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN BURNS	OTP-AM	H-594 H-597 MACDONALD W

This bill requires publicly supported secondary schools and secondary public charter schools to adopt and implement policies ensuring that members of the United States Armed Forces or the Maine National Guard and public safety personnel, including but not limited to firefighters, police officers, emergency medical technicians, game wardens and park rangers, may wear their uniforms when visiting schools in their official capacities.

**Committee Amendment "A" (H-594)**

This amendment explicitly adds forest rangers to the list of public safety personnel in the bill.

**House Amendment "A" To Committee Amendment "A" (H-597)**

This amendment, like the bill, as amended by the committee amendment, ensures the ability of members of the military and public safety personnel to wear their uniforms when visiting certain publicly supported schools in their official capacities. Unlike the bill, as amended by the committee amendment, which requires school boards to adopt policies ensuring this ability, this amendment provides that such persons may not be denied access to a publicly supported secondary school or secondary public charter school solely because they are wearing their uniforms.

**Enacted Law Summary**

Public Law 2013, chapter 450 ensures the ability of members of the military and public safety personnel to wear their uniforms when visiting publicly supported schools in their official capacities. The law provides that such persons may not be denied access to publicly supported secondary school or secondary public charter school solely because they are wearing their uniforms.

**LD 1591 An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units**

**PUBLIC 456**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL	OTP-AM	H-612

Under current law, a student or the parent of a student may request a transfer to a school administrative unit in which the student does not reside. The superintendents of both the sending and the receiving school administrative units may approve the transfer if they find that it is in the best interests of the student. The decision is appealable to the Commissioner of Education, who may approve or disapprove the transfer. That decision is appealable to the State Board of Education, which may approve or disapprove the transfer.

This bill provides a standard for what constitutes a student's best interest. The bill requires that, if the decision of

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one or both of the superintendents to deny the transfer is appealed, the Commissioner of Education must uphold the decision unless the commissioner determines that the decision to deny the transfer was arbitrary and capricious, in which case the commissioner may approve the transfer. If that decision is appealed to the State Board of Education, the board must uphold the decision to deny the transfer unless the board determines that the decision was arbitrary and capricious, in which case the board may approve the transfer.

### **Committee Amendment "A" (H-612)**

This amendment strikes and replaces the bill. The bill provides a standard for what constitutes a student's best interest when requesting a transfer from one school administrative unit to another; the amendment removes that standard. In current law, the superintendents of the receiving school administrative unit and the sending school administrative unit must both consent to a student's transfer. This amendment changes that provision to require that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination. The amendment also removes the provisions in the bill that direct the Commissioner of Education, or subsequently the State Board of Education, to uphold the decision of one or both superintendents to deny a transfer unless the commissioner or the board determines that the decision to deny the transfer was arbitrary and capricious. The amendment also retains the provision in the bill that extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer.

### **Enacted Law Summary**

Public Law 2013, chapter 456 changes the provision in current law which provides that the superintendents of the sending school administrative unit and the receiving school administrative unit must both consent to the approval of a request for a student to transfer to a school administrative unit in which the student does not reside by requiring that if a superintendent disapproves, that superintendent must provide the parent of the student with a written description of the superintendent's determination.

Chapter 456 also extends from 30 to 45 calendar days the period of time within which the State Board of Education must make a decision on a review of a request for transfer that was made by a parent of a student requesting transfer or a superintendent of either the sending or the receiving school administrative unit who is dissatisfied with the Commissioner of Education's decision to approve or disapprove the transfer upon the initial request of a parent to have the commissioner review the decision of the superintendents of the sending and the receiving school administrative units related to the transfer request.

<b>LD 1617</b>	<b>An Act To Amend the Laws Governing the Process for Funding Virtual Public Charter Schools and Full-time, Online Learning Programs in the State</b>	<b>Died On Adjournment</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W JOHNSON C	OTP-AM ONTP	H-796

This bill makes the following changes to the laws governing virtual public charter schools.

1. It provides that a virtual public charter school must be approved by the Legislature before it may operate.
2. It requires a virtual public charter school to be accredited by an organization approved by the Department of Education based on a demonstration that the organization's accreditation process is rigorous and aligned with state policy.
3. It requires the Maine Charter School Commission to evaluate applications for a virtual public charter school based on certain criteria.

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4. It requires the governing board of a virtual public charter school to submit annually a performance report, operations report and independent financial audit to the Maine Charter School Commission and the joint standing committee of the Legislature having jurisdiction over education matters.
5. It sets standards for teachers in virtual public charter schools.
6. It sets standards to maintain the integrity of student learning and assessment in virtual public charter schools.
7. It requires the Department of Education to adopt major substantive rules governing virtual public charter schools. These rules must include a method for funding virtual public charter schools based on the cost per unit of instruction provided in each subject area to each student. These unit costs may include teacher costs, based on the average cost per student to employ a teacher in this State; administrative costs; costs of facilities; and capital costs.

### **Committee Amendment "A" (H-796)**

This amendment, which is the majority report of the committee replaces the bill to establish provisions in the Maine Revised Statutes, Title 20-A, chapter 112 related to funding for students enrolled in a virtual public charter school and to establish provisions in Title 20-A, chapter 802 related to funding for students enrolled in a full-time, online learning program established by a school administrative unit.

<b>LD 1630</b>	<b>An Act To Increase Transparency of Administration Costs within the University of Maine System</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS MAKER	ONTP	

The purpose of this bill is to enhance transparency in funding the University of Maine System. This bill requires that, beginning in fiscal year 2015-16, appropriations and allocations in the budget document and the budget bills for the Board of Trustees of the University of Maine System must be separated into two separate line items: one reflecting those amounts to be allocated to the individual campuses of the University of Maine System and one reflecting those amounts to be used by the University of Maine System for administration costs.

<b>LD 1635</b>	<b>An Act To Clarify the School Budget Development Process in Certain Charter Municipalities</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK PRIEST	ONTP	

The school district reorganization law enacted in 2007 established a uniform school budget validation referendum process for state-approved units of school administration composed of two or more member municipalities. The new budget process requires that a state-approved unit of school administration composed of a single municipality must also integrate the referenda procedures with any school budget adoption procedures that may have been previously established in a municipal charter. This emergency bill clarifies in time for budgets developed after January 1, 2014 that the statute integrating the budget adoption law for municipal school units with municipal charters does not preempt municipal charter provisions that establish school budget development, review and recommendation procedures that occur prior to the meeting held by the municipal legislative body to vote on the school budget.

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**LD 1638 An Act To Improve Educational Outcomes for Students in Poverty in  
Maine's Public Schools**

**ONTP**

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

This bill removes provisions that require the amount of a school administrative unit's state contribution to be reduced by the amount that school administrative unit receives in federal Title I funds. It removes references pertaining to the allocation of federal resources from the Essential Programs and Services Funding Act. It also allows the Department of Education to audit a school administrative unit that receives federal Title I funds to ensure that these funds are expended in compliance with federal law. It contains an appropriations section to provide funds to support the increase in the cost of providing essential programs and services to students in kindergarten to grade 12 as a result of the adjustment of federal Title I funds being removed from the calculation of teaching and other staff costs within the essential programs and services model.

**LD 1657 An Act To Ensure Equity in Teacher Retirement Costs for Private  
Academies**

**PUBLIC 497  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY NELSON	OTP-AM	S-416

This bill provides that, for the 2013-2014 school year only, the maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted by an amount equal to 60% of the calculated normal cost of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012. Current law allows this increase in the maximum allowable tuition for the 2013-2014 and 2014-2015 school years and allows the entire cost of teacher retirement to be recovered through the tuition increase. The bill also corrects a conflict that was created when two public laws amended the same provision of law.

**Committee Amendment "A" (S-416)**

This amendment provides that, for the 2013-2014 school year only, the maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted by an amount equal to the calculated normal cost of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012. The bill proposed to increase this amount by only 60% of the calculated normal cost of teacher retirement.

**Enacted Law Summary**

Public Law 2013, chapter 497 provides that, for the 2013-2014 school year only, the maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted by an amount equal to the calculated normal cost of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012.

Public Law 2013, chapter 497 was enacted as an emergency measure effective April 2, 2014.

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**LD 1684     An Act Regarding Eligibility of Children Placed in Guardianship for the School Lunch and Milk Program     ONTP**

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

This bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide that a student placed in legal guardianship is eligible for free meals under the school lunch and milk program in the Maine Revised Statutes, Title 20-A, chapter 223, subchapter 7 without considering the income of the student's guardian.

**LD 1699     An Act To Fund the Maine HIV Prevention Education Program within the Department of Education     Died On Adjournment**

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

This bill provides ongoing General Fund appropriations of \$150,000 per year beginning in fiscal year 2013-14 to partially offset the loss of federal grant funds used to provide HIV prevention training and education to educators in Maine.

**Committee Amendment "A" (H-613)**

This amendment provides that ongoing General Fund appropriations of \$150,000 per year to partially offset the loss of federal grant funds used to provide HIV prevention training and education to educators in Maine will begin in fiscal year 2014-15 instead of fiscal year 2013-14 as proposed by the bill.

The amendment also removes the emergency preamble and emergency clause.

**LD 1702     Resolve, Directing the University of Maine System and the Maine Community College System To Study the Establishment of a Pilot Program Based on Oregon's "Pay Forward, Pay Back" Model of Funding Public Postsecondary Education     INDEF PP**

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

This resolve directs the University of Maine System and the Maine Community College System to study the establishment of a pilot program based on Oregon's "Pay Forward, Pay Back" model to replace the current system of charging a resident of the State tuition and fees for enrollment at a state public institution of higher education. Under the pilot program, a student who is a resident of the State and who qualifies for admission to an institution would be able to enroll in the institution without paying tuition or fees; instead, the student would sign a binding contract to pay to the State or the institution for a specified number of years a certain percentage of the student's annual adjusted gross income upon graduation from the institution. Under the resolve, the University of Maine System and the Maine Community College System are directed to report their findings and any proposed implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters by December 3, 2014.

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**LD 1703    An Act To Increase College Affordability and the Rate of Degree Completion**

**INDEF PP**

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

This bill is a concept draft pursuant to Joint Rule 208. The bill would implement a comprehensive strategy to keep the cost of public postsecondary education in the State affordable, thereby increasing the graduation rate from state public institutions of higher education. The comprehensive strategy may include, but is not limited to:

1. Adoption of Oregon's "Pay Forward, Pay Back" pilot project's model of funding public postsecondary education, under which a student enrolled in a public institution of higher education, in lieu of paying tuition or fees, contracts to pay to the State a certain percentage of the student's annual income upon graduation for a specified number of years;
2. Scholarships to provide incentives for degree completion with agreements to remain in the State after graduation for specified periods. Under this program, a full scholarship for the 4th and final year of school at a public institution of higher education will be provided to students who agree to work in the State for a certain period of time following graduation;
3. Tuition guarantees that ensure that students will pay the same tuition for four years while attending one of the State's public institutions of higher education;
4. Low interest rates for student loans issued by the State for students meeting certain criteria, such as financial need, academic merit, graduating within four years or agreeing to work in public service for a certain period after graduation;
5. Adoption of performance-based higher education funding that links the level of funding of a state public institution of higher education to a metric such as the graduation rate of that state public institution of higher education;
6. Transition from the provision of tax credits for higher education to the provision of state grants and other forms of financial aid for higher education;
7. Increased funding to the State of Maine Grant Program;
8. Facilitation of expedient graduation through establishment of dual enrollment programs and so-called three plus 1 programs, in which students attend community colleges for three years and transfer for the final year to a four-year program at another of the State's public institutions of higher education; and
9. Expansion of online learning opportunities, including the use of online course providers to develop online courses.

**Committee Amendment "A" (S-489)**

This amendment replaces the bill, which is a concept draft, with a resolve to establish the Task Force To Increase College Affordability and the Rate of Degree Completion. The task force is directed to study and make recommendations on issues associated with college affordability and degree completion and develop a 10-year statewide economic and policy strategy. The task force is required to submit a report by January 31, 2015 to the joint standing committee of the Legislature having jurisdiction over education matters. The report submitted by the task force must include findings, recommendations and any suggested legislation. The joint standing committee of

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the Legislature having jurisdiction over education matters may submit a bill related to this report to the First Regular Session of the 127th Legislature.

**LD 1716    An Act To Increase the Rate of Reimbursement for Providing Career and Academic Advising and Counseling Services to Adult Education Students**

**PUBLIC 460**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	H-616

Currently, career and academic advising and counseling costs incurred by local adult education programs are considered administrative costs under the Maine Revised Statutes, Title 20-A, section 8607-A, subsection 1 and reimbursed at a rate of 70% of those costs. This bill requires that career and academic advising and counseling costs incurred by local adult education programs, because those services are provided directly to students, be reimbursed at the rate of 75% of those costs, which is the same as the reimbursement rate for courses for students.

**Committee Amendment "A" (H-616)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 460 requires that career and academic advising and counseling costs incurred by local adult education programs must be reimbursed at the rate of 75% of those costs, which is the same as the reimbursement rate for courses for students.

**LD 1726    An Act Directing the Department of Education To Formulate and Implement a Citizenship Educational Component for the School Curriculum**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON JOHNSON C	ONTP OTP-AM	

This bill amends the law requiring instruction in history, government and citizenship in elementary and secondary schools. This bill specifies instruction be provided concerning different models of local government and the history, organization and operation of the Federal Government and of Maine government.

**Committee Amendment "A" (H-676)**

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

**LD 1727    An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools**

**PUBLIC 526**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON JOHNSON C	OTP-AM	H-779

This bill establishes guidelines for the stocking and administering of epinephrine auto injectors by schools.

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**Committee Amendment "A" (H-779)**

This amendment provides for the provision and administration of epinephrine auto injectors through collaborative practice agreements between physicians licensed in this State or school health advisors and school nurses.

**Enacted Law Summary**

Public Law 2013, chapter 526 provides for the provision and administration of epinephrine auto injectors through collaborative practice agreements between physicians licensed in this State or school health advisors and school nurses.

**LD 1728      An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL MACDONALD W	ONTP OTP-AM	

This bill prohibits the possession of a replica or simulated firearm on or near public or private school property and makes a violation of the law a Class E crime.

**Committee Amendment "A" (S-402)**

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, clarifies provisions proposed in the bill that prohibit the possession of a replica or simulated firearm on or near public or private school property. The amendment includes the following changes to the bill.

1. It clarifies the definition of "replica or simulated firearm" to provide that the object is not capable of expelling a projectile or is capable of expelling a projectile other than by the action of an explosive.
2. It clarifies the definition of "replica or simulated firearm" to provide that the object could reasonably be mistaken for an actual firearm.
3. It provides an exemption from the law for toys, look-alikes and imitation firearms that meet the marking conditions established under federal law.
4. It provides an exception for law enforcement officials.
5. It removes the provision that prohibits the possession of a replica or simulated firearm within 500 feet of public or private school property.
6. It changes the provision that makes the possession of a replica or simulated firearm on public or private school property a Class E crime by making that possession a civil violation.

**LD 1736      Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY HUBBELL	OTP-AM OTP-AM	S-392 H-631 HUBBELL

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This resolve directs the Department of Education to establish a virtual academy administered by the State providing all public schools in the State access to online courses for their students and to submit implementing legislation to the joint standing committee of the Legislature having jurisdiction over education matters. It also imposes a moratorium on the authorization of virtual public charter schools and public charter schools that integrate online and on-site instruction until after the virtual academy administered by the State is operational.

### **Committee Amendment "A" (S-392)**

This amendment, which is the majority report of the committee strikes and replaces the resolve to accomplish the following.

1. It directs the Department of Education to convene a stakeholder group to develop plans to establish online and digital learning opportunities, which may include a state-administered virtual academy and a state-administered digital learning exchange, that provide all public schools in the State access to online instruction, online courses and digital learning resources for their students.
2. It directs the stakeholder group, in collaboration with the Department of Education, to complete the design of online and digital learning opportunities for Maine students and submit a report, including findings and any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2015.
3. It directs the stakeholder group, in collaboration with school administrative units in the State, to develop a memorandum of understanding with the Virtual Learning Academy Charter School in New Hampshire to provide Maine secondary school students with access to virtual learning programs during the 2014-2015 school year and it directs the Commissioner of Education to notify the Legislature whether or not the stakeholder group and the participating school administrative units in the State made a good faith effort to develop a memorandum of understanding in accordance on or before July 31, 2014.
4. It imposes a moratorium on the authorization and operation of virtual public charter schools subject to authorization by the Maine Charter School Commission until January 15, 2015 unless the Commissioner of Education notifies the Legislature that the stakeholder group and the participating school administrative units in the State failed to make a good faith effort to develop a memorandum of understanding on or before July 31, 2014.
5. It stipulates that the moratorium established by the resolve regarding the authorization or operation of virtual public charter schools prohibits a virtual public charter school that has not commenced operations as of the effective date of the resolve from commencing operations, regardless of whether the Maine Charter School Commission has approved, authorized or executed a contract authorizing that virtual public charter school prior to the effective date of the resolve; and it prohibits the Maine Charter School Commission from executing a contract or authorizing a virtual public charter school, including an application for a virtual public charter school pending approval by the commission on the effective date of the resolve.

### **Committee Amendment "B" (S-393)**

This amendment, which is the minority report of the committee provides that the Department of Education must include two members of the joint standing committee of the Legislature having jurisdiction over education matters, members of the Maine Charter School Commission and providers of online learning programs in the group collaborating in the design of a state-administered virtual academy that the department must establish by August 1, 2016 to provide all public schools in the State access to online courses for their students.

The amendment provides that in designing the virtual academy the Department of Education must propose:

1. A funding model for the state-administered virtual academy that provides that state funding is allocated as a separate line item in the General Purpose Aid for Local Schools program; and

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2. An amendment to the existing funding model for virtual public charter schools in order to provide that state funding is allocated as separate line items in the General Purpose Aid for Local Schools program and that the amount of funding provided for a student enrolled in a virtual public charter school does not exceed \$6,000 per student.

The amendment also strikes the moratorium proposed in the resolve that would prohibit the authorization of virtual public charter schools and public charter schools that integrate online and on-site instruction until after the virtual academy administered by the State is operational. This amendment also adds an appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-631)**

This amendment removes the emergency preamble and emergency clause.

**LD 1747      Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education**

**RESOLVE 113  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-757 H-777 JOHNSON P

This resolve provides for legislative review of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education.

### **Committee Amendment "A" (H-757)**

This amendment provides that final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education, is authorized upon the Department of Education's making specific changes to the rule.

### **House Amendment "A" To Committee Amendment "A" (H-777)**

This amendment amends Committee Amendment "A." The amendment differs from Committee Amendment "A" in the following ways.

1. It removes the provision in Committee Amendment "A" that sets requirements related to a school administrative unit that does not submit a performance evaluation and professional growth system, referred to as a PE/PG system, in compliance with the Maine Revised Statutes, Title 20-A, chapter 508 and the rule by June 1, 2015.
2. It includes requirements related to the criteria or instrument used to measure student growth.
3. It includes provisions setting requirements if the stakeholder group fails to reach consensus.
4. It adds provisions requiring the Department of Education to develop at least one complete model PE/PG system for teachers and at least one complete model PE/PG system for principals by July 3, 2014.

### **Enacted Law Summary**

Resolve 2013, chapter 113 provides that final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a major substantive rule of the Department of Education, is authorized upon the Department of Education's making specific changes to the rule.

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Chapter 113 also requires the Department of Education to develop at least one complete performance evaluation and professional growth system model for teachers and at least one complete performance evaluation and professional growth system model for principals by July 3, 2014.

Resolve 2013, chapter 113 was finally passed as an emergency measure effective May 1, 2014.

**LD 1768     *An Act To Allow All Current Members and Veterans of the United States Armed Forces To Be Eligible for In-state Tuition Rates***

**PUBLIC 488  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI TUTTLE	OTP-AM	H-695

Current law allows veterans of the Armed Forces of the United States who use so-called G.I. Bill benefits for tuition at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy to be eligible for in-state tuition rates, regardless of their state of residency. This bill extends that eligibility for in-state tuition rates to all veterans, regardless of their state of residency and regardless of whether they use G.I. Bill benefits to pay tuition.

**Committee Amendment "A" (H-695)**

This amendment provides that, if a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

**Enacted Law Summary**

Public Law 2013, chapter 488 provides that, if a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

Public Law 2013, chapter 488 was enacted as an emergency measure effective March 22, 2014.

**LD 1769     *An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf***

**PUBLIC 552**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-479

This bill has been submitted by the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2011, chapter 683, section 11, as amended by Public Law 2013, chapter 347. As required by these public laws, the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf submitted a joint report to the committee that included their findings, recommendations and the necessary changes to the Maine Revised Statutes, Title 20-A, chapter 304 that clarify the procedural and financial responsibilities of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and school administrative units that send students to attend the center preschool, the center school or a satellite school that is operated by the Maine Educational Center for the

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Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. This bill incorporates changes to law that the joint report indicated are necessary to implement its recommendations.

The committee has not taken a position on the substance of the joint report or this bill and by submitting this bill the committee is not suggesting and does not intend to suggest that it agrees or disagrees with any aspect of the recommendations and the necessary changes to Title 20-A, chapter 304 included in the joint report or this bill. The committee is submitting the bill for the sole purpose of turning the proposals in the joint report into a printed bill that can be referred to the committee for an appropriate public hearing and subsequent processing in the normal course of business. The committee is taking this action to ensure clarity and transparency in the legislative review of the proposals included in the joint report submitted by the Commissioner of Education and the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

The bill provides that, beginning with the 2015-2016 school year:

1. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education to a student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
2. The individualized education program team for the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of the student and, when the center school or one of the satellite school programs is being considered as a placement for the student, must invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered;
3. The school administrative unit in which the student resides must pay the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and
4. The School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.

### **Committee Amendment "A" (S-479)**

This amendment clarifies that, beginning July 1, 2015, the Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. Beginning July 1, 2015, the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the costs of providing only those related services as defined by Title 20-A, section 7001, subsection 4-B that are not specified in the list of related services that must be provided by the Maine Educational Center for the Deaf and Hard of Hearing for students attending the center school program or one of the satellite school programs beginning in the 2015-2016 school year.

### **Enacted Law Summary**

Public Law 2013, chapter 552 amends the laws governing the responsibility for the costs of providing education programs and services to a deaf or hard-of-hearing student placed in the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor

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Baxter School for the Deaf. Chapter 552 provides that, beginning with the 2015-2016 school year:

1. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education to a student placed in a center school program or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
2. The individualized education program team for the school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of the student and, when the center school or one of the satellite school programs is being considered as a placement for the student, must invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered;
3. The Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that services required to meet the individualized education program are provided, including tuition, transportation services and other related services as defined by the Maine Revised Statutes, Title 20-A, section 7001, subsection 4-B, for each student placed in the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; and
4. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the costs of providing only those related services as defined by Title 20-A, section 7001, subsection 4-B that are not specified in the list of related services that must be provided by the Maine Educational Center for the Deaf and Hard of Hearing for students attending the center school program or one of the satellite school programs beginning in the 2015-2016 school year.

**LD 1774      **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education****

**RESOLVE 101  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-688

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval 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-688)**

This amendment provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education that was filed outside the legislative rule acceptance period, is authorized contingent upon the State Board of Education making a specific change to the proposed rule.

**Enacted Law Summary**

Resolve 2013, chapter 101 provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education is authorized contingent upon the State Board of Education making a specific change to the proposed rule.

Resolve 2013, chapter 101 was finally passed as an emergency measure effective April 3, 2014.

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**LD 1780      An Act To Prohibit Providers of Cloud Computing Service to      ONTP**  
**Elementary and Secondary Educational Institutions from Processing**  
**Student Data for Commercial Purposes**

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

This bill prohibits a cloud computing service provider that provides a cloud computing service to an educational institution from using that service to process student data for any secondary use that benefits the provider or any 3rd party.

While this bill was not enacted, Resolve 2013, chapter 112, Resolve, Directing a Study of Social Media Privacy in School and in the Workplace, includes a review by the Joint Standing committee on Judiciary of the issues and concerns proposed in this bill.

**LD 1797      An Act Expanding Access to Early Postsecondary Education      Died On**  
**Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON LANGLEY	OTP-AM	H-783

This bill makes the following changes to the laws regarding early postsecondary education programs.

1. It clarifies that adult education students, home school students and students from private schools are eligible for state subsidy for postsecondary courses as long as those students are Maine residents. It also clarifies that a student who is a Maine resident may be eligible if the parents, school administration and postsecondary institution approve.
2. It includes online courses in the courses that are eligible for academic credit and for which a postsecondary institution must grant full credit to a student who successfully completes the course.
3. It requires a school administration to inform a student enrolled in a postsecondary course of the extent to which high school credit will be granted toward graduation requirements for successful completion of the course.
4. It limits the number of secondary school students enrolled in a postsecondary course to no more than 1/3 of the total number of students enrolled in the course.
5. It requires the Department of Education to pay 50% of tuition for eligible students for up to six credit hours per semester, up to a maximum of 12 credit hours for the academic year, rather than only the first three credit hours taken each semester as in current law.
6. It adds instructors of postsecondary education courses that are offered in secondary schools to the list of personnel that are subject to the fingerprinting and background check requirements.
7. It requires career and technical education centers to serve as sites for the administration of assessment tests to determine college-level academic skills.

The bill also requires the Department of Education to establish and maintain a single publicly accessible website

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with information on early postsecondary education programs and research as well as hyperlinks to those programs and the research.

### **Committee Amendment "A" (H-783)**

This amendment makes the following changes to the bill regarding early postsecondary education programs.

1. It clarifies that a secondary school student who is enrolled in an adult education program is eligible for a state subsidy for postsecondary courses.
2. It strikes the provision related to a secondary school student who is participating in an approved home instruction program from the bill since the Maine Revised Statutes, Title 20-A, section 4772-B already specifies the eligibility requirements for a student who is participating in an approved home instruction program.
3. It corrects the allocation of the proposed section regarding student eligibility to avoid a numbering conflict.
4. It removes the provision in the bill that proposed to limit the number of secondary school students taking a postsecondary education course to no more than 1/3 of the number of students taking the course.
5. It corrects a cross-reference.

**LD 1805      An Act To Implement the Recommendations of the Review Committee  
Established To Examine the Impact of Unfunded Education Mandates  
and Other Regulatory Burdens**

**PUBLIC 506**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This bill is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2013, chapter 74, section 4. As required by the resolve, the Commissioner of Education submitted a report to the committee that included a list of priority recommendations regarding unfunded or underfunded education mandates, regulatory burdens and other education requirements that the review committee established by the resolve recommended should be repealed or amended by the Legislature.

The bill makes the following changes to the Maine Revised Statutes, Title 20-A.

1. It repeals requirements related to the promotion of gender equity for women in public school administration, including provisions that require:
  - A. The joint standing committee of the Legislature having jurisdiction over educational matters to hold hearings every two years on the status of women in public school administration;
  - B. The Commissioner of Education to set a statewide target goal for the employment of women in positions requiring administrator certification; and
  - C. The Commissioner of Education to provide technical assistance to school administrative units and compile data to monitor the progress in attaining the goals established for gender equity for women in public school administration.
2. It repeals the requirement that the Commissioner of Education maintain a clearinghouse for information on development and deployment of nuclear weapons and industrial nuclear usage in the world.

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3. It repeals the requirement that the Department of Education employ staff and make office space available to support school volunteer programs.
4. It removes provisions that require the Department of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a school facilities maintenance template and software and to provide technical assistance to school administrative units to implement maintenance and capital improvement programs for school facilities.
5. It repeals the requirement that the Department of Education report by January 15, 1992 on the status of national efforts to certify teachers of blind and visually impaired students to the joint standing committee of the Legislature having jurisdiction over education matters.
6. It repeals the provision that allowed a school administrative unit to reduce the number of days for the maintenance of schools by five days a year for school years 1991-1992 and 1992-1993.
7. It repeals the provisions that authorized the Department of Education to establish a pilot project for state wards who were in the custody of the Department of Health and Human Services in school year 1991-1992.
8. It repeals the provisions that allowed the cost of removing architectural barriers to be included in the maximum allowable tuition that public or private schools could charge for tuition students. These provisions applied to minor capital projects that received approval by the Department of Education before June 30, 1982.
9. It repeals the provision that required the Commissioner of Education to reimburse the amount of \$31 to any individual who paid \$55 for a renewal criminal history record check between September 17, 2005 and March 29, 2006.
10. It repeals the requirement that the Commissioner of Education provide an annual report to the joint standing committee of the Legislature having jurisdiction over education matters that validates the implementation status of each school administrative unit's comprehensive education plan, as well as reporting high school graduation rates and the numbers of students attending and persisting at the postsecondary education level.
11. It repeals the requirement that each school administrative unit establish a minimum salary of \$27,000 for certified teachers for the 2006-2007 school year.

The bill also provides that following the effective date of this legislation and until the Department of Education files proposed amendments to rules, rules adopted by the department to implement the Maine Revised Statutes, Title 20-A, section 4001, subsection 7 and section 15918 are void.

### **Enacted Law Summary**

Public Law 2013, chapter 506 makes the following changes to the Maine Revised Statutes, Title 20-A related to unfunded or underfunded education mandates, regulatory burdens and other education requirements that the review committee established by Resolve 2013, chapter 74 recommended should be repealed or amended by the Legislature.

1. It repeals requirements related to the promotion of gender equity for women in public school administration, including provisions that require:
  - A. The joint standing committee of the Legislature having jurisdiction over educational matters to hold hearings every two years on the status of women in public school administration;
  - B. The Commissioner of Education to set a statewide target goal for the employment of women in positions requiring administrator certification; and

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- C. The Commissioner of Education to provide technical assistance to school administrative units and compile data to monitor the progress in attaining the goals established for gender equity for women in public school administration.
- 2. It repeals the requirement that the Commissioner of Education maintain a clearinghouse for information on development and deployment of nuclear weapons and industrial nuclear usage in the world.
- 3. It repeals the requirement that the Department of Education employ staff and make office space available to support school volunteer programs.
- 4. It removes provisions that require the Department of Education and the Department of Administrative and Financial Services, Bureau of General Services to establish a school facilities maintenance template and software and to provide technical assistance to school administrative units to implement maintenance and capital improvement programs for school facilities.
- 5. It repeals the requirement that the Department of Education report by January 15, 1992 on the status of national efforts to certify teachers of blind and visually impaired students to the joint standing committee of the Legislature having jurisdiction over education matters.
- 6. It repeals the provision that allowed a school administrative unit to reduce the number of days for the maintenance of schools by five days a year for school years 1991-1992 and 1992-1993.
- 7. It repeals the provisions that authorized the Department of Education to establish a pilot project for state wards who were in the custody of the Department of Health and Human Services in school year 1991-1992.
- 8. It repeals the provisions that allowed the cost of removing architectural barriers to be included in the maximum allowable tuition that public or private schools could charge for tuition students. These provisions applied to minor capital projects that received approval by the Department of Education before June 30, 1982.
- 9. It repeals the provision that required the Commissioner of Education to reimburse the amount of \$31 to any individual who paid \$55 for a renewal criminal history record check between September 17, 2005 and March 29, 2006.
- 10. It repeals the requirement that the Commissioner of Education provide an annual report to the joint standing committee of the Legislature having jurisdiction over education matters that validates the implementation status of each school administrative unit's comprehensive education plan, as well as reporting high school graduation rates and the numbers of students attending and persisting at the postsecondary education level.
- 11. It repeals the requirement that each school administrative unit establish a minimum salary of \$27,000 for certified teachers for the 2006-2007 school year.

Chapter 506 also provides that following the effective date of this law and until the Department of Education files proposed amendments to rules, rules adopted by the department to implement the Maine Revised Statutes, Title 20-A, section 4001, subsection 7 and section 15918 are void.

**LD 1812      An Act To Reduce the Burden Placed on Students as a Result of Requirements To Take Remedial Courses      ONTP**

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

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Under current law, the University of Maine System, the Maine Community College System and the Maine Maritime Academy are required to report on the number of remedial courses taken by students from each school administrative unit in the subjects of English language arts and mathematics. This bill requires those higher education institutions to report the costs to the students of those remedial courses, by school administrative unit, and requires the Commissioner of Education to reduce state subsidy to the school administrative units and to pay those funds to the higher education institutions. Those higher education institutions are required to use the funds to reduce or eliminate the costs of remedial courses to their students and to report to the Commissioner of Education and the Legislature how those funds were used to achieve the reduction or elimination of costs.

**LD 1819      *Resolve, To Create the Task Force To End Student Hunger in Maine***

**RESOLVE 107  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MACDONALD W	OTP-AM	S-454

This resolve establishes the Task Force To End Student Hunger in Maine.

**Committee Amendment "A" (S-454)**

This amendment strikes the preamble and adds an emergency preamble and emergency clause. It also adds an appropriations and allocations section.

**Enacted Law Summary**

Resolve 2013, chapter 107 establishes the Task Force To End Student Hunger in Maine.

Resolve 2013, chapter 107 was finally passed as an emergency measure effective April 16, 2014.

The law directs the task force to study issues associated with the creation of public-private partnership to provide expertise to school administrative units throughout the State in adopting best practices and maximizing available federal funds for addressing student hunger.

**LD 1849      *Resolve, To Establish the Commission To Study College Affordability and College Completion***

**RESOLVE 109  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-468   MILLETT

This resolve is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order 2013, S.P. 721. The resolve establishes the Commission To Study College Affordability and College Completion. The commission is directed to examine and make recommendations on the development of strategies to keep the cost of public postsecondary education in the State affordable and to increase the graduation rate of students enrolled in state-supported public institutions of higher education.

The commission is required to submit a report by December 9, 2014 to the joint standing committee of the Legislature having jurisdiction over education matters. The report submitted by the commission must include findings, recommendations and any necessary implementing legislation to keep the cost of public postsecondary education in the State affordable and to increase the graduation rate of students enrolled in state-supported public institutions of higher education. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to this report to the First Regular Session of the 127th Legislature.

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**Senate Amendment "A" (S-468)**

This amendment allows the commission to seek outside funding to defray the costs of its required study.

**Enacted Law Summary**

Resolve 2013, chapter 109 establishes the Commission To Study College Affordability and College Completion. The commission is directed to examine and make recommendations on the development of strategies to keep the cost of public postsecondary education in the State affordable and to increase the graduation rate of students enrolled in state-supported public institutions of higher education. The resolve allows the commission to seek outside funding to defray the costs of its required study.

Chapter 109 requires the commission to submit a report, including findings, recommendations and any necessary implementing legislation, by December 9, 2014 to the joint standing committee of the Legislature having jurisdiction over education matters. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to this report to the First Regular Session of the 127th Legislature.

Resolve 2013, chapter 109 was finally passed as an emergency measure effective April 29, 2014.

**LD 1850      Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula**

**RESOLVE 114  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

S-504    MILLETT

S-530    HILL

This resolve is reported out by the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2011, chapter 166, section 8. As required by the resolve, the qualified research entity selected to conduct the independent review of the Essential Programs and Services Funding Act submitted a final report to the committee that included findings, conclusions and recommendations regarding changes to the Essential Programs and Services School Funding Act.

The resolve establishes the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula. The commission is directed to examine the reports and related work products presented to the Joint Standing Committee on Education and Cultural Affairs during the 126th Legislature as part of the independent review of the Essential Programs and Services Funding Act and to develop a plan to strengthen the adequacy and equity of the following cost components of the Essential Programs and Services Funding Act and related education statutes:

1. Public preschool programs for children four years of age;
2. Support for economically disadvantaged students, including Title I funds and extra help for struggling students;
3. Professional development and collaborative time needed to implement proficiency-based learning;
4. Regional cost adjustment for teacher salaries;
5. Debt service for locally approved school construction projects in the required local share of school funding;
6. Special education allocation for minimum subsidy receivers; and

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7. State contributions to fund the cost of the unfunded actuarial liability for retired teachers.

The commission is required to submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 9, 2014. The report submitted by the commission must include findings, recommendations and any necessary implementing legislation. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to this report to the First Regular Session of the 127th Legislature.

### **Senate Amendment "B" (S-504)**

This amendment makes the following changes to the resolve.

1. It reduces the membership of the study commission from 18 members to 14 members.
2. It provides that the commission is required to consider certain agenda items related to the work plan and timeline for the review of certain cost components that the commission is required to address during meetings to be scheduled in July, October, November and December 2014 prior to the commission submitting its final report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 9, 2014.

### **Senate Amendment "C" (S-530)**

This amendment removes the appropriations and allocations section.

### **Enacted Law Summary**

Resolve 2013, chapter 114 establishes the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula. The commission is directed to examine the reports and related work products presented to the Joint Standing Committee on Education and Cultural Affairs during the 126th Legislature as part of the independent review of the Essential Programs and Services Funding Act and to develop a plan to strengthen the adequacy and equity of the following cost components of the Essential Programs and Services Funding Act and related education statutes:

1. Public preschool programs for children four years of age;
2. Support for economically disadvantaged students, including Title I funds and extra help for struggling students;
3. Professional development and collaborative time needed to implement proficiency-based learning;
4. Regional cost adjustment for teacher salaries;
5. Debt service for locally approved school construction projects in the required local share of school funding;
6. Special education allocation for minimum subsidy receivers; and
7. State contributions to fund the cost of the unfunded actuarial liability for retired teachers.

Chapter 114 requires the commission to submit a report, including findings, recommendations and any necessary implementing legislation, to the joint Joint Standing Committee on Education and Cultural Affairs by December 9, 2014. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to this report to the First Regular Session of the 127th Legislature.

Resolve 2013, chapter 114 was finally passed as an emergency measure effective May 1, 2014.

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**LD 1852    An Act To Amend the Process Regarding the Transfer of Students  
between School Administrative Units**

**PUBLIC 561**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM	H-815

Current law prohibits the approval of transfer of a student from one school administrative unit to another if the receiving school administrative unit does not operate a public school that includes the grade level of the student whose parent requests the transfer. This bill repeals that prohibition, but does not allow a parent to request a review of a decision by a superintendent to deny a transfer if the receiving school administrative unit does not operate a public school that includes the grade level of the student whose parent requests the transfer.

**Committee Amendment "A" (H-815)**

This amendment replaces the bill and provides that the approval of the transfer of a student from one school administrative unit to a school administrative unit that does not operate a public school that includes the grade level of the student whose parent requests the transfer may not be approved unless the superintendents of both the sending and receiving school administrative units approve the transfer.

**Enacted Law Summary**

Public Law 2013, chapter 561 provides that the approval of the transfer of a student from one school administrative unit to a school administrative unit that does not operate a public school that includes the grade level of the student whose parent requests the transfer may not be approved unless the superintendents of both the sending and receiving school administrative units approve the transfer.

# *Joint Standing Committee on Education and Cultural Affairs*

## SUBJECT INDEX

### *Administration, Department of Education, State Board, and School Governance*

#### Enacted

LD 1096	An Act To Amend the Laws Governing Students Experiencing Education Disruption	PUBLIC 439
LD 1530	An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age	PUBLIC 581
LD 1591	An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units	PUBLIC 456
LD 1805	An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens	PUBLIC 506
LD 1852	An Act To Amend the Process Regarding the Transfer of Students between School Administrative Units	PUBLIC 561

#### Not Enacted

LD 1630	An Act To Increase Transparency of Administration Costs within the University of Maine System	ONTP
LD 1780	An Act To Prohibit Providers of Cloud Computing Service to Elementary and Secondary Educational Institutions from Processing Student Data for Commercial Purposes	ONTP

### *Adult Education*

#### Enacted

LD 1716	An Act To Increase the Rate of Reimbursement for Providing Career and Academic Advising and Counseling Services to Adult Education Students	PUBLIC 460
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### *Alternative Education, Charter Schools and School Choice*

#### Not Enacted

LD 995	An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools	Died In Concurrence
LD 1617	An Act To Amend the Laws Governing the Process for Funding Virtual Public Charter Schools and Full-time, Online Learning Programs in the State	Died On Adjournment

### *Curriculum, Instruction, Textbooks and Testing*

#### Not Enacted

LD 963	An Act To Expand Access to Early Postsecondary Education	Veto Sustained
LD 1361	An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness	ONTP
LD 1699	An Act To Fund the Maine HIV Prevention Education Program within the Department of Education	Died On Adjournment
LD 1726	An Act Directing the Department of Education To Formulate and Implement a Citizenship Educational Component for the School Curriculum	Majority (ONTP) Report
LD 1797	An Act Expanding Access to Early Postsecondary Education	Died On Adjournment

## Education - Other

### Enacted

LD 1579 An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities PUBLIC 450

## Health, Nutrition and Safety

### Enacted

LD 1353 An Act To Further Reduce Student Hunger PUBLIC 445  
LD 1727 An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in Schools PUBLIC 526  
LD 1819 Resolve, To Create the Task Force To End Student Hunger in Maine RESOLVE 107  
EMERGENCY

### Not Enacted

LD 1684 An Act Regarding Eligibility of Children Placed in Guardianship for the School Lunch and Milk Program ONTP

## Online Learning Programs and Courses

### Not Enacted

LD 1736 Resolve, To Provide Maine Students with Access to Online and Digital Learning Opportunities through Their Existing School Districts Veto Sustained

## Postsecondary Education Finance and Student Aid

### Enacted

LD 1768 An Act To Allow All Current Members and Veterans of the United States Armed Forces To Be Eligible for In-state Tuition Rates PUBLIC 488  
EMERGENCY  
LD 1849 Resolve, To Establish the Commission To Study College Affordability and College Completion RESOLVE 109  
EMERGENCY

### Not Enacted

LD 1702 Resolve, Directing the University of Maine System and the Maine Community College System To Study the Establishment of a Pilot Program Based on Oregon's "Pay Forward, Pay Back" Model of Funding Public Postsecondary Education INDEF PP  
LD 1703 An Act To Increase College Affordability and the Rate of Degree Completion INDEF PP  
LD 1812 An Act To Reduce the Burden Placed on Students as a Result of Requirements To Take Remedial Courses ONTP

## Safe Schools and Student Conduct

### Not Enacted

LD 1728 An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property Majority (ONTP)  
Report

## School Budgets

### Not Enacted

LD 1635 An Act To Clarify the School Budget Development Process in Certain Charter Municipalities ONTP

## School District Reorganization

### Enacted

LD 783 An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit PUBLIC 461  
EMERGENCY

## School Finance

**Enacted**

**LD 1850**      **Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula**

**RESOLVE 114  
EMERGENCY**

**Not Enacted**

**LD 300**      **An Act To Protect School Administrative Units and Taxpayers**

**Leave to  
Withdraw  
Pursuant to Joint  
Rule 310  
ONTP**

**LD 1638**      **An Act To Improve Educational Outcomes for Students in Poverty in Maine's Public Schools**

**Special Education Programs and Finance**

**Enacted**

**LD 1769**      **An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf**

**PUBLIC 552**

**Teachers and Administrators**

**Enacted**

**LD 1747**      **Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education**

**RESOLVE 113  
EMERGENCY**

**LD 1774**      **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education**

**RESOLVE 101  
EMERGENCY**

**Not Enacted**

**LD 1330**      **An Act To Establish in Law a Method for Alternative Certification of Teachers**

**ONTP**

**Tuition Rates for Non-resident Students**

**Enacted**

**LD 1657**      **An Act To Ensure Equity in Teacher Retirement Costs for Private Academies**

**PUBLIC 497  
EMERGENCY**

***Joint Standing Committee on Environment and Natural Resources***

**LD 331      Resolve, To Expand Economic Development in the Town of Orrington      ONTP**  
**by Releasing Certain Riverfront Land from State-imposed**  
**Environmental Restrictions**

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

This resolve was carried over from the First Regular Session of the 126th Legislature.

It directs the Department of Environmental Protection to release all development restrictions on certain portions of the former HoltraChem Manufacturing Company site in Orrington that are not targeted for cleanup and remediation under the existing Declaration of Restrictive Covenant established on March 30, 2001 and the Commissioner of Environmental Protection's November 24, 2008 compliance order, as modified by the Board of Environmental Protection's August 19, 2010 order.

**LD 794      An Act To Amend Setback Requirements and Standards Related to      ONTP**  
**Species Migration under the Laws Regulating Development near Vernal**  
**Pools**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to amend the laws regulating significant vernal pool habitat to account for species migration patterns. It proposes to change the area that is regulated as a significant vernal pool habitat and the standards for development within the area regulated. Currently, pursuant to rules of the Department of Environmental Protection adopted under the Natural Resources Protection Act, the area regulated as a significant vernal pool habitat includes the vernal pool depression and the area within a 250-foot radius of the spring or fall high-water mark of the depression.

**LD 1483      An Act To Implement the Solid Waste Management Hierarchy      PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN STANLEY	OTP-AM ONTP	S-386 S-389 BOYLE

This bill was carried over from the First Regular Session of the 126th Legislature.

The purpose of this bill is to assist in the stabilization of the statutorily established solid waste management hierarchy, to promote and strengthen the waste management system in the State and to enhance the continued operation of the existing waste processing incineration facilities located in the State. This bill directs the Department of Environmental Protection to:

1. Impose on each licensed landfill a solid waste stabilization assessment on all solid waste, including, but not limited to, household and commercially sourced solid waste and all other material deposited at the licensed landfill;

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2. Deposit solid waste stabilization assessment funds in a solid waste stabilization account within the Maine Solid Waste Management Fund;
3. Disburse the funds from the solid waste stabilization account through periodic payments to qualified municipalities and recycling and composting programs located in the State; and
4. Develop a process to maximize the use of existing incineration facilities in the State and increase the amount of Maine-sourced solid waste that is processed at those facilities annually and report its recommendations to the Joint Standing Committee on Energy, Utilities and Technology by January 1, 2014.

**Committee Amendment "A" (S-386)**

This amendment is the majority report of the committee and replaces the original bill. It requires that the practices of an applicant for a waste facility license be consistent with the State's solid waste management hierarchy. It directs the Department of Environmental Protection to adopt rules incorporating the State's solid waste management hierarchy as a review criterion for waste facility licensing approval. It also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-389)**

This amendment removes the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 458 requires that the practices of an applicant for a waste facility license be consistent with the State's solid waste management hierarchy. It also directs the Department of Environmental Protection to adopt rules incorporating the State's solid waste hierarchy as a review criterion for waste facility licensing approval.

**LD 1528      Resolve, To Provide for Livable, Affordable Neighborhoods**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 126th Legislature.

The purpose of this resolve is to encourage the preservation and development of livable, affordable neighborhoods. This resolve:

1. Directs the Department of Transportation to review the report titled "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" (Institute of Transportation Engineers and Congress for New Urbanism, 2010) and develop recommendations on the incorporation of concepts from that report into the Sensible Transportation Policy Act. This resolve specifically directs the department to consider the following concepts from that report: promoting a collaborative, multidisciplinary process involving certain transportation facilities; and designing urban thoroughfares that emphasize walkable communities to facilitate the restoration of the multiple functions of urban streets. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Transportation by December 4, 2013;
2. Directs the Department of Agriculture, Conservation and Forestry to develop a conservation development model encouraging productive use of rural lands, providing traditional resource-based industries with opportunities for value-added business, and providing rural towns with the financial ability to sustain local services and keep those who work the land free of conflicts with advancing suburban development. The department is directed to submit its

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recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013; and

3. Directs the Department of Agriculture, Conservation and Forestry to develop a compact village development model designed to promote relatively high residential density with mixed land uses to serve as an alternative to low-density sprawl. The department is directed to submit its recommendations, together with any necessary implementing legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 4, 2013.

**LD 1634      An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program      PUBLIC 483**

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

This bill allows for an earlier implementation date for a paint stewardship program under the State's architectural paint stewardship statute if an earlier date is proposed by a producer or representative organization and that date is approved by the Commissioner of Environmental Protection. Current law provides that a Commissioner-approved architectural paint stewardship program cannot be implemented until the later of July 1, 2015 or three months after the plan is approved. This bill also makes a technical correction to a cross-reference within the State's architectural paint stewardship statute.

**Enacted Law Summary**

Public Law 2013, chapter 483 amends the current law governing the State's architectural paint stewardship program to allow for an earlier implementation date for a paint stewardship program if an earlier date is proposed by a producer or representative organization and that date is approved by the Commissioner of Environmental Protection. It also makes a technical correction to a cross-reference in the same law.

**LD 1644      An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River      P & S 24**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO CHENETTE	OTP-AM ONTP	S-405

This bill exempts municipalities from certain permitting requirements under the Natural Resources Protection Act for adding sand or other materials to an eroded sand dune, or constructing a structure on a sand dune for stabilization purposes, where erosion was caused by the construction, erection, improvement or maintenance of a structure by the Federal Government, or a structure owned by the Federal Government.

**Committee Amendment "A" (S-405)**

This amendment is the majority report of the committee and replaces the original bill. It allows the City of Saco to undertake certain limited property and municipal infrastructure protection measures without a Natural Resources Protection Act permit along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach. It authorizes the Department of Environmental Protection to approve an individual permit for the City of Saco to undertake, over a seven-year period, annual maintenance dredging of the Saco River channel and harbor and to use the dredged materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. It authorizes the City of Saco to continue annual dredging and beach

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nourishment measures for an additional seven-year period so long as it pursues and obtains a permit by rule.

**Enacted Law Summary**

Private and Special Law 2013, chapter 24 allows the City of Saco to undertake certain limited property and municipal infrastructure protection measures without a Natural Resources Protection Act permit along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach. It authorizes the Department of Environmental Protection to approve an individual permit for the City of Saco to undertake, over a seven-year period, annual maintenance dredging of the Saco River channel and harbor and to use the dredged materials as beach nourishment on Camp Ellis Beach and Ferry Beach in Saco. It authorizes the City of Saco to continue annual dredging and beach nourishment measures for an additional seven-year period so long as it pursues and obtains a permit by rule.

**LD 1671 An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats**

**PUBLIC 536  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE MCCABE	OTP-AM ONTP	S-424

This bill prohibits motorized recreational gold prospecting in certain stream segments that contain important brook trout and Atlantic salmon spawning habitats.

**Committee Amendment "A" (S-424)**

This amendment is the majority report of the committee and replaces the original bill. It prohibits motorized recreational gold prospecting in waters classified as Class AA waters and certain stream segments that contain important brook trout and Atlantic salmon habitats. It also establishes that by December 1, 2015, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources are directed to review data, conduct site visits and collect any additional information necessary to determine whether these statutorily specified stream segments continue to represent critical or high-value brook trout or Atlantic salmon habitat, and whether there are areas not listed that represent additional critical or high-value brook trout or Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. By January 15, 2016, each department is further directed to submit any recommendations for the addition or removal of areas of critical or high-value brook trout or Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee is authorized to report out a bill relating to the recommendations to the Second Regular Session of the 127th Legislature.

**Enacted Law Summary**

Public Law 2013, chapter 536 prohibits motorized recreational gold prospecting in waters classified as Class AA waters and certain stream segments that contain important brook trout and Atlantic salmon habitats. It also establishes that by December 1, 2015, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources are directed to review data, conduct site visits and collect any additional information necessary to determine whether these statutorily specified stream segments continue to represent critical or high-value brook trout or Atlantic salmon habitat, and whether there are areas not listed that represent additional critical or high-value brook trout or Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. By January 15, 2016, each department is further directed to submit any recommendations for the addition or removal of areas of critical or high-value brook trout or Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph

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(4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee is authorized to report out a bill relating to the recommendations to the Second Regular Session of the 127th Legislature.

Public Law 2013, chapter 536 was enacted as an emergency measure effective April 8, 2014.

**LD 1694      An Act To Improve the Water Quality of Inland Waters      ONTP**

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

This bill appropriates \$100,000 annually to the Department of Environmental Protection to provide \$80,000 to the Maine Lakes Society in its implementation of the LakeSmart program and \$20,000 for the purpose of analyzing the data gathered by the Maine Volunteer Lake Monitoring Program.

**LD 1731      An Act To Ensure Transparency and Accountability in Decisions by the Department of Environmental Protection      INDEF PP**

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

This bill restores to the Board of Environmental Protection the responsibility to review and approve routine technical rules and to review enforcement actions proposed by the Commissioner of Environmental Protection. These responsibilities were removed from the Board of Environmental Protection in 2011. It also requires the Department of Environmental Protection to receive approval from the Board of Environmental Protection for revisions to the state implementation plan, required in the federal Clean Air Act. Current law requires the department to confer with the joint standing committee of the Legislature having jurisdiction over natural resource matters before it proposes any revisions to the state implementation plan. It also requires the Department of Environmental Protection to notify the joint standing committee of the Legislature having jurisdiction over natural resources matters of all federal relicensing deadlines for dams located in the State. The department shall notify the committee no later than 60 days before each deadline and present to the committee the department's plan to address each deadline.

**LD 1744      An Act To Protect Maine Lakes      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE GRATWICK	OTP-AM OTP-AM	H-781 S-534 HILL S-552 BOYLE

This bill amends the laws governing the Lakes Assessment and Protection Program. It prohibits the application of fertilizers, herbicides, pesticides and soil amendments within 25 feet of fresh surface waters. It establishes goals for developing a photographic record of the shorelines of lakes. It directs the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry to develop training for municipalities relating to the laws regulating shoreland zoning. It also directs the Department of Environmental Protection to:

1. Develop an environmental leader certification program for landscape contractors;

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2. Fill vacant staff positions;
3. Evaluate options and develop a strategy for reducing risks to lake water quality from camp roads, logging roads, driveways and boat launches; and
4. Evaluate the LakeSmart program.

### **Committee Amendment "A" (H-781)**

This amendment is the majority report of the committee and replaces the original bill. It adds an emergency preamble and an emergency clause. It amends the laws governing the Lakes Assessment and Protection Program. It creates a prohibition on the application of fertilizers within 50 feet of the normal high-water line of a great pond, with exceptions for persons involved in agriculture or applying fertilizer to establish or restore vegetation to stop, slow or remediate shoreline erosion or damage. It also makes a one-time appropriation in fiscal year 2013-14 of \$70,000 to the Department of Environmental Protection to provide \$40,000 to the Maine Lakes Society in its implementation of the LakeSmart program, \$20,000 for the purpose of managing and analyzing the data gathered by the Maine Volunteer Lake Monitoring Program and \$10,000 to the Maine Joint Environmental Training Coordinating Committee in its development and implementation of water pollution control, water quality protection and other environmental training programs.

### **Committee Amendment "B" (H-782)**

This amendment is the minority report of the committee and replaces the original bill. It adds an emergency preamble and an emergency clause. It provides a one-time appropriation in fiscal year 2013-14 of \$70,000 to the Department of Environmental Protection to provide \$40,000 to the Maine Lakes Society in its implementation of the LakeSmart program, \$20,000 for the purpose of managing and analyzing the data gathered by the Maine Volunteer Lake Monitoring Program and \$10,000 to the Maine Joint Environmental Training Coordinating Committee in its development and implementation of water pollution control, water quality protection and other environmental training programs.

### **House Amendment "A" To Committee Amendment "A" (H-797)**

This amendment amends Committee Amendment "A" in the following manner.

1. It amends the provision regarding the education and technical assistance that must be provided by the Department of Environmental Protection in implementing the Lakes Assessment and Protection Program.
2. It amends the prohibition on application of a fertilizer near great ponds by changing the distance from the high-water line within which the prohibition applies and by removing the exception for persons applying fertilizer to stop, slow or remediate shoreline erosion or damage.
3. It replaces the appropriations and allocations section to remove appropriations and allocations related to requirements that are removed in this amendment.

This amendment was adopted, but later reconsidered and indefinitely postponed.

### **Senate Amendment "A" To Committee Amendment "A" (S-534)**

This amendment amends Committee Amendment "A" in the following manner.

1. It amends the provision regarding the education and technical assistance that must be provided by the Department of Environmental Protection in implementing the Lakes Assessment and Protection Program.
2. It amends the prohibition on the application of fertilizers near great ponds by changing the distance from the



***Joint Standing Committee on Environment and Natural Resources***

**Committee Amendment "A" (H-769)**

This amendment is the majority report of the committee and replaces the original resolve. It disapproves final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was filed outside the legislative rule acceptance period, and Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Maine Land Use Planning Commission. It directs the Department of Environmental Protection to, as soon as practicable, repeal its existing metallic mineral mining rules and adopt metallic mineral mining rules identical to those rules in effect immediately prior to the routine technical rule amendments to exploration and advanced exploration sections that took effect on April 21, 2013. It directs the Department of Environmental Protection to, by February 1, 2016 provisionally adopt and submit to the Legislature for review major substantive rules related to the Maine Metallic Mineral Mining Act. It directs the Maine Land Use Planning Commission to, by February 1, 2016 provisionally adopt and submit to the Legislature for review major substantive rules related to commission certification of metallic mineral mining permit applications as described in the Maine Metallic Mineral Mining Act. It directs the Department of Environmental Protection to draw funding for its rule-making activities authorized in this resolve from the Metallic Mining Fund established under Public Law 2011, chapter 653, section 32.

**Committee Amendment "B" (H-770)**

This amendment is the minority report of the committee and replaces the original resolve. It authorizes final adoption of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a major substantive rule of the Department of Environmental Protection that was filed outside the legislative rule acceptance period, only if the rule is amended to make necessary nonsubstantive grammatical, formatting, punctuation or other technical editing changes.

**House Amendment "A" To Committee Amendment "A" (H-776)**

This amendment amends Committee Amendment "A" by removing the emergency preamble and emergency clause.

**LD 1773      Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection**

**RESOLVE 95  
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 106: Low Sulfur Fuel, a major substantive rule of the Department of Environmental Protection that was filed outside the legislative rule acceptance period.

**Enacted Law Summary**

Resolve 2013, chapter 95 authorizes final adoption of portions of Chapter 106: Low Sulfur Fuel, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted to the Legislature for review outside the legislative rule acceptance period.

Resolve 2013, chapter 95 was finally passed as an emergency measure effective March 22, 2014.

*Joint Standing Committee on Environment and Natural Resources*

**LD 1796    An Act To Delay Implementation of Reformulated Gasoline Requirements in Maine**

**PUBLIC 453  
EMERGENCY**

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

This bill is reported out by the Joint Standing Committee on Environment and Natural Resources pursuant to Public Law 2013, chapter 221, section 3. It extends by one year and one month the implementation date for reformulated gasoline to be the only gasoline sold in seven southern counties in the State. It also requires the Department of Environmental Protection to study the feasibility of easing the multiple gasoline requirements in the State and achieving the use of a single type of gasoline for all of the State and to submit a report and implementing legislation directing the State to use a single type of gasoline to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters by January 30, 2015. The joint standing committee is authorized to report out a bill on the subject matter of the department's report to the First Regular Session of the 127th Legislature.

**Enacted Law Summary**

Public Law 2013, chapter 453 extends by one year and one month the implementation date for reformulated gasoline to be the only gasoline sold in seven southern counties in the State. It also requires the Department of Environmental Protection to study the feasibility of easing the multiple gasoline requirements in the State and achieving the use of a single type of gasoline for all of the State and to submit a report and implementing legislation directing the State to use a single type of gasoline to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters by January 30, 2015. The joint standing committee is authorized to report out a bill on the subject matter of the department's report to the First Regular Session of the 127th Legislature.

Public Law 2013, chapter 453 was enacted as an emergency measure effective March 6, 2014.

**LD 1826    An Act To Protect the State's Authority in Issues Concerning Federal Relicensing of Dams Located in the State**

**PUBLIC 545**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE	OTP-AM	H-766

This bill requires the Department of Environmental Protection to notify the joint standing committee of the Legislature having jurisdiction over natural resources matters of all federal relicensing deadlines for dams located in the State. The department shall notify the committee no later than 60 days before each deadline and present to the committee the department's plan to address each deadline.

**Committee Amendment "A" (H-766)**

This amendment replaces the original bill and directs the Department of Environmental Protection to, by January 15, 2015 and annually thereafter, submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report describing all pending applications for water quality certification under Section 401 of the federal Clean Water Act for dams located in the State that are subject to the jurisdiction of the Federal Energy Regulatory Commission. The amendment further directs the department to include within the report certain information relating to pending applications as well as licensing or relicensing deadlines anticipated to occur within five years after the date of the report.



*Joint Standing Committee on Environment and Natural Resources*

SUBJECT INDEX

**Board of Environmental Protection**

**Not Enacted**

LD 1731 An Act To Ensure Transparency and Accountability in Decisions by the Department of Environmental Protection INDEF PP

**Department of Environmental Protection - Enforcement**

**Not Enacted**

LD 1848 An Act To Allow Property Maintenance Activities notwithstanding a Consent Agreement with the Department of Environmental Protection ONTP

**Fuels**

**Enacted**

LD 1773 Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection RESOLVE 95 EMERGENCY

LD 1796 An Act To Delay Implementation of Reformulated Gasoline Requirements in Maine PUBLIC 453 EMERGENCY

**Hazardous Waste - Remediation**

**Not Enacted**

LD 331 Resolve, To Expand Economic Development in the Town of Orrington by Releasing Certain Riverfront Land from State-imposed Environmental Restrictions ONTP

**Lakes**

**Not Enacted**

LD 1744 An Act To Protect Maine Lakes Veto Sustained

**Metallic Mineral Mining**

**Not Enacted**

LD 1771 Resolve, Regarding Legislative Review of Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Maine Land Use Planning Commission Majority (ONTP) Report

LD 1772 Resolve, Regarding Metallic Mineral Exploration, Advanced Exploration and Mining Veto Sustained

LD 1851 An Act To Delay Implementation of the Maine Metallic Mineral Mining Act and Related Statutory Provisions Veto Sustained

**Natural Resources Protection Act**

**Enacted**

LD 1644 An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River P & S 24

LD 1671 An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats PUBLIC 536 EMERGENCY

**Product Stewardship**

Enacted

LD 1634 An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program PUBLIC 483

*Shoreland Zoning*

Enacted

LD 1755 An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure" PUBLIC 489

*Significant Wildlife Habitat - Vernal pools*

Not Enacted

LD 794 An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools ONTP

*Solid Waste*

Enacted

LD 1483 An Act To Implement the Solid Waste Management Hierarchy PUBLIC 458

*Sustainable Development*

Not Enacted

LD 1528 Resolve, To Provide for Livable, Affordable Neighborhoods ONTP

*Water Quality*

Not Enacted

LD 1694 An Act To Improve the Water Quality of Inland Waters ONTP

*Waterbodies - Dams*

Enacted

LD 1826 An Act To Protect the State's Authority in Issues Concerning Federal Relicensing of Dams Located in the State PUBLIC 545

**Joint Standing Committee on Energy, Utilities and Technology**

**LD 38      Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-727

This bill was carried over from the First Regular Session of the 126th Legislature.

This resolve provides for legislative review of Chapter 201: Provider of Last Resort Service Quality, a major substantive rule of the Public Utilities Commission.

**Committee Amendment "A" (H-727)**

This amendment is the majority report of the committee. It authorizes final adoption of Chapter 201: Provider of Last Resort Service Quality, a provisionally adopted major substantive rule of the Public Utilities Commission, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule. The amendment also strikes the emergency preamble and emergency clause.

**Committee Amendment "B" (H-728)**

This amendment is the minority report of the committee. The amendment provides that the final adoption of Chapter 201: Provider of Last Resort Service Quality, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized. The amendment also removes the emergency preamble and the emergency clause.

**LD 196      An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill directs the Public Utilities Commission, Emergency Services Communication Bureau to implement the public safety answering point quality assurance program established in 2010 through the use of one or more third-party vendors and ensure that the financing of that program is accomplished with resources other than increased assessments to the municipalities subscribing to or providing the public safety answering point services.

**LD 275      Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System      ONTP**

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

***Joint Standing Committee on Energy, Utilities and Technology***

This bill was carried over from the First Regular Session of the 126th Legislature.

This resolve directs the Public Utilities Commission, Emergency Services Communication Bureau to expand its quality assurance system to include fire and police call processing and dispatching and also to expand its emergency medical dispatch structured protocol system to include equivalent fire and police protocols and to authorize necessary 9-1-1 funding.

**LD 616      An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission      Died Between Houses**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill amends unallocated language in Public Law 2007, chapter 661, "An Act To Implement Recommendations of the Governor's Task Force on Wind Power Development," to remove Carrying Place Township, Concord Township, Highland Plantation, Lexington Township and Pleasant Ridge Plantation from the expedited permitting area for the purposes of that Act and directs the Maine Land Use Planning Commission to amend its rules accordingly.

**Committee Amendment "A" (H-527)**

This amendment, which was the majority report of the committee during the First Regular Session of the 126th Legislature, requires the Maine Land Use Planning Commission to adopt major substantive rules to establish a process to remove a specific location from the expedited permitting area for certain wind energy development under the Maine Revised Statutes, Title 35-A, chapter 34-A. This amendment prohibits the Department of Environmental Protection from accepting an application for a permit for an expedited wind energy development under certain circumstances in Carrying Place Township, Concord Township, Highland Plantation, Lexington Township and Pleasant Ridge Plantation until after the process for removal of a specified place from the expedited permitting area is established by the Maine Land Use Planning Commission. The amendment adds an appropriations and allocations section.

The bill was referred back to the Energy, Utilities and Technology Committee and carried over to the Second Regular Session of the 126th Legislature.

**Committee Amendment "B" (H-528)**

This amendment, which was the minority report of the committee during the First Regular Session of the 126th Legislature, replaces the bill. It requires the Maine Land Use Planning Commission to adopt major substantive rules to establish a process to remove a specific location from the expedited permitting area for certain wind energy development under the Maine Revised Statutes, Title 35-A, chapter 34-A. It specifies that the process must include a petition and limits the removal to places that are adjacent to locations that are not within the expedited permitting area and requires that the removal of the place not compromise the fulfillment of the State's wind energy policies. The amendment also adds an appropriations and allocations section.

The bill was referred back to the Energy, Utilities and Technology Committee and carried over to the Second Regular Session of the 126th Legislature.

**Committee Amendment "C" (H-638)**

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This amendment is the majority report of the committee during the Second Regular Session of the 126th Legislature. This amendment replaces the bill. This amendment directs the Maine Land Use Planning Commission to adopt rules that govern the rule-making process for removing locations from the expedited permitting area. This amendment authorizes the Maine Land Use Planning Commission to remove locations from the expedited permitting area through rulemaking and exempts that rulemaking from the requirements concerning notice to the Legislature and inclusion in the regulatory agenda. This amendment prohibits the Maine Land Use Planning Commission from certifying that an expedited wind energy development is an allowable use in a location for which a petition is pending for removal from the expedited permitting area. The amendment also adds an appropriations and allocations section.

**LD 646      An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy** **Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill removes the 100-megawatt maximum capacity limit for a source of electrical generation to qualify as a renewable resource for purposes of meeting the State's renewable resource portfolio requirement.

**Committee Amendment "A" (S-453)**

This amendment is the minority report. It removes the 100 megawatt capacity limit that applies to renewable resources that participate in the renewable portfolio program and establishes a temporary alternative renewable portfolio program for certain renewable capacity resources.

**LD 796      Resolve, To Enhance Economic Development by Encouraging Businesses Adjacent to Electric Power Generators To Obtain Power Directly** **ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature. The committee, by letter dated June 19, 2013, requested that the Public Utilities Commission provide a report on the progress of a pending rate design case at the commission as it pertains to the policy issues raised in this bill. The commission submitted that report to the committee on December 10, 2013.

This resolve is a concept draft pursuant to Joint Rule 208.

This resolve proposes to establish a stakeholder group to identify barriers to and incentives for the direct purchase of electricity by businesses adjacent to electricity-generating facilities, with the intent that the direct purchase of the electricity will decrease total electricity costs to the businesses.

The stakeholder group may be chaired by a representative of the Public Utilities Commission, the Office of the Public Advocate or the Governor's Energy Office. Stakeholders may include representatives from the Public Utilities Commission, the Office of the Public Advocate, the Governor's Energy Office, the Department of Economic and Community Development, municipalities, business associations, transmission and distribution

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utilities, electricity generators and up to two Legislators appointed by the presiding officers. Other than the two Legislators appointed by the presiding officers, the members of the stakeholder group may be appointed by the Public Utilities Commission, the Office of the Public Advocate or the Governor's Energy Office.

The stakeholder group is required to examine the effects of exit fees, limitations on authority to construct electric transmission lines and the need for backup service from transmission and distribution utilities on the ability of a business to purchase electricity directly from an electricity-generating facility adjacent to the business's property. Additionally, the stakeholder group may consider the feasibility of designating businesses located adjacent to electricity-generating facilities as Pine Tree Development Zone businesses, regardless of the type of business, in order to encourage development in those locations so that the businesses may take advantage of the benefits provided in the Maine Revised Statutes, Title 35-A, section 3210-E.

The stakeholder group is required to report to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2014 the findings and recommendations of the stakeholder group, including any suggested legislation. The committee is authorized to report out a bill relating to the report to the Second Regular Session of the 126th Legislature.

**LD 826      An Act To Eliminate the Opt-out Charges for Smart Meters      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill prohibits a transmission and distribution utility from charging a customer a fee or a higher rate for declining the installation or for the removal of a wireless smart meter. If a customer declines the installation of a wireless smart meter, the transmission and distribution utility may decrease the number of times the electromechanical meter is read, but may not read the meter less frequently than once every 12 months, and may establish a rate collection method that is based upon the average electricity consumption of the customer.

**LD 950      An Act To Establish the Electromagnetic Field Safety Act      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature. The committee, by letter dated June 19, 2013, requested that the Public Utilities Commission provide information regarding the potential health impacts of electric and magnetic fields associated with transmission lines and additional information regarding the mitigation techniques proposed in the bill. The commission submitted that information to the committee on November 30, 2013.

This bill requires that, beginning October 1, 2013, all new transmission line and electrical installations capable of carrying 5,000 volts or more of electricity must be set back at least 300 feet from residential homes, residential care facilities, hospitals, schools, licensed daycare facilities, playgrounds, youth centers, religious facilities and youth camps.

The committee voted the bill ought not to pass and sent letters to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee

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on Labor, Commerce, Research and Economic Development regarding the potential health impacts of electric and magnetic fields associated with transmission lines.

**LD 965      An Act To Improve Maine's Underground Facility Damage Prevention Program      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill establishes the Dig Safe Advisory Board, which will collaborate with the Public Utilities Commission for the purpose of improving the protection of underground facilities. The bill also requires that persons who own underground facilities and who are not members of the underground facility damage prevention system register their facilities with the Public Utilities Commission and provide the commission with current 24-hour contact information for purposes of notification regarding excavations.

**LD 1004      An Act To Clarify Voting Procedures for Standard Water Districts      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill clarifies voting procedures for standard water districts. Currently, standard district charters and charter amendments approved by the Legislature and the Maine Revised Statutes, Title 35-A, sections 6410, 6413 and 6413-A use language to the effect that referendum elections or trustee elections must be conducted in accordance with the laws relating to municipal elections without explicitly stating that the secret ballot method of voting is to be used. This bill clarifies that secret ballot voting in accordance with Title 30-A, section 2528 is the method to be used to enact or amend a standard district charter by referendum, to elect trustees or to establish or amend a debt limit by referendum, even if a municipality in which the standard district is located has not accepted this method of voting.

**LD 1013      An Act To Create the Wireless Information Act      Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND COLLINS	OTP-AM ONTP	H-618 H-674 BOLAND

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that a retailer may not sell at retail in this State a cellular telephone unless the cellular telephone and its packaging bear a warning label relating to the potential health effects associated with nonthermal effects of cellular telephone radiation. It requires the manufacturer of the cellular telephone to provide the warning labels to the retailer at no cost to the retailer. The bill also requires that any safety notification supplied by a cellular telephone manufacturer must have the language of the safety notification plainly visible on the outside of the



***Joint Standing Committee on Energy, Utilities and Technology***

**Committee Amendment "A" (H-646)**

This amendment is the majority report of the Joint Standing Committee on Energy, Utilities and Technology. This amendment strikes and replaces the bill.

This amendment:

1. Increases the capacity limit of eligible facilities under the net energy billing program from 660 kilowatts to one megawatt;
2. Directs the Public Utilities Commission to adopt rules requiring investor-owned transmission and distribution utilities to compensate customers that generate accumulated unused kilowatt-hour credits under the net energy billing program at a value that represents the wholesale value of electricity; and
3. Directs the Public Utilities Commission in consultation with the State's investor-owned transmission and distribution utilities, the Efficiency Maine Trust and others to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 7, 2015. The purpose of the report is to identify areas of stress or reliability deficiencies in the transmission and distribution system as early as possible in order to allow sufficient time to plan and implement more cost-effective alternatives to building or upgrading distribution lines to meet reliability needs.

**Committee Amendment "B" (H-647)**

This amendment is the minority report of the Joint Standing Committee on Energy, Utilities and Technology. This amendment strikes and replaces the bill. This amendment directs the Public Utilities Commission in consultation with the State's investor-owned transmission and distribution utilities, the Efficiency Maine Trust and others to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 7, 2015. The purpose of the report is to identify areas of stress or reliability deficiencies in the transmission and distribution system as early as possible in order to allow sufficient time to plan and implement more cost-effective alternatives to building or upgrading distribution lines to meet reliability needs.

**LD 1085      An Act To Establish the Renewable Energy Feed-in Tariff**

**Accepted Majority  
(ONTP) Report**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires the Public Utilities Commission to establish a renewable energy resources feed-in tariff program to encourage the rapid and sustainable development of renewable energy resources and technology for environmentally healthy generation of electricity. It requires that utilities purchase renewably produced electricity from all qualified suppliers. It sets the rate that electric utilities must pay for such power. It requires that utilities enter into a standard contract with all renewable energy suppliers for a set term. It establishes for the Public Utilities Commission management and oversight responsibilities.

**Committee Amendment "A" (S-396)**

This amendment incorporates a fiscal note.

*Joint Standing Committee on Energy, Utilities and Technology*

**LD 1147 An Act To Protect Maine's Scenic Character**

**Accepted Majority  
(ONTP) Report**

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

This bill was reported out of the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature with a majority report to refer the bill to the Joint Standing Committee on Energy Utilities and Technology. The bill was referred to the Joint Standing Committee on Energy, Utilities and Technology and carried over from the First Regular Session of the 126th Legislature.

This bill makes several changes to the scenic impact provisions of the laws governing expedited permitting of grid-scale wind energy development enacted in 2008. It offers the possibility of protecting scenic resources that have been identified as significant by municipalities in their comprehensive plans and the scenic resources of certain great ponds on which there are commercial sporting camps; increases from 8 miles to 15 miles the jurisdictional distance for requiring visual impact assessments; and creates a rebuttable presumption that proposed grid-scale wind energy development projects within 15 miles of Acadia National Park, Baxter State Park, the Appalachian Trail, a federally designated wilderness area or the Allagash Wilderness Waterway will have an unreasonable adverse effect on a scenic resource. It requires the Department of Environmental Protection to consider the cumulative impacts of development when permitting grid-scale wind energy development projects under the laws governing expedited permitting of grid-scale wind energy development. It requires the Department of Environmental Protection to undertake rulemaking with respect to required decommissioning plans and directs updates of the great ponds studies done in 1987 and 1989.

**Committee Amendment "A" (H-550)**

This amendment is the minority report of the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature and replaces the bill. It adds a new definition of "cumulative scenic impact or effect" to address potential cumulative impacts related to multiple wind energy generating facilities that are observed from a scenic resource of state or national significance. It changes the size of the area in which an analysis of visual impact must be undertaken from 3 and 8 miles currently to 8 and 15 miles. It creates a rebuttable presumption of unreasonable adverse effect on scenic character if the generating facility is located within 15 miles of Acadia National Park, the Appalachian Trail, a federally designated wilderness area, Baxter State Park or the Allagash Wilderness Waterway.

**Committee Amendment "B" (H-738)**

This amendment is the minority report of the Joint Standing Committee on Energy, Utilities and Technology during the Second Regular Session of the 126th Legislature. It makes changes to the bill, including:

1. Creating several new definitions relating to the scenic impact of a wind energy development;
2. Adding to the definition of "scenic resource of state or national significance" great ponds that were not studied for their scenic values in 1987 or 1989 and that the Department of Environmental Protection finds have outstanding or significant scenic quality using the assessment criteria in the 1989 Maine's Finest Lakes study;
3. Removing from current law a requirement that judicial appeals of final action by the Board of Environmental Protection or the Commissioner of Environmental Protection regarding an expedited wind energy development be taken directly to the Supreme Judicial Court sitting as the Law Court;
4. Removing the provisions of the bill that apply the scenic impact laws to scenic resources of local significance;

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and

5. Creating a rebuttable presumption of unreasonable adverse effect on scenic character if a generating facility is located within 15 miles from certain scenic resources of state or national significance.

**LD 1252     An Act To Improve Maine's Economy and Energy Security with  
Cost-effective Technologies**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRISON	OTP-AM	H-650
GRATWICK	OTP-AM ONTP	H-744   HARVELL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill reinstates the solar and wind energy rebate program to provide rebates for the purchase of certain solar and wind energy equipment until June 30, 2018. The program expired December 31, 2010. This bill also increases the limit on the total amount of renewable capacity allowed under the community-based renewable energy pilot program from 50 megawatts to 60 megawatts and requires the Public Utilities Commission to reserve 10 megawatts in that program for solar-powered generating systems. The bill increases the limit on the contract price the commission can authorize for eligible solar-power generation under the community-based renewable energy pilot program and indexes the price limit to the Consumer Price Index. It also extends the repeal date for the Community-based Renewable Energy Act from December 31, 2015 to December 31, 2017. The bill requires the commission to submit to the Legislature by January 15, 2014 a report on options for establishing setting an amount of energy purchased that must be solar within the State's renewable portfolio standard.

**Committee Amendment "A" (H-650)**

This amendment is the majority report of the Joint Standing Committee on Energy, Utilities and Technology. This amendment replaces the bill. It establishes the Renewable Energy Rebate Program Fund under the Efficiency Maine Trust. The trust is required to provide rebates for the purchase of certain solar energy equipment until December 31, 2016. The rebate program is funded by an assessment of .011¢ per kilowatt-hour on electricity bills. The amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (H-651)**

This amendment is the minority report of the Joint Standing Committee on Energy, Utilities and Technology and replaces the bill. This amendment establishes a sales tax exemption for solar photovoltaic and solar thermal systems purchased for the purpose of generating energy for personal or private use. The sales tax exemption is repealed December 31, 2016. The amendment allows the joint standing committee of the Legislature having jurisdiction over energy and utilities matters to report out legislation to change the repeal date if the federal tax credit for residential energy efficient property is extended beyond December 31, 2016.

**House Amendment "C" To Committee Amendment "A" (H-744)**

This amendment changes the name of the fund established in Committee Amendment "A" to the Solar Energy and Heat Pump Rebate Program Fund and expands the permitted use of the fund to include rebates for heat pumps. The amendment requires the Efficiency Maine Trust to establish, by routine technical rules, criteria for eligibility of technology and entities. Only persons who are residents of this State or that are domiciled in this State are eligible for rebates. In addition, only individuals who qualify for the Low-income Home Energy Assistance Program are eligible to receive rebates for both solar technologies and heat pumps. Other persons, including individuals and commercial, nonprofit or government entities that do not qualify for the Low-income Home Energy Assistance Program may qualify for rebates only for solar technologies and only if the solar technologies are installed on facilities located in this State.

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This amendment also replaces the appropriations and allocations section in Committee Amendment "A" to effect the changes made in this amendment.

**LD 1278     An Act To Ensure Equitable Support for Long-term Energy Contracts**

**PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD CAMPBELL R	OTP-AM	S-384

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill ensures that consumers of investor-owned transmission and distribution utilities in the State equitably share in the costs and direct benefits of long-term capacity resource contracts and community-based renewable energy projects. The bill provides that eligible costs and benefits related to these contracts are determined annually based on a forecast and reconciled the following year. The recovery mechanism established in this bill applies to existing long-term contracts and replaces any other recovery mechanism currently in place.

**Committee Amendment "A" (S-384)**

This amendment clarifies that the Act is to apply to investor-owned transmission and distribution utilities rather than all transmission and distribution utilities. The amendment removes the prescriptive requirements of how the benefit and cost mechanism is to be created in order to provide the Public Utilities Commission with the flexibility to identify the best process. This amendment clarifies that the Act is meant to equally distribute the benefits and costs of long-term energy contracts more equitably among those that currently receive the benefits and pay the costs of long-term energy contracts and that it is not intended to make classes or certain bodies of ratepayers who do not currently receive the benefits or pay the costs of long-term energy contracts do so. This amendment removes the 25-megawatt cap under the community-based renewable energy pilot program. This amendment does not change the total 50-megawatt statewide cap.

**Enacted Law Summary**

Public Law 2013, chapter 454 requires that customers of investor-owned transmission and distribution utilities in the State equitably share in the costs and direct benefits of long-term capacity resource contracts and community-based renewable energy projects. Chapter 454 provides that eligible costs and benefits related to these contracts are determined annually by the Public Utilities Commission. The recovery mechanism established in chapter 454 applies prospectively to existing long-term contracts and replaces any other recovery mechanism currently in place. Chapter 454 is meant to equally distribute the benefits and costs of long-term energy contracts more equitably among those that currently receive the benefits and pay the costs of long-term energy contracts and is not intended to make classes or certain bodies of ratepayers who do not currently receive the benefits or pay the costs of long-term energy contracts do so. Chapter 454 removes the 25-megawatt cap per utility territory under the community-based renewable energy pilot program but does not change the total 50-megawatt statewide cap.

**LD 1323     An Act Regarding Wind Power Siting in the Unorganized Territory**

**Died Between  
Houses**

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

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This bill was reported out of the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature with a majority report to refer the bill to the Joint Standing Committee on Energy Utilities and Technology. The bill was referred to the Joint Standing Committee on Energy, Utilities and Technology and carried over from the First Regular Session of the 126th Legislature.

This bill provides that before the Department of Environmental Protection may approve a proposal for a grid-scale wind energy development in the unorganized or deorganized area of the State, the Maine Land Use Planning Commission must certify that the area where the development will be located has been zoned for planned development and removes a legislative finding regarding wind energy development in the unorganized and deorganized areas of the State.

**Committee Amendment "A" (H-549)**

This amendment is the minority report of the Joint Standing Committee on Environment and Natural Resources during the First Regular Session of the 126th Legislature and replaces the bill. It repeals the provision of law specifying that an expedited wind energy development is a use requiring a permit but not a special exception. It repeals the requirement that the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission make expedited wind energy development a use allowed with a permit in expedited permitting areas. The effect of the repeals is to require that, in order for a wind energy development in the unorganized or deorganized area of the State to receive a permit from the Department of Environmental Protection or the Maine Land Use Planning Commission, the development must be located in a subdistrict in which it is an allowed use. It also replaces a legislative finding regarding wind energy development in the unorganized and deorganized areas of the State and requires the Maine Land Use Planning Commission to amend its rules regarding allowed uses. This amendment adds an appropriations and allocations section.

**Committee Amendment "B" (H-601)**

This amendment is the minority report of the Joint Standing Committee on Energy, Utilities and Technology during the Second Regular Session of the 126th Legislature. This amendment adds an appropriations and allocations section. The amendment also changes the date by which the Maine Land Use Planning Commission needs to adopt rules from January 1, 2014 to January 1, 2015.

**LD 1396      An Act To Create the Lisbon Water District      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill creates the Lisbon Water District.

**LD 1434      An Act To Clarify the Laws Governing Noise from Wind Turbines      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires unregulated wind energy developments that buy and sell electricity to meet the same sound level

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standards that wind energy developments permitted under the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 6 must meet.

**LD 1479 An Act To Clarify Telecommunications Regulation Reform**

**PUBLIC 600**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-740

This bill was carried over from the First Regular Session of the 126th Legislature. This bill:

1. Limits the amount of funds a provider of provider of last resort service can receive from the state universal service fund;
2. Establishes a procedure for the Public Utilities Commission to conduct an emergency rate case in response to a petition for a temporary increase in rates;
3. Provides that the Public Utilities Commission may not reassign the provider of last resort service obligation without the consent of the current service provider unless that provider is unable to provide the service in accordance with state law;
4. Provides that the rate charged to customers for provider of last resort service must be uniform throughout the State for a service provider, must be within two standard deviations of the national average and may not be set at a level that will jeopardize the receipt of federal funding to support telecommunications services;
5. Amends the section of law related to the assessment to fund the Public Utilities Commission and the Office of the Public Advocate to include all utilities that were included prior to the enactment of Public Law 2011, chapter 623. It expands the assessment to include a person that provides voice over Internet protocol service over facilities that it, or an affiliated company, owns or leases, regardless of whether that service provider paid the assessment prior to March 1, 2012.

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Public Law 2011, chapter 623, Part A, section 25 and Part D, section 7. As required by law, the Public Utilities Commission submitted to the committee a report to create a framework for establishing rates for provider of last resort service and a report regarding assessments paid by voice service providers on January 15, 2013.

**Committee Amendment "A" (H-740)**

This amendment is the majority report of the Joint Standing Committee on Energy, Utilities and Technology. This amendment replaces the bill. This amendment amends the section of law related to the assessment to fund the Public Utilities Commission and the Office of the Public Advocate to include all utilities that were included prior to the enactment of Public Law 2011, chapter 623.

This amendment prohibits the commission from collecting funds until 90 days following the adjournment of the First Regular Session of the 127th Legislature for the purpose of disbursing funds from a state universal service fund to any company that operates more than 50,000 access lines in the State unless expressly authorized to do so by law after the effective date of this legislation.

This amendment requires the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 7, 2015. In the report, the commission shall address various options for decreasing the cost of ensuring that there are adequate and affordable basic telephone service options throughout the State. The amendment gives the committee authority to report out a bill

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related to the report.

**Enacted Law Summary**

Public Law 2013, chapter 600 amends the section of law related to the assessment to fund the Public Utilities Commission and the Office of the Public Advocate to include all utilities that were included prior to the enactment of Public Law 2011, chapter 623. This law prohibits the commission from collecting funds until 90 days following the adjournment of the First Regular Session of the 127th Legislature for the purpose of disbursing funds from a state universal service fund to any company that operates more than 50,000 access lines in the State unless expressly authorized to do so by law after the effective date of this legislation.

This law requires the Public Utilities Commission to submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 7, 2015. In the report, the commission shall address various options for decreasing the cost of ensuring that there are adequate and affordable basic telephone service options throughout the State. The committee has authority to report out a bill related to the report.

**LD 1532 An Act To Provide Model Language for Standard Sewer District Charters**

**PUBLIC 555**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-481

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill creates a model standard sewer district charter in statute. It includes standard language for the common provisions included in a sewer district charter. It also includes the mandatory requirements of the Maine Revised Statutes, Title 38, chapter 12, except the requirement that a new sewer district be formed under the Sanitary District Enabling Act and that a proposed amendment to extend the boundaries of a sewer district be approved by referendum before the amendment is presented to the Legislature. This bill repeals Title 38, chapter 12. The bill also fixes cross-references.

**Committee Amendment "A" (S-481)**

This amendment adds assessments and supplemental charges to the definition of "rates" for the purposes of standard sewer district charters. The amendment clarifies that standard sewer district trustees must unless specified otherwise in the district's charter, hold elections by secret ballot. The amendment removes the requirement that a registrar must be appointed by the trustees and that the trustees must set the registrar's salary; instead, it requires trustees to acquire a list of eligible voters unless specified otherwise in the district's charter. It adds a recall provision to the standard sewer district charter. The amendment makes it clear that a standard district, through its trustees, may contract with entities inside and outside the standard district's boundaries. The amendment adds a reference to the disconnection authority of multipurpose districts that are part of consumer-owned water utilities.

**Enacted Law Summary**

Public Law 2013, chapter 555 creates a model standard sewer district charter in statute. It includes standard language for the common provisions included in a sewer district charter. It also includes the mandatory requirements of the Maine Revised Statutes, Title 38, chapter 12, except the requirement that a new sewer district be formed under the Sanitary District Enabling Act and that a proposed amendment to extend the boundaries of a sewer district be approved by referendum before the amendment is presented to the Legislature.

This law also repeals Title 38, chapter 12 and fixes cross-references.

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**LD 1618     An Act To Enhance the Sustainability of the Corinna Water District**

**P & S 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-736

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enhance the sustainability of the Corinna Water District by facilitating cooperation between water districts and protecting the interests of ratepayers in the event of a merger between water districts.

**Committee Amendment "A" (H-736)**

This amendment redefines the boundaries of the Corinna Water District and expands the geographical area in which a trustee of the district may reside from within the district boundaries to within the Town of Corinna.

**Enacted Law Summary**

Private and Special Law 2013, chapter 26 redefines the boundaries of the Corinna Water District and expands the geographical area in which a trustee of the district may reside from within the district boundaries to within the Town of Corinna.

**LD 1619     An Act To Provide for a Quorum at the Public Utilities Commission**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL	OTP-AM	H-645 S-461   CLEVELAND

This bill requires the Governor to appoint a replacement for a member of the Public Utilities Commission whose recusal from a proceeding due to a conflict of interest prevents the commission from having a quorum. The Governor must appoint a replacement by lottery from a list maintained by the Governor of five qualified persons approved by the joint standing committee of the Legislature having jurisdiction over public utilities matters.

The concepts in this bill were incorporated into LD 1860.

**Committee Amendment "A" (H-645)**

This amendment replaces the bill. This amendment authorizes the Governor to appoint, subject to confirmation by the Legislature, three individuals to be alternate commissioners of the Public Utilities Commission. An alternate commissioner is randomly selected to be appointed a temporary commissioner to a proceeding at the Public Utilities Commission if a quorum is not available due to conflict of interest, disability or other reason.

**Senate Amendment "A" To Committee Amendment "A" (S-461)**

This amendment specifies with more detail the compensation that will be provided to a temporary commissioner.

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**LD 1620    An Act To Increase the Maximum Gas Safety Administrative Penalty Amounts**

**PUBLIC 495**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS CLEVELAND	OTP-AM	H-637

This bill increases the maximum gas safety administrative penalty amounts to be consistent with federal law.

**Committee Amendment "A" (H-637)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 495 increases the maximum gas safety administrative penalty amounts to be consistent with federal law.

**LD 1621    An Act To Include Natural Gas Expansion in the State Energy Plan**

**PUBLIC 541**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM	H-737

This bill creates the Newport Natural Gas District.

**Committee Amendment "A" (H-737)**

This amendment replaces the bill. The amendment adds natural gas expansion as an issue to be included in the state energy plan developed by the Governor's Energy Office.

**Enacted Law Summary**

Public Law 2013, chapter 541 adds natural gas expansion as an issue to be included in the state energy plan developed by the Governor's Energy Office.

**LD 1628    An Act To Require a Timely Response by a Gas Company to a Municipal Request for Service Expansion**

**ONTP**

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

This bill requires a natural gas utility to respond within six months to a municipality's request for the natural gas utility to build a pipeline extension within that municipality if that municipality is within the natural gas utility's service territory. If the natural gas utility requires a financial contribution for the construction, the natural gas utility must provide justification to the municipality for the amount required.

The committee considered this bill with LD 1621. The committee voted this bill ought-not-to-pass and unanimously supported an amended version of LD 1621 which directs the Governor's Energy Office to include the expansion of natural gas as a component of the state energy plan. The committee also sent a letter to the Governor's Energy

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Office encouraging the participation of municipalities in the natural gas working group meetings that are convened by the Governor's Energy Office.

**LD 1647     An Act To Make Changes to the So-called Dig Safe Law**

**PUBLIC 557**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND HOBBINS	OTP-AM	S-471

This bill makes liquefied propane gas distribution systems that are not included within the scope of 49 Code of Federal Regulations, Part 192 subject to the so-called Dig Safe Law, with the exception of distribution systems that provide service to single-family residences or businesses with fewer than five employees. The bill also changes the requirement that an excavator notify the Dig Safe system of the location of the intended excavation from not more than 30 calendar days prior to commencement of the excavation to not more than 60 days and clarifies that excavators must renew notification to the owners or operators of underground facilities for each successive 60-day period during which they will be excavating.

The bill also modifies the provision that allows excavators to commence excavation on underground facilities located on private property that are owned and operated by the owner of that property before those facilities are marked or the passing of three business days from the date of notification, whichever occurs earlier so that it only applies when the underground facilities provide service to a single-family residence.

### **Committee Amendment "A" (S-471)**

This amendment strikes section 1 of the bill, which expanded the types of underground facility operators who are required to be members of the underground damage prevention system. This amendment also strikes section 2 of the bill, which increased the number of days within which an excavator is required to provide notice to the system from 30 days before the excavation to 60 days before the excavation.

This amendment adds a provision that requires the Public Utilities Commission to review its rules regarding underground facility damage prevention and excavator and underground facility operator practices to identify ways to decrease the number of notices that do not result in a marking that are issued by the damage prevention system. The commission may submit a report with recommended changes to the law to the joint standing committee of the Legislature having jurisdiction over utility matters. The committee may report out a bill to the First Regular Session of the 127th Legislature.

### **Enacted Law Summary**

Public Law 2013, chapter 557 requires that excavators renew notification to the owners or operators of underground facilities for each successive 60-day period during which they will be excavating. The law also modifies the provision that allows excavators to commence excavation on underground facilities located on private property that are owned and operated by the owner of that property before those facilities are marked or the passing of three business days from the date of notification, whichever occurs earlier so that it only applies when the underground facilities provide service to a single-family residence.

The law requires the Public Utilities Commission to review its rules regarding underground facility damage prevention and excavator and underground facility operator practices to identify ways to decrease the number of notices that do not result in a marking that are issued by the damage prevention system. The commission may submit a report with recommended changes to the law to the joint standing committee of the Legislature having jurisdiction over utility matters. The committee may report out a bill to the First Regular Session of the 127th Legislature.

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**LD 1652     An Act To Support Solar Energy Development in Maine**

**PUBLIC 562**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI GIDEON	OTP-AM	S-473

This bill was carried over from the 126th First Regular Session of the Legislature.

This bill creates the Maine Solar Energy Act, which:

1. States specific legislative findings that it is in the public interest to encourage development of solar energy production in the State. This includes finding that solar energy development makes a significant contribution to the general welfare of the citizens of the State and the reduction of greenhouse gas emissions;
2. Requires the Public Utilities Commission to take specific measures regarding solar energy, including monitoring development and market trends and determining the value of distributed solar energy generation;
3. Requires the State, including the Small Enterprise Growth Program, the Maine Technology Institute, the Maine Rural Development Authority, the Finance Authority of Maine and the Department of Economic and Community Development, to seek opportunities to promote solar energy development, generation and manufacturing within existing programs; and
4. Establishes state solar energy generation goals.

**Committee Amendment "A" (S-473)**

This amendment modifies the legislative findings and goals of the bill. This amendment adds more specificity to the required components of the study conducted by the Public Utilities Commission regarding the value of distributed solar energy generation and adds a summary of solar implementation options as part of the study. This amendment moves the study report date from January 15, 2015 to February 15, 2015.

**Enacted Law Summary**

Public Law 2013, chapter 562 creates the Maine Solar Energy Act, which:

1. States specific legislative findings relating to solar energy;
2. Requires the Public Utilities Commission to take specific measures regarding solar energy, including monitoring development and market trends and determining the value of distributed solar energy generation;
3. Requires the State, including the Small Enterprise Growth Program, the Maine Technology Institute, the Maine Rural Development Authority, the Finance Authority of Maine and the Department of Economic and Community Development, to seek opportunities to promote solar energy development, generation and manufacturing within existing programs; and
4. Establishes state solar energy generation goals.

The law further directs the Public Utilities Commission to conduct a study to determine the value of distributed solar energy generation in the State.

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**LD 1693 An Act To Amend the Anson and Madison Water District Charter**

**P & S 21**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY WHITTEMORE	OTP-AM	H-689

This bill allows the trustees of the Anson and Madison Water District the option of requesting that municipal officers of the town in which a vacancy of an unexpired term on the board of trustees occurs appoint a trustee to fill the vacancy, rather than holding a special election.

**Committee Amendment "A" (H-689)**

This amendment replaces the bill and allows the trustees of the Anson and Madison Water District, in the event of a vacancy on the board of trustees, to appoint a person who is recommended by the trustees of the district from the town in which the vacancy occurs to fill the vacancy until the next annual meeting of that town. As with the bill, the amendment also provides the trustees the option of calling a special election to fill a vacancy on the board.

**Enacted Law Summary**

Private and Special Law 2013, chapter 21 allows the trustees of the Anson and Madison Water District, in the event of a vacancy on the board of trustees, to appoint a person who is recommended by the trustees of the district from the town in which the vacancy occurs to fill the vacancy until the next annual meeting of that town. The law also provides the trustees the option of calling a special election to fill a vacancy on the board.

**LD 1714 Resolve, To Study the Feasibility of Allowing Dispatchers To Transfer E-9-1-1 Calls to Emergency Responders in Other States**

**ONTP**

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

This resolve directs the Department of Public Safety, with the assistance of the Public Utilities Commission, to convene a task force to study the feasibility of allowing E-9-1-1 dispatchers in the State to transfer emergency calls to emergency dispatchers in other states. The department is required to report the task force's recommendations and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over public safety matters by December 3, 2014.

**LD 1750 An Act To Establish Submission Requirements for Wind Energy through Rulemaking**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM ONTP	S-483 S-550 HILL

This bill amends the Maine Administrative Procedure Act by amending the definition of "rule" and requiring that every agency decision be based on the best evidence available to the agency. The bill also amends the laws governing expedited wind energy developments to provide that in determining the tangible benefits of an expedited wind energy development, the primary siting authority may not require the submission of evidence of the energy and emissions-related benefits or make specific findings related to energy and emissions-related benefits. Those benefits are presumed. The bill also provides that in determining whether a proposed expedited wind energy

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development will have an unreasonable adverse effect on scenic character or existing uses and whether an applicant must provide a visual impact assessment, the primary siting authority is required to consider the energy and emissions-related benefits of the expedited wind energy development, the policy objectives of the Maine Wind Energy Act and the energy, environmental and economic benefits associated with the expedited wind energy development.

**Committee Amendment "A" (S-483)**

This amendment is the majority report of the committee. It requires the Department of Environmental Protection to conduct routine technical rulemaking to establish the submission requirements for permit applications for wind energy developments. It directs the department to use the submission requirements that were established in accordance with Public Law 2007, chapter 661, Part B, section 13 until the rulemaking is completed. This amendment also adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-550)**

This amendment removes the appropriations and allocations section.

**LD 1752      An Act To Preserve Certain Rights Granted to Maine Public Service Company before Its Merger with Bangor Hydro Electric Company      P & S 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GIDEON	OTP-AM	S-429

This bill provides that any rights previously granted by private and special law to Maine Public Service Company or its predecessors are not lost as a result of the merger of the company and Bangor Hydro Electric Company if those rights were in existence at the time of the merger.

**Committee Amendment "A" (S-429)**

This amendment strikes and replaces the bill. This amendment provides that any rights previously granted by private and special law to Maine Public Service Company and any duties imposed by private and special law upon Maine Public Service Company are transferred to and assumed by Bangor Hydro Electric Company in the same manner and to the same extent as those rights and duties applied to Maine Public Service Company.

**Enacted Law Summary**

Private and Special Law 2013, chapter 25 provides that any rights previously granted by private and special law to Maine Public Service Company and any duties imposed by private and special law upon Maine Public Service Company are transferred to and assumed by Bangor Hydro Electric Company in the same manner and to the same extent as those rights and duties applied to Maine Public Service Company.

**LD 1761      An Act To Ensure That Large Public Utility Reorganizations Advance the Economic Development and Information Access Goals of the State      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS JACKSON T	OTP-AM ONTP OTP-AM	H-772

This bill requires the Public Utilities Commission to approve a sale, merger, consolidation or reorganization involving a public utility with gross annual state revenues greater than \$50,000,000 only when it is satisfied that the proposal will advance the economic development and information access goals of the State, result in economic

**Joint Standing Committee on Energy, Utilities and Technology**

benefits to ratepayers and be consistent with the interests of investors and public utility employees. The bill also allows the commission to charge a filing fee of up to \$100,000 to an applicant for reorganization when the applicant is a public utility that has gross annual state revenues greater than \$50,000,000. In the case of a public utility with gross annual state revenues totaling \$50,000,000 or less, the standard under this bill is the same standard as is currently applicable.

**Committee Amendment "A" (H-772)**

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment requires the Public Utilities Commission to consider additional requirements before approving a reorganization involving a telephone utility with gross annual state revenues greater than \$50,000,000. The commission may approve the reorganization only when it is satisfied that the proposal will advance the economic development and information access goals of the State; that the reorganization does not result in changes to the location and the accessibility of the telephone utility's management and to employment levels in a manner that would adversely affect safety, reliability or quality of service; and that the reorganization provides an affirmative benefit to the public. The amendment also removes the requirement that the Public Utilities Commission rule upon a request for the reorganization of a large telephone utility within 180 days.

**Committee Amendment "B" (H-773)**

This amendment is the minority report of the committee. The amendment strikes and replaces the bill. The amendment requires the Public Utilities Commission to consider additional requirements before approving a reorganization involving a public utility with gross annual state revenues greater than \$50,000,000. The commission may approve the reorganization only when it is satisfied that the proposal will advance the economic development and information access goals of the State for a reorganization that involves a telephone utility; that the reorganization does not result in changes to the location and the accessibility of the public utility's management and to employment levels in a manner that would adversely affect safety, reliability or quality of service; and that the reorganization provides an affirmative benefit to the public. The amendment also removes the requirement that the Public Utilities Commission rule upon a request for the reorganization of a large public utility within 180 days.

**LD 1781 An Act To Amend Tidal Energy Demonstration Project Laws**

**ONTP**

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

This bill expands the definition of "tidal energy demonstration project" under the laws governing general permits for tidal energy demonstration projects to cover so-called tidal range projects. The bill further directs the Public Utilities Commission to conduct an additional competitive solicitation of proposals for tidal energy demonstration projects and increases the allowed capacity derived from tidal energy demonstration projects to 30 megawatts and total allowed capacity contracted for by the commission to 45 megawatts.

**LD 1784 An Act To Reform Regulation of Consumer-owned Water Utilities**

**PUBLIC 573**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-484 H-817 HOBBINS

This bill is reported out by the Joint Standing Committee on Energy, Utilities and Technology pursuant to Resolve 2013, chapter 47, section 1. As required by the resolve, the Public Utilities Commission submitted to the committee its plan to reform the regulation of consumer-owned water utilities on January 30, 2014, including the necessary

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changes to law to implement its plan.

### **Committee Amendment "A" (S-484)**

This amendment replaces the bill. This amendment requires the Public Utilities Commission to adopt rules to establish standards and procedures to exempt consumer-owned water utilities from portions of the Maine Revised Statutes, Title 35-A. This amendment:

1. Outlines specific requirements related to standards for granting an exemption;
2. Specifies ways a request for exemption may be initiated;
3. Lists specific provisions of Title 35-A from which a consumer-owned water utility may not be exempted;
4. Directs the commission to ensure that customers of consumer-owned water utilities still have access to the services provided by the consumer assistance division within the commission; and
5. Directs the commission to establish by rule a process by which customers of a consumer-owned water utility can request that an exemption be rescinded.

This amendment requires that rate schedules issued by a consumer-owned water utility be submitted to the commission.

### **House Amendment "A" To Committee Amendment "A" (H-817)**

This amendment amends Committee Amendment "A." The amendment authorizes the Public Utilities Commission to rescind an exemption on its own motion.

### **Enacted Law Summary**

Public Law 2013, chapter 573 requires the Public Utilities Commission to adopt rules to establish standards and procedures to exempt consumer-owned water utilities from portions of the Maine Revised Statutes, Title 35-A. This law:

1. Outlines specific requirements related to standards for granting an exemption;
2. Specifies ways a request for exemption may be initiated;
3. Lists specific provisions of Title 35-A from which a consumer-owned water utility may not be exempted;
4. Directs the commission to ensure that customers of consumer-owned water utilities still have access to the services provided by the consumer assistance division within the commission;
5. Directs the commission to establish by rule a process by which customers of a consumer-owned water utility can request that an exemption be rescinded;
6. Requires that rate schedules issued by a consumer-owned water utility be submitted to the commission; and
7. Authorizes the Public Utilities Commission to rescind an exemption on its own motion.

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**LD 1791 An Act To Expand Benefits from Maine's Wind Resource**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL PATRICK	ONTP OTP-AM	

This bill changes the goals for wind energy development in the Maine Wind Energy Act from a schedule of increasing levels of installed capacity to a statement that the goals are expanded economic opportunities in the State, including increasing the number of jobs in the manufacturing, construction and development of wind energy projects, and lower electricity prices for the State's residential, commercial and industrial consumers.

**Committee Amendment "A" (H-726)**

This amendment is the minority report of the committee. This amendment strikes the section of the bill that repeals the megawatt goals for wind energy development. It also slightly modifies the wording of the bill relating to wind energy goals to provide that the State must aspire to advance those goals.

**LD 1792 An Act To Protect Jobs in the Forest Product Industry**

**P & S 27  
EMERGENCY**

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

Current law restricts the ability of Great Northern Paper, LLC, to receive revenue from the sale of electricity from Brookfield Renewable Energy Partners when there is a cessation or reduction of paper production. In order to allow the Millinocket or East Millinocket paper production facility to benefit from the electricity revenue during the closure period and help the facility sustain its operations and remain viable during the closure, this bill amends the law to require Brookfield Renewable Energy Partners to transfer to Great Northern Paper, LLC, certain windfall revenue received from sales of electricity available due to the cessation or reduction of paper production and sold to other purchasers or into the wholesale electric market as long as there is no reduction in labor force associated with the cessation or reduction of paper production, commencing after the restart of the East Millinocket paper production facility.

**Committee Amendment "A" (H-758)**

Current law restricts the ability of Great Northern Paper, LLC, to receive revenue from the sale of electricity from Brookfield Renewable Energy Partners when there is a long-term cessation of paper production for a period of at least 90 days. This amendment, which replaces the bill, clarifies that the current law does not prohibit short-term load-shedding agreements and expressly authorizes such agreements for the purpose of promoting the continued viability of the paper production facilities and preserving the work force employed at those facilities and thereby promoting the public welfare. It also allows a one-time, limited exemption from certain provisions of current law, including the prohibition on agreements relating to longer-term paper mill closings, for the current cessation of paper production at the East Millinocket paper production facility that began on January 23, 2014, as long as certain conditions are met, including a reopening of the facility no later than June 30, 2014 with the number of employees agreed upon by the unions representing the employees and the owner of the paper production facility.

**Enacted Law Summary**

Private and Special Law 2013, chapter 27 clarifies that the current law does not prohibit short-term load-shedding agreements and expressly authorizes such agreements for the purpose of promoting the continued viability of the

*Joint Standing Committee on Energy, Utilities and Technology*

paper production facilities and preserving the work force employed at those facilities and thereby promoting the public welfare. It also allows a one-time, limited exemption from certain provisions of current law, including the prohibition on agreements relating to longer-term paper mill closings, for the current cessation of paper production at the East Millinocket paper production facility that began on January 23, 2014, as long as certain conditions are met, including a reopening of the facility no later than June 30, 2014 with the number of employees agreed upon by the unions representing the employees and the owner of the paper production facility.

Private and Special Law 2013, chapter 27 was enacted as an emergency measure effective April 7, 2014.

**LD 1816    An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission** **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-784

This bill creates a temporary consumer advisor position in the Office of the Public Advocate to advise citizens participating in proceedings before the Public Utilities Commission. The position is established to address a recommendation in the Office of Program Evaluation and Government Accountability's 2013 report on the Public Utilities Commission that the Public Utilities Commission and the Public Advocate explore ways to facilitate consumers' ability to effectively represent themselves in adjudicatory proceedings before the Public Utilities Commission. This bill also requires the Public Advocate to report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters on the performance, duties and funding of the consumer advisor.

**Committee Amendment "A" (H-784)**

This amendment adds an emergency preamble and emergency clause to the bill. It also adds an appropriations and allocations section.

**LD 1825    An Act To Assist Electric Utility Ratepayers** **PUBLIC 556**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM	S-482

This bill requires transmission and distribution utilities to implement arrearage management programs to assist eligible low-income residential customers who are in arrears on their electricity bills. It requires the Public Utilities Commission to develop the program through rulemaking. The program must include measures to help participants reduce their energy consumption, including a free electricity usage assessment and the requirement that transmission and distribution utilities work with the Efficiency Maine Trust to provide complementary energy efficiency programs for program participants. It also requires that a transmission and distribution utility recover in rates all costs of the program except those arrearages that are forgiven and written off as bad debt.

**Committee Amendment "A" (S-482)**

This amendment adds to the bill the requirement that the arrearage management programs begin no later than October 15, 2015 and that the terms and conditions of the programs be in the best interest of ratepayers. The amendment adds payment patterns to the topics for the Public Utilities Commission to include in its report on the arrearage management programs and allows the joint standing committee of the Legislature having jurisdiction over utilities matters to report out a bill relating to the report. The amendment makes other minor technical changes.

*Joint Standing Committee on Energy, Utilities and Technology*

**Enacted Law Summary**

Public Law 2013, chapter 556 requires transmission and distribution utilities to implement arrearage management programs to assist eligible low-income residential customers who are in arrears on their electricity bills. The Public Utilities Commission must develop the program through rulemaking. The program must include measures to help participants reduce their energy consumption, including a free electricity usage assessment. The Efficiency Maine Trust must provide access to complementary energy efficiency programs for program participants. The bill requires that a transmission and distribution utility recover in rates all costs of the program except those arrearages that are forgiven and written off as bad debt. The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities matters by January 28, 2018 regarding the effectiveness of the program. That committee may report out legislation related to the report.

The law is repealed September 30, 2018.

**LD 1860     An Act To Provide for Temporary Commissioners at the Public Utilities Commission**

**PUBLIC 554  
EMERGENCY**

Sponsor(s)

RUSSELL

Committee Report

Amendments Adopted

This bill authorizes the Governor to appoint, subject to confirmation by the Legislature, three individuals to be alternate commissioners of the Public Utilities Commission on a case-by-case basis whenever two or more commissioners, due to a conflict of interest, disability or other reason, are unable to serve in a proceeding, which results in the commission being unable to maintain a quorum.

**Enacted Law Summary**

Public Law 2013, chapter 554 authorizes the Governor to appoint, subject to confirmation by the Legislature, three individuals to be alternate commissioners of the Public Utilities Commission on a case-by-case basis whenever two or more commissioners, due to a conflict of interest, disability or other reason, are unable to serve in a proceeding, which results in the commission being unable to maintain a quorum.

Public Law 2013, chapter 554 was enacted as an emergency measure effective April 17, 2014.

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SUBJECT INDEX

*Agency Matters -- PUC/OPA/OEIS*

Enacted

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Not Enacted

LD 1816 An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission Veto Sustained

*Dig Safe*

Enacted

LD 1647 An Act To Make Changes to the So-called Dig Safe Law PUBLIC 557

Not Enacted

LD 965 An Act To Improve Maine's Underground Facility Damage Prevention Program ONTP

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Not Enacted

LD 196 An Act Regarding the Implementation of the Quality Assurance Program for Public Safety Answering Points ONTP  
LD 275 Resolve, To Require the Emergency Services Communication Bureau To Expand the Existing Quality Assurance System ONTP  
LD 1714 Resolve, To Study the Feasibility of Allowing Dispatchers To Transfer E-9-1-1 Calls to Emergency Responders in Other States ONTP

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Enacted

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LD 1792 An Act To Protect Jobs in the Forest Product Industry P & S 27  
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LD 1825 An Act To Assist Electric Utility Ratepayers PUBLIC 556

Not Enacted

LD 796 Resolve, To Enhance Economic Development by Encouraging Businesses Adjacent to Electric Power Generators To Obtain Power Directly ONTP  
LD 826 An Act To Eliminate the Opt-out Charges for Smart Meters ONTP  
LD 950 An Act To Establish the Electromagnetic Field Safety Act ONTP  
LD 1060 An Act To Lower Electrical Costs through Transmission Alternatives and Renewable Sources Veto Sustained

*Miscellaneous - Utilities and Energy*

**Not Enacted**

LD 1761 An Act To Ensure That Large Public Utility Reorganizations Advance the Economic Development and Information Access Goals of the State Veto Sustained

**Natural Gas**

**Enacted**

LD 1620 An Act To Increase the Maximum Gas Safety Administrative Penalty Amounts PUBLIC 495

LD 1621 An Act To Include Natural Gas Expansion in the State Energy Plan PUBLIC 541

**Not Enacted**

LD 1628 An Act To Require a Timely Response by a Gas Company to a Municipal Request for Service Expansion ONTP

**Public Utilities Commission**

**Not Enacted**

LD 1619 An Act To Provide for a Quorum at the Public Utilities Commission Veto Sustained

**Renewable Resources**

**Not Enacted**

LD 646 An Act To Remove the 100-megawatt Limit on Renewable Sources of Energy Majority (ONTP) Report

LD 1085 An Act To Establish the Renewable Energy Feed-in Tariff Majority (ONTP) Report

LD 1781 An Act To Amend Tidal Energy Demonstration Project Laws ONTP

**Solar Energy**

**Enacted**

LD 1652 An Act To Support Solar Energy Development in Maine PUBLIC 562

**Not Enacted**

LD 1252 An Act To Improve Maine's Economy and Energy Security with Cost-effective Technologies Veto Sustained

**Telecommunications**

**Enacted**

LD 1479 An Act To Clarify Telecommunications Regulation Reform PUBLIC 600

**Not Enacted**

LD 38 Resolve, Regarding Legislative Review of Chapter 201: Provider of Last Resort Service Quality, a Major Substantive Rule of the Public Utilities Commission Veto Sustained

LD 1013 An Act To Create the Wireless Information Act Died On Adjournment

**Water/Sewer - Charters**

**Enacted**

LD 1618 An Act To Enhance the Sustainability of the Corinna Water District P & S 26

LD 1693 An Act To Amend the Anson and Madison Water District Charter P & S 21

**Not Enacted**

LD 1396 An Act To Create the Lisbon Water District ONTP

**Water/Sewer - General**

**Enacted**

LD 1532 An Act To Provide Model Language for Standard Sewer District Charters PUBLIC 555

LD 1784 An Act To Reform Regulation of Consumer-owned Water Utilities PUBLIC 573

**Not Enacted**

**LD 1004 An Act To Clarify Voting Procedures for Standard Water Districts**

**ONTP**

**Wind Energy**

**Not Enacted**

**LD 616 An Act To Amend the Expedited Permitting Area for Wind Energy Development under the Jurisdiction of the Maine Land Use Planning Commission**

**Died Between Houses**

**LD 1147 An Act To Protect Maine's Scenic Character**

**Majority (ONTP) Report**

**LD 1323 An Act Regarding Wind Power Siting in the Unorganized Territory**

**Died Between Houses**

**LD 1434 An Act To Clarify the Laws Governing Noise from Wind Turbines**

**ONTP**

**LD 1750 An Act To Establish Submission Requirements for Wind Energy through Rulemaking**

**Veto Sustained**

**LD 1791 An Act To Expand Benefits from Maine's Wind Resource**

**Majority (ONTP) Report**

*Joint Standing Committee on Health and Human Services*

**LD 20      Resolve, Directing the Department of Health and Human Services To  
Review the Need for and the Costs of Services That Enable Populations  
Who Are Elderly or Have Disabilities To Live Independently**

**RESOLVE 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN GATTINE	OTP	S-331   HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides additional General Fund appropriations of \$1,500,000 in each of fiscal years 2013-14 and 2014-15 for the Department of Health and Human Services to fully fund the independent support services program, also known as the homemaker services program. This appropriation is intended to eliminate the waiting list for the independent support services program.

**Senate Amendment "A" (S-331)**

This amendment replaces the bill with a resolve and directs the Department of Health and Human Services to begin by December 1, 2013 reviewing and analyzing the need for services for instrumental activities of daily living among Maine's populations who are elderly or who have disabilities, the costs of providing services, the potential for savings and projections of need. This amendment directs the Department of Health and Human Services based on its review of costs and potential savings to submit by January 1, 2014 an inquiry to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services regarding the feasibility of obtaining a Medicaid waiver or a state plan amendment to enable the State to provide coverage for instrumental activities of daily living under the MaineCare program. If in response to the inquiry the Centers for Medicare and Medicaid Services indicates that it is feasible to obtain a Medicaid waiver or state plan amendment to enable the State to provide coverage for instrumental activities of daily living, the Department of Health and Human Services must apply for the necessary waiver or submit the state plan amendment by July 1, 2014.

**Enacted Law Summary**

Resolve 2013, chapter 79 directs the Department of Health and Human Services to begin by December 1, 2013 reviewing and analyzing the need for services for instrumental activities of daily living among Maine's populations who are elderly or who have disabilities, the costs of providing services, the potential for savings and projections of need. The resolve directs the Department of Health and Human Services based on its review of costs and potential savings to submit by January 1, 2014 an inquiry to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services regarding the feasibility of obtaining a Medicaid waiver or a state plan amendment to enable the State to provide coverage for instrumental activities of daily living under the MaineCare program. If in response to the inquiry the Centers for Medicare and Medicaid Services indicates that it is feasible to obtain a Medicaid waiver or state plan amendment to enable the State to provide coverage for instrumental activities of daily living, the Department of Health and Human Services must apply for the necessary waiver or submit the state plan amendment by July 1, 2014.

**LD 386      An Act To Reduce Tobacco-related Illness and Lower Health Care Costs  
in MaineCare**

**PUBLIC 444**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN LANGLEY	OTP-AM	H-247 S-337   HILL

## *Joint Standing Committee on Health and Human Services*

This bill was enacted by the Legislature during the First Regular Session of the 126th Legislature and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill requires the provision of tobacco cessation treatment for MaineCare members who are 18 years of age or older or are pregnant. It provides for comprehensive evidence-based coverage in accordance with the United States Preventive Services Task Force and the United States Public Health Service clinical practice guideline on treating tobacco use and dependence. The bill requires coverage without copayments or other cost sharing and directs the Department of Health and Human Services to pursue opportunities for federal reimbursement of the cost of coverage.

### **Committee Amendment "A" (H-247)**

This amendment adds an appropriations and allocations section to the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-337)**

This amendment removes the emergency preamble and emergency clause and reduces the funding to reflect funding provided in Public Law 2013, chapter 368, the biennial budget.

### **Enacted Law Summary**

Public Law 2013, chapter 444 requires the Department of Health and Human Services through the MaineCare program to provide tobacco cessation treatment for MaineCare members who are 18 years of age or older or are pregnant. It provides for comprehensive evidence-based coverage in accordance with the United States Preventive Services Task Force and the United States Public Health Service clinical practice guideline on treating tobacco use and dependence. The law requires coverage without copayments or other cost sharing and directs the Department of Health and Human Services to pursue opportunities for federal reimbursement of the cost of coverage.

### **LD 535      An Act To Promote Greater Flexibility in the Provision of Long-term      ONTP Care Services**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Current law precludes facilities licensed pursuant to the Maine Revised Statutes, Title 22, chapter 405 from providing certain services under one license to residents living in a facility under a lower level license on the same campus. The purpose of this bill is to allow facilities licensed under Title 22, chapter 405 to provide a continuum of care and services to clients residing in those facilities without requiring the clients to leave the facility, without requiring the creation of a licensed home health agency and without having to seek approval of area licensed home health agencies.

### **LD 968      An Act To Provide Needed Psychiatric Hospitalization for Persons with      ONTP Mental Illness**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

## *Joint Standing Committee on Health and Human Services*

This bill requires the Commissioner of Health and Human Services to make psychiatric hospitalization available to a person with mental illness who is experiencing a psychiatric crisis and who has been determined by a health care practitioner to be in need of hospitalization.

**LD 1031      Resolve, Directing the Department of Health and Human Services To  
Review the Use of Restraint and Seclusion at Mental Health Institutes**

**RESOLVE 91**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM	H-610

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires the Commissioner of Health and Human Services to establish a procedure for reviewing the use of restraint and seclusion for children receiving services in a hospital or children's home, including a mandatory review process for the repeated use of restraint or seclusion. It also adds a physician, other than the attending physician, to the review team that reviews behavior modification and behavior management programs for children under 18 years of age.

**Committee Amendment "A" (H-610)**

This amendment replaces the bill with a resolve. It directs the Commissioner of Health and Human Services to review the use of restraint and seclusion in state mental health institutes and nonstate mental health institutions. The commissioner is required to report the findings and recommendations of the review to the Joint Standing Committee on Health and Human Services no later than November 1, 2014. The commissioner is also required to invite members of the disability rights advocacy community to discuss the findings of the report and possible policy changes no later than November 15, 2014.

**Enacted Law Summary**

Resolve 2013, chapter 91 directs the Commissioner of Health and Human Services to review the use of restraint and seclusion in state mental health institutes and nonstate mental health institutions. The commissioner is required to report the findings and recommendations of the review to the Joint Standing Committee on Health and Human Services no later than November 1, 2014. The commissioner is also required to invite members of the disability rights advocacy community to discuss the findings of the report and possible policy changes no later than November 15, 2014.

**LD 1047      Resolve, To Provide a Better Transition for Foster Children to  
Independent Adulthood**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 126th Legislature.

This resolve directs the Commissioner of Health and Human Services to review and analyze services for persons in foster care making the transition to independent adulthood, including services provided under a voluntary extended support agreement, also known as a V9 agreement. The commissioner is required to submit a report containing the results of the review and analysis to the Joint Standing Committee on Health and Human Services by January 15, 2014, and the committee is authorized to submit a bill regarding the report to the Second Regular Session of the 126th Legislature.

*Joint Standing Committee on Health and Human Services*

**LD 1213 An Act To Reduce Costs and Increase Access to Methadone Treatment**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN CUSHING	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill proposes to decrease costs of and increase access to substance abuse treatment services by requiring the Department of Health and Human Services to increase the number of federally qualified health centers that provide methadone treatment services, to require enrollment at the clinic closest to the person's home and to work to facilitate access to services and distribution of services across the State. The bill requires the department to amend the methadone clinic rules to eliminate the requirement that the centers be open for administration of methadone treatment on Sundays. The bill designates the rules as routine technical rules. The department is required to work with stakeholders to address current rules and policies that act as barriers to achieve the intent of this legislation.

**LD 1247 An Act To Expand Coverage of Family Planning Services**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRINGLE	OTP-AM ONTP	H-655

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill expands Medicaid coverage for family planning services to adults and adolescents who have incomes less than or equal to 200 percent of the nonfarm income official poverty line as defined by the federal Office of Management and Budget.

**Committee Amendment "A" (H-655)**

This amendment, which is the majority report of the committee, changes the date for implementation of a Medicaid state plan amendment that provides family planning services from October 1, 2013 to October 1, 2014.

**LD 1274 An Act To Sustain Emergency Medical Services throughout the State**

**PUBLIC 441**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE FARNSWORTH	OTP-AM	S-218 S-357 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th Legislature and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill increases MaineCare reimbursement rates for ambulance services to Medicare reimbursement rate levels and provides an appropriation and allocation for the increased costs to the MaineCare program.

**Committee Amendment "A" (S-218)**

## *Joint Standing Committee on Health and Human Services*

This amendment changes the reimbursement rate for ambulance services from not less than the average allowable reimbursement rate under Medicare to not less than 65 percent of the average allowable reimbursement rate under Medicare. The amendment also replaces the appropriations and allocations section of the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-357)**

This amendment delays until March 1, 2015 increasing MaineCare reimbursement for ambulance services to 65 percent of the average allowable Medicare rate.

### **Enacted Law Summary**

Public Law 2013, chapter 441 increases MaineCare reimbursement rates for ambulance services beginning March 1, 2015 from the current rate of not less than the average allowable reimbursement rate under Medicare to a new rate of not less than 65 percent of the average allowable reimbursement rate under Medicare.

**LD 1449      An Act To Amend the Composition and Duties of the Maine Children's Growth Council      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND FARNSWORTH	OTP-AM ONTP	S-401

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill amends the composition and duties of the Maine Children's Growth Council by:

1. Requiring the Governor, President of the Senate and Speaker of the House of Representatives, when making appointments to the council, to ensure that appointees represent a diversity of interests including early learning coalitions, public health and safety networks, organizations that prevent and address child abuse and neglect and philanthropic organizations;
2. Increasing the number of members who represent statewide associations of business and industry to two;
3. Adding the commissioner, or the commissioner's designee, of the Department of Corrections, the Department of Economic and Community Development, the Department of Labor and the Department of Public Safety and the Superintendent of Insurance, or the superintendent's designee, as members;
4. Adding three more employees from the Department of Health and Human Services or the Department of Education;
5. Staggering the terms of appointed members;
6. Requiring the Governor, when appointing the chairs of the council, to consider the recommendations of the council;
7. Specifying that certain public members not otherwise compensated are entitled to receive mileage and a per diem;
8. Specifying that staff members of the council are authorized to undertake certain actions, such as entering into contracts and providing funding;
9. Repealing the current law that requires the council to develop a long-term plan for investment in the healthy development of young children and replacing it with the requirement to develop a long-term plan in accordance with

***Joint Standing Committee on Health and Human Services***

specific requirements, including:

- A. Requirements for the council to consult with specified state agencies and local governments when developing the long-term plan; and
  
- B. Strategies and timelines that provide for the coordination of resources and services across state government and the elimination of duplicate programs and services to reflect the diversity of and uniqueness of young children and their families and to maximize federal funding; and

10. Requiring the long-term plan to be developed within 12 months of the effective date of this bill.

**Committee Amendment "A" (S-401)**

This amendment is the majority report of the committee. This amendment deletes any proposed duties of the Maine Children's Growth Council to implement and ensure implementation of the long-term plan. The amendment changes the required qualifications for state agency representatives who are appointed to the council by requiring a representative to be knowledgeable about the healthy development of the State's young children and their families and the work of the council. The amendment adds to the Maine Children's Growth Council a representative of the federally recognized Indian tribes in the State. The representative of the Indian tribes must be chosen by the tribe whose turn it is in rotation to serve on the council, nominated to the Governor and appointed by the Governor. The amendment corrects the designation of a council member from the director of the Head Start collaboration project within the Department of Health and Human Services, Office of Child Care and Head Start to the director of the Head Start collaborative office within the Department of Health and Human Services and provides for a designee of the director to serve on the council. The amendment substitutes the Commissioner of Health and Human Services for the Commissioner of Public Safety in the membership of the council. The amendment makes the state agency commissioners and representatives nonvoting members of the council. The amendment removes reimbursement and compensation for public members of the council.

**LD 1487      An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM ONTP	S-419

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill establishes managed care in the MaineCare program. The bill includes requirements for managed care plans and for contracting by the Department of Health and Human Services for managed care services. The bill specifies how MaineCare members enroll in managed care plans. The bill requires the Department of Health and Human Services to apply for approval of a Medicaid state plan amendment to allow use of MaineCare funds to purchase available employer-sponsored health coverage and delays implementation of that provision until approval has been granted.

**Committee Amendment "B" (S-419)**

This amendment, which is the majority report of the committee, replaces the bill. The amendment contains the following provisions.

Part A establishes managed care in the MaineCare program. It includes requirements for managed care plans and for contracting by the Department of Health and Human Services for managed care services. It specifies how MaineCare members enroll in managed care plans, provides opportunities for disenrollment, provides for capitated payments to managed care plans, establishes a minimum loss ratio for managed care plans, provides a choice of plans and a choice counseling system that ensures the consumer has access to accurate information, establishes an

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ombudsman funded by the managed care plans to identify and report on systemic issues and to assist MaineCare members and providers with grievances and appeals, sets the minimum benefit package and authorizes major substantive rulemaking by the department. It establishes a managed care stakeholder group on capitated managed care in the MaineCare program to design and plan for implementation and make recommendations for implementation of managed care to the department. It requires the department to issue a request for information to determine whether there is sufficient interest among managed care companies to provide managed care as set forth in the law and in a manner that is consistent with and compatible with the goals and structure of the value-based purchasing initiatives being undertaken by the department, including but not limited to health homes, patient-centered medical homes, accountable communities, peer support organizations and other issues that are identified in the responsibilities of the stakeholder group. It requires the department to report by March 1, 2015 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of implementation of managed care pursuant to the Maine Revised Statutes, Title 22, section 3174-WW, each of the areas addressed by the managed care stakeholder group, the specific recommendations of the stakeholder group and the department's value-based purchasing initiative, including accountable care. The report must also include actual and projected cost savings and the structure of the managed care program. Beginning April 1, 2015, the department is required to provide a report every month to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the implementation of managed care. It imposes a schedule of required rulemaking to ensure prompt implementation of managed care. It requires the department to apply to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services for approval of a state plan amendment under the United States Social Security Act, Section 1932(a) to implement the provisions of this amendment and to apply for all necessary waivers. It provides a contingent effective date that requires notification from the department to the Revisor of Statutes that all necessary approvals have been granted.

Part B expands medical coverage under the MaineCare program to adults who qualify under federal law with incomes up to 133 percent of the nonfarm income official poverty line, with the 5 percent federal income adjustment for family size, and qualifies Maine to receive federal funding for 100 percent of the cost of coverage for members who enroll under the expansion. Adults eligible are those 21 to 64 years of age, effective July 1, 2014, and, if the expansion of MaineCare coverage is not repealed, adults 19 and 20 years of age, beginning October 1, 2019. The expansion of Medicaid eligibility contained in this Part is repealed the earlier of either December 31, 2016 or three circumstances occurring: the enhanced Federal Medical Assistance Percentage for calendar years 2014 to 2016 is reduced below certain stated levels; the reduced enhanced Federal Medical Assistance Percentage has taken effect; and after the occurrence of the reduction of the enhanced Federal Medical Assistance Percentage the Legislature has convened and conducted a session of at least 30 calendar days.

Part C requires the Office of Fiscal and Program Review to contract with a nonpartisan research organization to evaluate the financial feasibility of providing health care coverage to newly eligible MaineCare members through the health insurance marketplace, modeled after Medicaid expansion coverage in Arkansas or Iowa, and the feasibility of establishing a state basic health program similar to Washington's basic health plan and to report the findings of the evaluation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 15, 2015. It directs the Office of Fiscal and Program Review to contract for an examination of the impact of the MaineCare expansion on programs and services that do not currently receive Federal Medical Assistance Percentage matching funds or do not qualify for enhanced Federal Medical Assistance Percentage matching funds under the federal Patient Protection and Affordable Care Act, 42 United States Code, Section 18001 et seq., with the goal of identifying and maximizing General Fund savings. It requires that the research organization report by February 15, 2015 and February 15, 2016 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, 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 criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion. The reports must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-16 by service area or program. It requires the State Budget Officer to calculate the amount of savings that applies against each General Fund account for all departments and agencies from savings associated with the MaineCare expansion and to transfer the amounts by financial order upon the

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approval of the Governor. It requires the State Controller to transfer any remaining savings to the MaineCare Stabilization Fund. It requires the State Budget Officer to provide a report of the transferred amounts to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than April 30, 2015 for fiscal year 2014-15 and to submit adjustments to baseline budget requests totaling no less than \$11,800,000 per year to reflect the continuation of the identified savings in the 2016-2017 biennium.

Part D provides funding for positions in the Department of Health and Human Services, Office of Family Independence - District program.

Part E requires the department, when enrolling a MaineCare member who is eligible under Title 22, section 3174-G, subsection 1, paragraph H or I, to provide written notice that is readable at the 6th-grade reading level to the member of the requirement to sign up as a patient with a primary care provider promptly after enrolling in the MaineCare program and that the member's MaineCare coverage will end no later than December 31, 2016 unless a law is passed to extend coverage past that date.

Part F establishes the Task Force to Create Opportunities for Stable Employment for MaineCare Members. The task force is directed to meet up to four times in order to identify any policies in MaineCare that penalize or create a disincentive for members' increasing hours of employment or earnings, to make recommendations to eliminate barriers to and to propose new policies that support and promote stable and lasting employment, to examine rules related to MaineCare transitional assistance and any opportunities to further reduce the adverse effects on working families that lose eligibility for MaineCare and to consider solutions that provide continuity of care and minimize persons' moving on and off the MaineCare program. The task force is directed to submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 8, 2014.

Part G directs the department to implement reforms specified in Public Law 2013, chapter 368, Part SS, section 4, to carry out the directives and implement the initiatives contained in Resolve 2013, chapter 24 and Public Law 2013, chapter 368, Part NN and Part SS, section 1 and to consider five reforms. This Part requires that savings resulting from accomplishing the required reforms in programs for adults with intellectual disabilities and autism be used to serve persons on the waiting lists for benefits under the MaineCare Benefits Manual, Chapter 101, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder and Section 29, Support Services for Adults with Intellectual Disabilities or Autistic Disorder. This Part directs the department to develop a plan with clear steps and a timeline to ensure that waiting lists for services under Sections 21 and 29 do not exceed six months by January 15, 2015, and to present the plan to the Legislature by October 1, 2014. This Part authorizes the department to adopt emergency rules to accomplish the duties contained in law.

Part H directs the Department of the Attorney General to undertake an initiative to strengthen fraud investigation in the MaineCare program. The Department of the Attorney General is directed to establish two new positions within the Health Care Crimes Unit to investigate allegations of misuse of public funds in the MaineCare program and to aid the Attorney General in the prosecution of crimes and other legal actions related to misuse of public funds.

**LD 1552      *Resolve, To Provide for an Analysis of MaineCare Rates for Facility-based Preschool Services for Children with Disabilities and a Report on the Analysis*      **Veto Sustained****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH ALFOND	OTP-AM ONTP	H-668

This bill was carried over from the First Regular Session of the 126th Legislature.

This resolve requires the Department of Health and Human Services to initiate a rate-setting procedure for coverage

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under the MaineCare program of in-home and classroom-related preschool services for children with disabilities under the rules of the MaineCare program in Chapter 101, Chapter II, Section 28.

### **Committee Amendment "A" (H-668)**

This amendment is the majority report of the committee. This amendment directs the Department of Health and Human Services, after consultation with providers of facility-based preschool services for children with disabilities, to perform an analysis of MaineCare rates for the services, including a review of rates over the past 20 years, details on the services provided, the needs of the children served and the costs of providing the services. The amendment directs the department to consider possible cost-savings initiatives, federal and state requirements for serving children with disabilities and improvements to services that may result from encouraging services at the appropriate level. The amendment directs the department to report the results of the analysis and any recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 2015.

### **LD 1578     An Act To Increase Health Security by Expanding Federally Funded Health Care for Maine People**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES JACKSON T	OTP-AM ONTP	H-704 H-849   EVES

This bill accomplishes the following.

Part A expands medical coverage under the MaineCare program to adults who qualify under federal law with incomes up to 133% of the nonfarm income official poverty line, with the 5% federal income adjustment for family size, and qualifies Maine to receive federal funding for 100% of the cost of coverage for members who enroll under the expansion. Adults who will be eligible are those 21 to 64 years of age effective July 1, 2014 and adults 19 and 20 years of age beginning October 1, 2019. The expansion of Medicaid eligibility contained in this Part is repealed if three circumstances occur: the enhanced Federal Medical Assistance Percentage for calendar years 2014 through 2020 is reduced below certain stated levels; the reduced enhanced Federal Medical Assistance Percentage has taken effect; and after the occurrence of the reduction of the enhanced Federal Medical Assistance Percentage the Legislature has convened and conducted a session of at least 30 calendar days. This bill repeals the expansion of medical coverage under the MaineCare program on December 31, 2016.

Part B requires the Commissioner of Health and Human Services to take all steps necessary to secure an enhanced federal match rate for services provided to the MaineCare childless adult waiver population and to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by November 1, 2014 on these efforts.

Part C requires the Office of Fiscal and Program Review to contract with a nonpartisan research organization to evaluate the impact of the MaineCare expansion on programs and services that do not currently receive Federal Medical Assistance Percentage matching funds or do not qualify for enhanced Federal Medical Assistance Percentage matching funds under the federal Patient Protection and Affordable Care Act, 42 United States Code, Section 18001, et seq., with the goal of identifying and maximizing General Fund savings. Part C requires a report by October 1st in 2014 and 2015 and February 15, 2016 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, 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 criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion. The report must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-2016 by service area or program. Part C requires the State Budget Officer to calculate the amount of savings that applies against each General Fund account for all departments and agencies from savings

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associated with the MaineCare expansion and to transfer the amounts by financial order upon the approval of the Governor. It requires the State Controller to transfer any remaining savings to the MaineCare Stabilization Fund. Part C requires the State Budget Officer to provide a report of the transferred amounts to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than June 30, 2015 for fiscal year 2014-15 and no later than June 30, 2016 for fiscal year 2015-16.

Part D provides funding for positions in the Department of Health and Human Services, Office of Family Independence.

Part E amends current law on copayments in the MaineCare program. This bill directs the Department of Health and Human Services to increase copayments for adults with income above 100% of the nonfarm income official poverty line to the maximum allowable under federal law and to increase nominal copayments by the annual percentage increase in the medical care component of the Consumer Price Index for All Urban Consumers. It directs the department to increase MaineCare copayments for services provided in a hospital emergency room when the services are not emergency services and requires the department to track aggregate copayments in compliance with federal law. Part E provides that until the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services confirms that the State will get the enhanced reimbursement rate, the expansion of medical coverage under the MaineCare program will not take effect.

### **Committee Amendment "A" (H-704)**

This amendment, which is the majority report of the committee, replaces the bill. The amendment contains the following provisions.

Part A expands medical coverage under the MaineCare program to adults who qualify under federal law with incomes up to 133% of the nonfarm income official poverty line, with the 5% federal income adjustment for family size, and qualifies Maine to receive federal funding for 100% of the cost of coverage for members who enroll under the expansion. Adults eligible are those 21 to 64 years of age, effective July 1, 2014, and, if the expansion of MaineCare coverage is not repealed, adults 19 and 20 years of age, beginning October 1, 2019. The expansion of Medicaid eligibility contained in this Part is repealed the earlier of either December 31, 2016 or three circumstances occurring: the enhanced Federal Medical Assistance Percentage for calendar years 2014 to 2016 is reduced below certain stated levels; the reduced enhanced Federal Medical Assistance Percentage has taken effect; and after the occurrence of the reduction of the enhanced Federal Medical Assistance Percentage the Legislature has convened and conducted a session of at least 30 calendar days.

Part B requires the Office of Fiscal and Program Review to contract with a nonpartisan research organization to evaluate the financial feasibility of providing health care coverage to newly eligible MaineCare members through the health insurance marketplace, modeled after Medicaid expansion coverage in Arkansas or Iowa, and the feasibility of establishing a state basic health program similar to Washington's basic health plan and to report the findings of the evaluation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 15, 2015. It directs the Office of Fiscal and Program Review to contract for an examination of the impact of the MaineCare expansion on programs and services that do not currently receive Federal Medical Assistance Percentage matching funds or do not qualify for enhanced Federal Medical Assistance Percentage matching funds under the federal Patient Protection and Affordable Care Act, 42 United States Code, Section 18001 et seq., with the goal of identifying and maximizing General Fund savings. It requires that the research organization report by February 15, 2015 and February 15, 2016 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, 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 criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion. The reports must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-16 by service area or program. It requires the State Budget Officer to calculate the amount of savings that applies against each General Fund account for all departments and agencies from savings associated with the MaineCare expansion and to transfer the amounts by financial order upon the

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approval of the Governor. It requires the State Controller to transfer any remaining savings to the MaineCare Stabilization Fund. It requires the State Budget Officer to provide a report of the transferred amounts to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than April 30, 2015 for fiscal year 2014-15 and to submit adjustments to baseline budget requests totaling no less than \$11,800,000 per year to reflect the continuation of the identified savings in the 2016-2017 biennium.

Part C provides funding for positions in the Department of Health and Human Services, Office of Family Independence - District program.

Part D requires the department, when enrolling a MaineCare member who is eligible under the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph H or I, to provide written notice that is readable at the 6th-grade reading level to the member that the member's MaineCare coverage will end no later than December 31, 2016 unless a law is passed to extend coverage past that date.

Part E directs the department to implement reforms specified in Public Law 2013, chapter 368, Part SS, section 4, to carry out the directives and implement the initiatives contained in Resolve 2013, chapter 24 and Public Law 2013, chapter 368, Part NN and Part SS, section 1 and to consider five reforms. This Part requires that savings resulting from accomplishing the required reforms in programs for adults with intellectual disabilities and autism be used to serve persons on the waiting lists for benefits under the MaineCare Benefits Manual, Chapter 101, Chapter II, Section 21, Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder and Section 29, Support Services for Adults with Intellectual Disabilities or Autistic Disorder. This Part directs the department to develop a plan with clear steps and a timeline to ensure that waiting lists for services under Sections 21 and 29 do not exceed six months by January 15, 2015, and to present the plan to the Legislature by October 1, 2014. This Part authorizes the department to adopt emergency rules to accomplish the duties contained in law.

Part F directs the Department of the Attorney General to undertake an initiative to strengthen fraud investigation in the MaineCare program. The Department of the Attorney General is directed to establish two new positions within the Health Care Crimes Unit to investigate allegations of misuse of public funds in the MaineCare program and to aid the Attorney General in the prosecution of crimes and other legal actions related to misuse of public funds.

### **House Amendment "A" To Committee Amendment "A" (H-849)**

This amendment is modeled on the marketplace premium assistance program enacted into law in New Hampshire. Beginning August 1, 2014, it provides medical assistance under the MaineCare program as a bridge to purchasing insurance coverage from qualified health plans on the federally facilitated exchange for newly eligible adult populations. Beginning July 1, 2015, medical assistance for childless adults is limited to assistance in purchasing insurance coverage from qualified health plans on the federally facilitated exchange under a new program, the Maine Marketplace Premium Assistance program, administered by the Department of Health and Human Services and any additional services approved by the federal Centers for Medicare and Medicaid Services pursuant to a waiver submitted by the department. The person purchasing such insurance coverage is responsible for assuming cost sharing authorized under federal law, and employees who have access to employer health plans are required to participate in those plans. In order for qualified health plans to participate in the Maine Marketplace Premium Assistance program, plans must offer to each federally qualified health center an opportunity to contract with the plans and ensure that reimbursement for each center is according to the federal Patient Protection and Affordable Care Act. The amendment directs the Commissioner of Health and Human Services to prepare and submit to the federal Centers for Medicare and Medicaid Services any necessary waivers to implement the Maine Marketplace Premium Assistance program and provides funding for the one-time costs of preparing and submitting any Maine Marketplace Premium Assistance program waivers. The amendment retains the provisions in Committee Amendment "A" providing for the repeal of the expansion of MaineCare if the enhanced Federal Medical Assistance Percentage for calendar years 2014 to 2016 is reduced below certain stated levels or December 31, 2016, whichever is earlier. In addition, it provides that if a waiver to implement the Maine Marketplace Premium Assistance program has not been approved by July 1, 2015, the expansion of MaineCare eligibility provided under this legislation is repealed 90 days thereafter.

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**LD 1580      An Act To Use the Dorothea Dix Psychiatric Center To Provide Inpatient      ONTP**  
**Mental Health Services for Forensic Patients**

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

This bill requires the Department of Health and Human Services to use the Dorothea Dix Psychiatric Center to provide services to patients in the custody of the Commissioner of Health and Human Services who pose a likelihood of serious harm to others and for whom there is not sufficient security at the Riverview Psychiatric Center to address the likelihood of serious harm. The bill requires the department to begin planning, physical plant improvements, staff training and administrative procedures for the acceptance of patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center. The bill requires the department to transfer patients from the Riverview Psychiatric Center into the Dorothea Dix Psychiatric Center as needed beginning July 1, 2014.

**LD 1581      An Act To Improve Business Certainty for Providers of Quality Child      PUBLIC 559**  
**Care**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-656
CRAVEN	ONTP	H-816 SANDERSON

This bill requires the Department of Health and Human Services to establish a four-step child care quality rating system and provide quality differential payments of 5%, 10% and 25% for the three highest steps. It removes language relating to requirements in the department rules regarding substantial progress toward meeting quality ratings. It provides that the department is not required to pay a quality differential rate for child care services provided through the Temporary Assistance to Needy Families block grant.

**Committee Amendment "A" (H-656)**

This amendment is the majority report of the committee. The bill provides exact mandatory amounts for the quality child care differentials at steps 2, 3 and 4 of the four-step child care quality rating system required by the bill. This amendment instead requires the Department of Health and Human Services to pay quality child care differential rates of at least 2% for step 2 child care services, at least 5% for step 3 child care services and at least 10% for step 4 child care services. These minimum rates are lower than those proposed in the bill. The amendment also adds an appropriations and allocations section.

**House Amendment "A" To Committee Amendment "A" (H-816)**

This amendment amends Committee Amendment "A" to remove the requirement that the Department of Health and Human Services adopt rules to implement a differential rate for child care services as specified in the bill. This amendment also removes the specific quality differential rates for step 2, step 3 and step 4 child care services as specified in the committee amendment and instead requires the rules to provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. Like the bill, this amendment removes the requirement that the rules limit payment of the differential for substantial progress to a period of one year.

**Enacted Law Summary**

Public Law 2013, chapter 559 requires the Department of Health and Human Services to adopt rules to provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. The law removes the requirement that the rules limit payment of the differential for substantial progress to a period of one year. The law states that the department is not required to pay a quality differential rate for child care services provided through

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the Temporary Assistance to Needy Families block grant.

**LD 1582      Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 94  
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 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2013, chapter 94 provides for legislative review and approval of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 94 was finally passed as an emergency measure effective March 18, 2014.

**LD 1583      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 Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 85  
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 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2013, chapter 85 provides for legislative review and approval of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 85 was finally passed as an emergency measure effective February 26, 2014.

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**LD 1584      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 Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**RESOLVE 84  
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 Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

**Enacted Law Summary**

Resolve 2013, chapter 84 provides for legislative review and approval of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a major substantive rule of the Department of Health and Human Services.

Resolve 2013, chapter 84 was finally passed as an emergency measure effective February 26, 2014.

**LD 1592      An Act To Improve and Modernize the Authority of Local Health Inspectors**

**ONTP**

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

This bill directs the Department of Health and Human Services to train local health inspectors to perform limited inspections for health and safety violations of establishments such as restaurants and lodging places. The bill requires a local health inspector who performs an inspection and finds a health and safety violation that poses an imminent threat to the public health and welfare to order the immediate and temporary closing of the establishment. The bill provides that an order to temporarily close an establishment issued by a local health inspector remains in effect until the department issues an order requiring the establishment to remain closed or allowing the establishment to reopen. The bill provides that an inspection conducted by a local health inspector and an order issued pursuant to that inspection do not affect the requirement of a determination of compliance with state licensing requirements every two years as required by current law. The bill requires the department to adopt routine technical rules to implement the new training provision.

**LD 1594      Resolve, To Review and Make Recommendations on Challenges, Gaps and Inefficiencies in Maine's Emergency Crisis Hotline and "Warm Line" Services**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORNEY CRAVEN	OTP-AM ONTP	H-683 H-745 DORNEY

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This resolve requires the Commissioner of Health and Human Services to combine all of the Department of Health and Human Services' toll-free emergency crisis telephone lines under one toll-free crisis call-in number to be staffed by trained personnel who will assist callers or refer callers to other services as appropriate 24 hours per day, seven days per week. Any money saved must be used to fund a public information advertisement campaign to inform the public about the new toll-free crisis call-in number.

### **Committee Amendment "A" (H-683)**

This amendment is the majority report of the committee. This amendment replaces the resolve with a resolve directing the Department of Health and Human Services to convene a working group. The working group is required to review the current system for emergency crisis hotline and so-called warm line services and review the report entitled "Peer and Crisis Services" prepared by the Consumer Council System of Maine for the department's Office of Substance Abuse and Mental Health Services and incorporate suggestions from the report in the working group's findings and recommendations. The working group is required to review the benefits and costs of a single easily identifiable telephone number and triage and dispatch system, make recommendations for emergency crisis services hotline and "warm line" services and determine the necessary staffing. The working group is also required to report its findings and recommendations to the department, and the department is required to report those findings and recommendations, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services by November 4, 2014 or by the date that the department issues a new request for proposals for emergency crisis services in 2014, whichever date comes first.

### **House Amendment "A" To Committee Amendment "A" (H-745)**

This amendment amends Committee Amendment "A." The amendment removes the emergency preamble and emergency clause and changes the date by which the working group must convene from April 1, 2014 to no later than two weeks after adjournment of the Second Regular Session of the 126th Legislature.

### **LD 1595     An Act To Preserve Access to Nursing Home Care by Correcting Chronic Shortfalls in MaineCare Reimbursement**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill provides for an increase in MaineCare payments to nursing homes to address a chronic shortfall between audited MaineCare allowable costs and payments for those costs; implements a pay-for-performance program to reward strong performance by nursing homes; and provides for a supplemental payment for facilities at which a high percentage of patients are MaineCare patients.

The Department of Health and Human Services is authorized to adopt emergency rules to take effect retroactively to July 1, 2014 for the establishment of the supplemental MaineCare payments to nursing homes that serve a high percentage of MaineCare residents.

The bill also appropriates state funds and allocates matching federal funds for this increase in MaineCare reimbursement to nursing facilities in the 2014-2015 biennium. See LD 1776 for nursing facilities reimbursement issues.

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**LD 1596      Resolve, Directing the Department of Health and Human Services To Amend MaineCare Rules as They Pertain to the Delivery of Covered Services via Telecommunications Technology**

**RESOLVE 105  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCELWEE JACKSON T	OTP-AM	H-723

This resolve directs the Department of Health and Human Services to amend MaineCare rules to allow registered nurses and behavioral health specialists to be reimbursed for providing covered services via telecommunications technology as are medical doctors, physician assistants and family nurse practitioners.

**Committee Amendment "A" (H-723)**

This amendment replaces the resolve with a resolve directing the Department of Health and Human Services to convene a working group to review the MaineCare rules regarding the definition of "telehealth" and the technologies used for provider-patient interaction involving MaineCare patients. The working group is required to determine when communications that are not visual may be appropriate and sufficient. The Department of Health and Human Services is directed to amend its rules regarding telehealth based upon the review by the working group.

**Enacted Law Summary**

Resolve 2013, chapter 105 directs the Department of Health and Human Services to convene a working group to review the MaineCare rules regarding the definition of "telehealth" and the technologies used for provider-patient interaction involving MaineCare patients. The working group is required to determine when communications that are not visual may be appropriate and sufficient. The Department of Health and Human Services is directed to amend its rules regarding telehealth based upon the review by the working group.

Resolve 2013, chapter 105 was finally passed as an emergency measure effective April 8, 2014.

**LD 1597      An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act**

**PUBLIC 501  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE SAVIELLO	OTP-AM	H-665

This bill amends the Maine Medical Use of Marijuana Act to specify that access to a marijuana cultivation facility operated by a patient, a primary caregiver or a dispensary is open to government officials acting within the scope of their employment, under the direct supervision of the patient, the primary caregiver or a principal officer, board member or employee of the dispensary. Currently, a dispensary and any additional location at which the dispensary cultivates marijuana for medical use by a patient are subject to reasonable inspection by the Department of Health and Human Services.

**Committee Amendment "A" (H-665)**

This amendment retains the emergency language in the bill and replaces the remainder of the bill. It allows an invited elected official access to a facility in which marijuana is cultivated for medical use by a primary caregiver or a dispensary if access is given for the purpose of providing education to the elected official on cultivation.

**Enacted Law Summary**

Public Law 2014, chapter 501 amends the Maine Medical Use of Marijuana Act to specify that access to a

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marijuana cultivation facility operated by a patient, a primary caregiver or a dispensary is open to an invited elected official for the purpose of providing education to the elected official on cultivation provided the access is under the direct supervision of the patient, the primary caregiver or a principal officer, board member or employee of the dispensary.

Public Law 2013, chapter 501 was enacted as an emergency measure effective April 2, 2014.

**LD 1598     An Act To Improve Hospital-based Behavioral Health Treatment for  
Persons with Intellectual Disabilities or Autism**

**PUBLIC 500**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH BOYLE	OTP-AM	H-666

This bill amends the laws concerning the rights and basic protections of a person with an intellectual disability or autism. It clarifies that the provisions governing behavioral support, modification and management do not apply to a person who is a patient in an acute psychiatric unit of a hospital. It also adds to the team of persons who must review behavior modification and behavior management programs a licensed psychologist who has training and experience in the development of behavioral support plans.

**Committee Amendment "A" (H-666)**

This amendment clarifies that the provisions governing behavioral support, modification and management do not apply to a person who is a patient in a psychiatric unit of an acute hospital or a psychiatric hospital as defined in the Maine Revised Statutes, Title 34-B, section 3801, subsection 7-B. It removes the changes made by the bill that indicate a licensed psychologist must be a part of the review team overseeing behavior modification and behavior management programs.

**Enacted Law Summary**

Public Law 2013, chapter 500 amends the laws concerning the rights and basic protections of a person with an intellectual disability or autism. It clarifies that the provisions governing behavioral support, modification and management do not apply to a person who is a patient in a psychiatric unit of an acute hospital or a psychiatric hospital as defined in the Maine Revised Statutes, Title 34-B, section 3801, subsection 7-B.

**LD 1599     Resolve, Directing the Commissioner of Health and Human Services To  
Advance the Safe Handling of Hazardous Drugs To Protect Health Care  
Personnel**

**ONTP**

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

This resolve requires the Commissioner of Health and Human Services to adopt by rule a standard for the handling of antineoplastic drugs in health care facilities regardless of the setting. The resolve requires the standard to be consistent with and not exceed specific recommendations adopted by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health for preventing occupational exposures to those drugs in health care settings.

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**LD 1623 An Act To Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries To Purchase Excess Marijuana from Other Dispensaries**

**PUBLIC 503  
EMERGENCY**

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

Under the Maine Medical Use of Marijuana Act, a registered dispensary may obtain prepared marijuana only from a primary caregiver. This bill allows registered dispensaries to purchase and sell excess prepared marijuana from and to each other.

**Committee Amendment "A" (H-691)**

This amendment replaces the bill. This amendment adds an emergency preamble and emergency clause. This amendment defines "extended inventory supply interruption" and, in the event of an extended inventory supply interruption, allows a dispensary to obtain prepared marijuana from another dispensary and provide prepared marijuana to another dispensary.

**Enacted Law Summary**

Public Law 2014, chapter 503 amends the laws on dispensaries for medical use of marijuana, defines "extended inventory supply interruption" and, in the event of an extended inventory supply interruption, allows a dispensary to obtain prepared marijuana from another dispensary and provide prepared marijuana to another dispensary.

Public Law 2013, chapter 503 was enacted as an emergency measure effective April 2, 2014.

**LD 1636 An Act To Provide a More Efficient and Reliable System of Nonemergency Transportation for MaineCare Members**

**ONTP**

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

This bill requires the Department of Health and Human Services to implement a new system to contract for and provide nonemergency transportation for MaineCare members within 30 days after the effective date of the bill. The bill requires the new system to use sole source contracts with regional public transportation agencies that had agreements on July 31, 2013 to provide MaineCare transportation services. The bill provides specific requirements for the contracts, requires the department to adopt performance standards and allows termination of contracts if the department determines that a regional public transportation agency has not met its contractual obligations. The bill requires one-year contracts that are renewable for up to three years. The bill provides a transition period during which regional public transportation agencies are not required to submit data to the department. The bill requires the department to apply to the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services by April 1, 2014 for all necessary Medicaid waiver and state plan amendment approvals.

**LD 1640 An Act To Expand MaineCare for Veterans and Low-income Residents**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T EVES	OTP-AM ONTP	S-464

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This bill is a concept draft pursuant to Joint Rule 208. It proposes to enact measures designed to enhance the stability and predictability of health care costs for returning veterans and others by addressing the issues associated with hospital charity care and bad debt. In order to address that portion of uncompensated care provided by hospitals that is directed to low-income patients who do not have health insurance, measures proposed in this bill may include, but are not limited to, expanding MaineCare coverage in the State.

### **Committee Amendment "A" (S-464)**

This amendment, which is the majority report of the committee, replaces the concept draft. The amendment contains the following provisions.

Part A expands medical coverage under the MaineCare program to adults who qualify under federal law with incomes up to 133% of the nonfarm income official poverty line, with the 5% federal income adjustment for family size, and qualifies Maine to receive federal funding for 100% of the cost of coverage for members who enroll under the expansion. Adults eligible are those 21 to 64 years of age, effective July 1, 2014, and, if the expansion of MaineCare coverage is not repealed, adults 19 and 20 years of age, beginning October 1, 2019. The expansion of Medicaid eligibility contained in this Part is repealed the earlier of either December 31, 2016 or three circumstances occurring: the enhanced Federal Medical Assistance Percentage for calendar years 2014 to 2016 is reduced below certain stated levels; the reduced enhanced Federal Medical Assistance Percentage has taken effect; and after the occurrence of the reduction of the enhanced Federal Medical Assistance Percentage the Legislature has convened and conducted a session of at least 30 calendar days.

Part B requires the Office of Fiscal and Program Review to contract with a nonpartisan research organization to evaluate the financial feasibility of providing health care coverage to newly eligible MaineCare members through the health insurance marketplace, modeled after Medicaid expansion coverage in Arkansas or Iowa, and the feasibility of establishing a state basic health program similar to Washington's basic health plan and to report the findings of the evaluation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by February 15, 2015. It directs the Office of Fiscal and Program Review to contract for an examination of the impact of the MaineCare expansion on programs and services that do not currently receive Federal Medical Assistance Percentage matching funds or do not qualify for enhanced Federal Medical Assistance Percentage matching funds under the federal Patient Protection and Affordable Care Act, 42 United States Code, Section 18001 et seq., with the goal of identifying and maximizing General Fund savings. It requires that the research organization report by February 15, 2015 and February 15, 2016 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, 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 criminal justice and public safety matters on the amount of General Fund savings resulting from the MaineCare expansion. The reports must include the amount of savings expected and realized during fiscal years 2014-15 and 2015-16 by service area or program. It requires the State Budget Officer to calculate the amount of savings that applies against each General Fund account for all departments and agencies from savings associated with the MaineCare expansion and to transfer the amounts by financial order upon the approval of the Governor. It requires the State Controller to transfer any remaining savings to the MaineCare Stabilization Fund. It requires the State Budget Officer to provide a report of the transferred amounts to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than April 30, 2015 for fiscal year 2014-15 and to submit adjustments to baseline budget requests totaling no less than \$11,800,000 per year to reflect the continuation of the identified savings in the 2016-2017 biennium.

Part C provides funding for positions in the Department of Health and Human Services, Office of Family Independence - District program.

Part D requires the department, when enrolling a MaineCare member who is eligible under the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph H or I, to provide written notice that is readable at the 6th-grade reading level to the member that the member's MaineCare coverage will end no later than December 31, 2016 unless a law is passed to extend coverage past that date.

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**LD 1642 An Act To Clarify the Law Governing Public Disclosure of Health Care Prices**

**PUBLIC 515**

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

This bill amends the law governing the public disclosure of health care prices. It specifies that it is a health care entity that must maintain a price list and defines "health care entity" to mean a health care practitioner, a group of health care practitioners or a health care facility. It clarifies the information that must be included with the price list and it eliminates the requirement that health care entities make available copies of the price list upon request.

**Committee Amendment "A" (S-431)**

This amendment, which is the majority report of the committee, replaces the bill. It retains the substance of the bill and adds the following.

1. It requires health care entities to maintain prices rather than price lists to reflect that prices are typically retained in databases.
2. It requires health care entities to display a notice informing patients of their ability to obtain estimates of costs from the Maine Health Data Organization.
3. It allows health care entities that do not render their services directly to patients in an office setting to satisfy the requirements of notice by providing information on their publicly accessible websites.

**Committee Amendment "B" (S-432)**

This amendment, which is the minority report of the committee, replaces the bill. It retains the substance of the bill and adds the following.

1. It requires health care entities to maintain prices rather than price lists to reflect that prices are typically retained in databases.
2. It requires health care entities to display a notice informing patients of their ability to obtain estimates of costs from the Maine Health Data Organization.

**Enacted Law Summary**

Public Law 2013, chapter 515 amends the law governing the public disclosure of health care prices. It defines "health care entity" to mean a health care practitioner, a group of health care practitioners or a health care facility. It requires a health care entity to maintain prices rather than a price list to reflect that prices are typically retained in databases and to display a notice informing patients of their ability to obtain estimates of costs from the Maine Health Data Organization. It allows health care entities that do not render their services directly to patients in an office setting to satisfy the requirements of notice by providing information on their publicly accessible websites.

**LD 1663 Resolve, To Require New Contracts for MaineCare Nonemergency Transportation**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T GATTINE	OTP-AM ONTP	S-441 H-754 FARNSWORTH

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This resolve directs the Department of Health and Human Services to terminate its August 1, 2013 agreement to purchase nonemergency medical transportation services to MaineCare and Children's Health Insurance Program recipients.

**Committee Amendment "A" (S-441)**

This amendment, which is the majority report of the committee, replaces the resolve. It prohibits the Department of Health and Human Services from renewing the contracts for MaineCare nonemergency transportation beyond June 30, 2014. It also cancels the request for proposals that was issued on February 26, 2014. The department is required to develop a new request for proposals that maximizes the scoring criteria evaluating a bidder's economic impact on the Maine economy and employment, reconnects with existing regional transportation resources and infrastructure and penalizes any bidders with a previous contract for MaineCare nonemergency transportation services that have a record of poor performance or for whom there was a corrective action plan in place. The request for proposals must include a transition period of no more than three months after June 30, 2014 if it is necessary for the current brokers to continue to provide services on a temporary basis as long as suitable contractual protections are in place. The department is required to provide monthly reports that include performance data on the new system to the joint standing committee of the Legislature having jurisdiction over health and human services matters from one month after the effective date of this resolve until one year after the new contracts are in place.

**House Amendment "A" To Committee Amendment "A" (H-754)**

This amendment strikes the emergency preamble and the emergency clause and adds a retroactivity clause.

**LD 1682     An Act To Preserve Head Start and Child Care Services**

**Died On  
Adjournment**

<u>Sponsor(s)</u> FREY LANGLEY	<u>Committee Report</u> OTP-AM ONTP	<u>Amendments Adopted</u> H-624
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This bill provides for the allocation of funding among Maine's 11 nontribal Head Start programs based on a formula that provides a base allocation to each program and distributes all remaining funding based on the number of children in poverty in each program's service area. The bill also provides a \$2,000,000 appropriation to state Head Start programs in fiscal year 2014-15, fully replacing the cut that was made in fiscal year 2012-13. These funds will allow the State to maximize child care development fund block grants to provide child care vouchers.

**Committee Amendment "A" (H-624)**

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

**LD 1683     An Act To Improve Degree and Career Attainment for Former Foster Children**

**PUBLIC 577**

<u>Sponsor(s)</u> BERRY VALENTINO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-539   HILL
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This bill raises the upper age limit, from 20 years of age to 26 years of age, for voluntary participation in extended care for persons who attained 18 years of age while in the care and custody of the State. The bill also directs the joint standing committee of the Legislature having jurisdiction over health and human services matters to annually request an organization with expertise in foster care to provide to the committee a report and briefing on the

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implementation of the law.

**Senate Amendment "A" (S-539)**

This amendment replaces the bill and establishes a transition grant program for individuals exiting the state foster care system at 21 years of age and actively pursuing a postsecondary education. The program is limited to 40 individuals at any one time who are at least 21 years of age but less than 27 years of age. The Department of Health and Human Services is required to adopt rules to govern the program, and must determine eligibility, levels of financial support, duration of assistance, provision of postsecondary education navigator services and the membership, terms, voting procedures and governance structure of an advisory committee to advise the department, which must provide an annual report to the department and to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The department is required to develop the roles and responsibilities for one postsecondary education navigator to provide transitional services and college student support for those individuals in the transition grant program.

**Enacted Law Summary**

Public Law 2013, chapter 577 establishes a transition grant program for individuals exiting the state foster care system at 21 years of age and actively pursuing a postsecondary education. The program is limited to 40 individuals at any one time who are at least 21 years of age but less than 27 years of age. The Department of Health and Human Services is required to adopt rules to govern the program, and must determine eligibility, levels of financial support, duration of assistance, provision of postsecondary education navigator services and the membership, terms, voting procedures and governance structure of an advisory committee to advise the department, which must provide an annual report to the department and to the joint standing committee of the Legislature having jurisdiction over health and human services matters. The department is required to develop the roles and responsibilities for one postsecondary education navigator to provide transitional services and college student support for those individuals in the transition grant program.

**LD 1685      Resolve, To Strengthen the Protection of Children from Abuse and Neglect**

**RESOLVE 99  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH SAVIELLO	OTP-AM	H-667

This bill makes the following changes to the laws governing the protection of children from abuse and neglect.

1. It requires the Department of Health and Human Services, in the case of an abuse and neglect investigation involving an allegation of abuse and neglect outside of the home of the child, to investigate whether a licensing violation has occurred.
2. It requires a public or private agency or program that is administered, licensed or funded by the Department of Education that hires staff or selects volunteers and provides care or services for children to develop a written policy regarding child abuse and neglect.
3. It requires that a child protection petition, in the case of alleged abuse or neglect outside of the home of the child, include the name and address of the caregiver and the address of the place in which the alleged abuse or neglect occurred.
4. It allows a court in a protection order to order the removal of a perpetrator from a setting outside of the home of the child.
5. It provides a criminal penalty for the violation of a provision of a protection order that prohibits a person from

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entering the out-of-home setting of the abuse or neglect.

6. It amends the laws governing the investigative duties of the out-of-home abuse and neglect investigating team and clarifies the duty of the team to eliminate the collection of redundant information to the extent possible. It specifies that the team must complete an investigation of issues involving licensure within six months from the start of the investigation in most cases. It requires the team to include relevant professionals outside the Department of Health and Human Services or service center as members of the team for investigations of schools or other settings that provide supervisory care for children. It specifies that, in the case of an allegation of abuse and neglect outside of the home of a child in a facility or by a person not subject to licensure by the department, the team must refer the case to the agency or department charged with the responsibility to conduct a separate investigation to determine if licensure or certification action is necessary.

### **Committee Amendment "A" (H-667)**

This amendment replaces the bill with a resolve directing the Department of Health and Human Services to convene a working group to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect. The amendment requires the department to submit a report on behalf of the working group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by November 5, 2014.

### **Enacted Law Summary**

Resolve 2013, chapter 99 directs the Department of Health and Human Services to convene a working group to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect. The resolve requires the department to submit a report on behalf of the working group to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services by November 5, 2014.

Resolve 2013, chapter 99 was finally passed as an emergency measure effective April 2, 2014.

### **LD 1686      An Act To Address Preventable Deaths from Drug Overdose**

**PUBLIC 579  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON	OTP-AM	H-712
CRAVEN	OTP-AM	S-527    HAMPER

This bill authorizes the prescription, possession and administration of opioid antagonists under certain circumstances and provides criminal and civil immunities for such prescription, possession and administration; provides for Medicaid coverage of naloxone hydrochloride using existing resources; authorizes standing orders and collaborative practice agreements for the dispensing of opioid antagonists; provides for an annual report on unintentional drug overdose; and directs the Department of Health and Human Services to make grants from existing resources for various drug overdose prevention projects.

### **Committee Amendment "A" (H-711)**

This amendment is the majority report of the committee. The amendment strikes the emergency preamble and emergency clause. Like the bill, the amendment defines "opioid antagonist" and "opioid-related drug overdose" and authorizes emergency medical personnel to administer opioid antagonists, but the amendment adds a provision authorizing law enforcement officers and municipal firefighters to administer intranasal opioid antagonists. Like the bill, the amendment allows the prescribing and dispensing of an opioid antagonist to a person at risk of an opioid-related drug overdose and to a person who may be in a position to assist an individual experiencing an

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opioid-related drug overdose and allows such persons to possess and administer opioid antagonists, but the amendment removes the provisions regarding liability. It clarifies the provision in the bill that provides an exemption from pharmacy license requirements for a person who stores or dispenses an opioid antagonist under a standing order from an appropriate health care professional to provide that the person must be employed by an organization that provides a significant level of services to persons who are actively using drugs or have a history of actively using drugs. Like the bill, the amendment allows collaborative practice between a pharmacist and a health care professional with respect to opioid antagonist therapy, but the amendment expands the provision to include all opioid antagonists, not just naloxone hydrochloride. It removes the provisions of the bill that require the Department of Health and Human Services to make grants from existing resources for drug overdose education projects, to publish an annual report on unintentional drug overdose fatalities in the State and to add naloxone hydrochloride to the department's Medicaid drug formulary.

### **Committee Amendment "B" (H-712)**

This amendment is the minority report of the committee. This amendment clarifies language in the emergency preamble. This amendment retains the provision of the bill that defines "opioid antagonist." This amendment provides that emergency medical personnel may, in accordance with policies applicable to the performance of their duties, administer opioid antagonists in accordance with the provisions of the Maine Revised Statutes, Title 32, chapter 2-B. This amendment authorizes law enforcement officers in accordance with policies adopted by a law enforcement agency and municipal firefighters in accordance with policies adopted by a municipality to administer intranasal opioid antagonists. This amendment strikes provisions of the bill pertaining to grants for drug overdose education projects, an annual report on unintentional drug overdose fatalities in the State, immunity for prescribing, possessing and administering opioid antagonists, Medicaid coverage for opioid antagonists, pharmacy licensure and collaborative practice.

### **Senate Amendment "A" To Committee Amendment "B" (S-527)**

This amendment does the following.

1. It allows certain emergency medical personnel, law enforcement officers and municipal firefighters to administer naloxone hydrochloride.
2. It allows prescribers to prescribe naloxone hydrochloride to persons at risk of an opioid-related drug overdose and members of their family.
3. It allows a family member to possess and administer the drug in the event of a suspected opioid-related drug overdose.

### **Enacted Law Summary**

Public Law 2013, chapter 579 allows the following persons to possess and administer naloxone hydrochloride to a person believed to be experiencing an opioid-related drug overdose: (1) a law enforcement officer in conformance with policies adopted by the law enforcement agency if the law enforcement officer has been trained in administering the drug, (2) a municipal firefighter in conformance with policies adopted by the municipality if the firefighter has been trained in administering the drug, and (3) a family member who was prescribed the drug or who was provided the drug by the individual who was prescribed the drug.

Public Law 2013, chapter 579 was enacted as an emergency measure effective April 29, 2014.



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changes, including doing the following:

1. Defining "medical provider" to mean a physician or a certified nurse practitioner and adding a definition of "certified nurse practitioner" in order to authorize a certified nurse practitioner who is a qualifying patient's primary care provider to issue a written certification for the qualifying patient's medical use of marijuana;
2. Defining and prohibiting the use, possession or sale of kief;
3. Clarifying that tinctures containing marijuana are considered food or goods containing marijuana;
4. Clarifying that a medical provider's written certification for the medical use of marijuana expires within one year after issuance;
5. Authorizing disclosure of registered primary caregiver and dispensary information to the Department of Administrative and Financial Services, Maine Revenue Services for taxation compliance purposes;
6. Enacting provisions regarding compliance, including collection of evidence, complaint investigation, penalty and injunctive relief provisions; and
7. Authorizing the Department of Health and Human Services to transport marijuana for laboratory testing and evidence collection purposes.

### **Committee Amendment "A" (H-713)**

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. The amendment removes the requirement that a certified nurse practitioner who may certify medical use of marijuana for a patient must be the patient's primary care provider.
2. The amendment adds to the definition of "prepared marijuana" to include the by-products of leaves and flowers and provides that prepared marijuana does not include hashish.
3. The amendment removes from the bill provisions that change the commissioner with responsibility for best practices in pest management from the Commissioner of Agriculture, Conservation and Forestry to the Commissioner of Health and Human Services.
4. The amendment adds to the provisions on confidentiality in the medical use of marijuana program that the confidentiality provisions do not prevent the Department of Health and Human Services from complying with the Maine Revised Statutes, Title 36, section 175. The amendment strikes from the bill a provision that creates an exception to confidentiality for release by the department to Maine Revenue Services for taxation compliance purposes.
5. The amendment removes from the bill provisions on complaint investigation, penalties, injunctive relief and attorneys' fees and costs. The amendment retains provisions in the bill allowing the department to ensure compliance, including, but not limited to, laboratory testing on soil, marijuana plant samples and samples of products.
6. The amendment directs the Department of Health and Human Services to develop a framework for processing, documenting and investigating complaints concerning the implementation of the Maine Medical Use of Marijuana Act. It directs the department to review mechanisms for processing, documenting and investigating complaints and to report its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2014. The amendment directs the department to include in its report whether enacting new laws or authorizing new rules, either routine technical or major substantive, is required to

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implement the recommendations of the department.

### **House Amendment "A" To Committee Amendment "A" (H-732)**

This amendment removes the exclusion of hashish from the definition of "prepared marijuana" as proposed in Committee Amendment "A."

### **Enacted Law Summary**

Public Law 2013, chapter 516 amends the Maine Medical Use of Marijuana Act. The law does the following:

1. It authorizes certified nurse practitioners to certify the medical use of marijuana.
2. It adds to the definition of "prepared marijuana" by-products of the dried leaves and flowers.
3. It authorizes caregivers and dispensaries to prepare tinctures of marijuana.
4. It changes the language on the number of patients who a caregiver may assist from "no more than 5 patients at any one time" to "a maximum of 5 patients who have designated the primary caregiver to cultivate marijuana for their medical use".
5. It authorizes the Department of Health and Human Services to take action necessary to ensure compliance with the medical use of marijuana chapter.
6. It directs the department to develop a framework for processing, documenting and investigating complaints concerning the medical use of marijuana chapter. In so doing, it directs the department to review mechanisms for processing, documenting and investigating and to report its recommendations to the joint standing committee having jurisdictions over health and human services matters by December 1, 2014. It directs the department to include in its report whether new laws or rules are required.

See Public Law 2013, Chapter 595 Part D on taxation issues and Part 1 on oversight and technology and Public Law 2013, Chapter 502 on oversight and technology.

### **LD 1740 An Act To Amend Laws Relating to Health Care Data**

**PUBLIC 528**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY GRATWICK	OTP-AM ONTP	H-733

This bill conforms state law as it relates to the release of protected health information to the restrictions established in federal law and regulations. The bill requires the Maine Health Data Organization to adopt rules for the release of protected health information.

### **Committee Amendment "A" (H-733)**

This amendment makes the following changes to the bill.

1. It adds a definition of "HIPAA," which is the federal Health Insurance Portability and Accountability Act of 1996.
2. The bill amends the definition of "health care information" as it regards hospitals and medical care. The amendment strikes that change and instead inserts those provisions into the definition of "protected health information" for the Maine Health Data Organization.

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3. It adds privacy protections to prevent the release of protected health information for individuals with HIV and individuals undergoing mental health or substance abuse treatment.
4. It requires the Board of Directors of the Maine Health Data Organization to adopt rules to ensure privacy and security protections of data that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996.
5. It requires the Board of Directors of the Maine Health Data Organization to provide a definition of "breach" and notifications regarding breaches that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996. It requires a breach to be reported to the joint standing committee of the Legislature having jurisdiction over health and human services matters within 30 days of the breach.
6. It requires the Board of Directors of the Maine Health Data Organization to develop rules to establish a complaints procedure for individuals who believe their protected health information has been released inappropriately.
7. It prohibits the Maine Health Data Organization from collecting any clinical data that are different from the data the organization collects as of March 1, 2014 without rulemaking. These rules are major substantive rules.
8. It adds an effective date so that the sections limiting the collection of clinical data and granting rule-making authority go into effect 90 days after adjournment and the rest of the Act goes into effect upon final adoption of major substantive rules.

### **Enacted Law Summary**

Public Law 2013, chapter 528 allows for the release of protected health information by the Maine Health Data Organization under certain conditions. It prevents the release of protected health information for individuals with HIV and individuals undergoing mental health or substance abuse treatment. It requires the Board of Directors of the Maine Health Data Organization to adopt rules to ensure privacy and security protections of data that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996. It requires the Board of Directors of the Maine Health Data Organization to provide a definition of "breach" and notifications regarding breaches that are equivalent to the requirements in the federal Health Insurance Portability and Accountability Act of 1996 and it requires a breach to be reported to the joint standing committee of the Legislature having jurisdiction over health and human services matters within 30 days of the breach. It requires the Board of Directors of the Maine Health Data Organization to develop rules to establish a complaints procedure for individuals who believe their protected health information has been released inappropriately. It prohibits the Maine Health Data Organization from collecting any clinical data that are different from the data the organization collects as of March 1, 2014 without rulemaking; these rules are major substantive rules. It adds an effective date so that the sections limiting the collection of clinical data and granting rule-making authority go into effect 90 days after adjournment and the rest of the Act goes into effect upon final adoption of major substantive rules.

### **LD 1745     An Act To Preserve Maine's Long-term Care Facilities**

**Died On  
Adjournment**

Sponsor(s)

CASSIDY  
BURNS

Committee Report

OTP-AM

Amendments Adopted

H-690

This bill provides funds to give MaineCare Appendix C private nonmedical institutions a 2 percent cost-of-living rate increase in funding.

**Joint Standing Committee on Health and Human Services**

**Committee Amendment "A" (H-690)**

This amendment strikes and replaces the appropriations and allocations section of the bill.

<b>LD 1748</b>	<b>Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services</b>	<b>RESOLVE 104 EMERGENCY</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-724

This resolve provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services. The rule eliminates the reimbursement rate for PNMI Appendix D, Model 3 facilities as part of the elimination of the Infant Mental Health Program.

**Committee Amendment "A" (H-724)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2013, chapter 104 provides for legislative review of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a major substantive rule of the Department of Health and Human Services. The rule eliminates the reimbursement rate for PNMI Appendix D, Model 3 facilities as part of the elimination of the Infant Mental Health Program.

Resolve 2013, chapter 104 was finally passed as an emergency measure effective April 8, 2014.

<b>LD 1749</b>	<b>An Act To Create Greater Cost Efficiency and Improve Health Outcomes by Incorporating Increased Access to Dental Services for Adults through MaineCare's Care Management and Coordination Initiatives</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE CRAVEN	ONTP	

This bill allows for MaineCare coverage of preventative or restorative dental services to persons 21 years of age or older if the service is referred by the individual's health home provider or other department-authorized provider and the service is determined to prevent the need for more costly care. The bill requires the Department of Health and Human Services to adopt routine technical rules to provide the coverage and reimbursement.

<b>LD 1757</b>	<b>Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability</b>	<b>Veto Sustained</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON KATZ	OTP-AM ONTP	H-705

***Joint Standing Committee on Health and Human Services***

This resolve establishes the Blue Ribbon Commission on Independent Living and Disability.

**Committee Amendment "A" (H-705)**

This amendment, which is the majority report of the committee, changes the membership of the Blue Ribbon Commission on Independent Living and Disability. It removes four members of the public from the membership in the resolve and replaces them with a representative of a business that is a model work place for individuals with disabilities, a representative of a statewide association of providers of services for individuals with intellectual disabilities and autism, a representative of a program serving individuals with disabilities who are members of a federally recognized Indian tribe and a representative of a statewide association of adults with developmental disabilities and autism.

Joint Order, H.P. 1361 incorporates the substance of the LD 1757 resolve and amendment, removing appointing authority for the Governor and representatives of the Department of Health and Human Services and the Office of the Attorney General. Joint Order, H.P. 1361 was passed by the Legislature.

**LD 1759      Resolve, Implementing the Recommendations of the Commission To Study the Incidence of and Mortality Related to Cancer      ONTP**

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

This resolve extends the Commission To Study the Incidence of and Mortality Related to Cancer and requires a report by December 15, 2014. The resolve also directs the Commissioner of Health and Human Services, in conjunction with the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services and the Commissioner of Education, to convene a working group to develop a long-term, evidenced-based strategy to prevent obesity as a significant risk factor for cancer.

**LD 1776      An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities      PUBLIC 594  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-497 S-559 HILL

This bill implements the recommendations of the Commission To Study Long-term Care Facilities. The bill requires the Department of Health and Human Services to amend its rules governing reimbursement for nursing facilities under the MaineCare program with regard to facility base year, peer group upper limits, administrative and management cost ceiling, personnel health insurance costs, cost-of-living adjustments, supplemental payments for nursing facilities whose MaineCare residents constitute more than 70% of their residents and increased acuity for dementia. The bill requires the Department of Health and Human Services to collect amounts overpaid to nursing facilities and private nonmedical institutions under the category of cost of care and to correct the computer problems that are leading to the overpayments. The bill requires the first \$10,000,000 of collected overpayments to be used to fund nursing facility reimbursement under the amended rules. The bill also establishes two study commissions: the Commission To Continue the Study of Long-term Care Facilities and the Blue Ribbon Commission on Long-term Care. No later than October 15, 2014, the Commission To Continue the Study of Long-term Care Facilities is required to submit a report that includes its findings and recommendations, including suggested legislation, to the Blue Ribbon Commission on Long-term Care and to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature. No later than November 5, 2014, the Blue Ribbon

## ***Joint Standing Committee on Health and Human Services***

Commission on Long-term Care is required to submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature. The bill also includes an appropriations and allocations section to provide funds for reimbursement under the MaineCare program for nursing facilities.

### **Committee Amendment "A" (S-497)**

This amendment is the unanimous report of the committee. This amendment clarifies that the rules regarding the principles of reimbursement for nursing facilities must establish a nursing facility's base year every two years and increase the rate of reimbursement beginning July 1, 2014 and every year thereafter. The amendment also clarifies that the rate of reimbursement for nursing facilities that results from amending the rules to reflect rebasing the nursing facility's base year may not result for any nursing facility in a rate of reimbursement that is lower than the rate in effect on April 1, 2014. The amendment also clarifies that the rules regarding the principles of reimbursement for nursing facilities must be amended in Sections 91 and 91.1 to provide for ongoing, annual rate changes beginning July 1, 2014 to adjust for inflation and to set the inflation adjustment cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. This amendment replaces the appropriations and allocations section in the bill.

### **Senate Amendment "A" To Committee Amendment "A" (S-521)**

This amendment removes the provisions that require the Department of Health and Human Services to amend rules governing principles of reimbursement for nursing facilities as they relate to the inclusion of the costs of health insurance for nursing facility personnel. It delays by one year the supplemental payment to nursing facilities with a high percentage of MaineCare residents. It requires the Commission To Continue the Study of Long-term Care Facilities to determine the extent that collections of cost-of-care overpayments and other savings initiatives of the department have resulted in savings in excess of amounts projected to be saved in developing and reporting budget information to the Legislature or the Governor. These savings must provide a minimum of \$8,000,000 in General Fund savings in fiscal year 2014-15. This amendment replaces the appropriations and allocations section in the committee amendment.

### **Senate Amendment "B" To Committee Amendment "A" (S-559)**

This amendment strikes the committee amendment. It incorporates the substance of the bill as amended by Committee Amendment "A," but removes the provisions that require the Department of Health and Human Services to amend rules governing principles of reimbursement for nursing facilities as they relate to the inclusion of the costs of health insurance for nursing facility personnel. It provides funding for the first year of the rate provisions of the bill based on collections of cost-of-care overpayments in excess of amounts projected to be saved in developing and reporting budget information to the Legislature or the Governor. It caps the actual rate increases to be provided in each of the next three fiscal years based on the amount appropriated by the Legislature to fund those increases. These savings are expected to provide \$4,000,000 in General Fund savings in fiscal year 2014-15. This amendment removes the Blue Ribbon Commission on Long-term Care established in the bill. This amendment replaces the appropriations and allocations section in the committee amendment. It also requires the department to carry over any debts collected in fiscal year 2014-15 in excess of \$13,000,000 to fiscal year 2015-16 to provide additional funding. Finally, the amendment requires the department to report bimonthly to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the department's efforts to collect the debt arising from cost-of-care overpayments.

### **Enacted Law Summary**

Public Law 2013, chapter 594 requires the Department of Health and Human Services to amend its rules governing reimbursement for nursing facilities under the MaineCare program beginning July 1, 2014 and every year thereafter with regard to facility base year to adjust the base year every two years, peer group upper limits, administrative and management cost ceiling, cost-of-living adjustments, supplemental payments for nursing facilities whose MaineCare

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residents constitute more than 70% of their residents and increased acuity for dementia. The law states that the rate of reimbursement for nursing facilities that results from amending the rules to reflect rebasing the nursing facility's base year may not result for any nursing facility in a rate of reimbursement that is lower than the rate in effect on April 1, 2014. The law requires that the rules regarding the principles of reimbursement for nursing facilities must be amended in Sections 91 and 91.1 to provide for ongoing, annual rate changes beginning July 1, 2014 to adjust for inflation and to set the inflation adjustment cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index. The law requires the Department of Health and Human Services to collect amounts overpaid to nursing facilities and private nonmedical institutions under the category of cost of care and to correct the computer problems that are leading to the overpayments. The law establishes the Commission To Continue the Study of Long-term Care Facilities. No later than October 15, 2014, the Commission To Continue the Study of Long-term Care Facilities is required to submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature.

The law provides funding for the first year of the rate provisions based on collections of cost-of-care overpayments in excess of amounts projected to be saved in developing and reporting budget information to the Legislature or the Governor. The law caps the actual rate increases to be provided in each of the next three fiscal years based on the amount appropriated by the Legislature to fund those increases. The law requires the department to carry over any debts collected in fiscal year 2014-15 in excess of \$13,000,000 to fiscal year 2015-16 to provide additional funding. The law requires the department to report bimonthly beginning in July 2014 and ending in June 2016 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the department's efforts to collect the debt arising from cost-of-care overpayments.

Public Law 2013, chapter 594 was enacted as an emergency measure effective May 1, 2014.

### **LD 1779      An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use**

**PUBLIC 520**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LACHOWICZ HICKMAN	OTP-AM	S-430

This bill allows a qualifying patient to use forms of marijuana or prepared marijuana that are not smoked, including, but not limited to, vaporized marijuana, edible marijuana and tinctures and salves of marijuana, in an inpatient hospice or nursing facility and to keep forms of marijuana or prepared marijuana that are not smoked in that qualifying patient's room. The qualifying patient is not required to obtain a registry identification card in order to use a form of marijuana or prepared marijuana that is not smoked in the inpatient hospice or nursing facility.

#### **Committee Amendment "A" (S-430)**

This amendment replaces the bill. It allows a hospice provider facility or nursing facility to allow a qualifying patient to use prepared marijuana for medical use without requiring the facility to be named as a primary caregiver or the qualifying patient to obtain a registry identification card as long as the prepared marijuana is used in a form that is not smoked. The amendment allows a hospice provider facility or nursing facility to adopt a policy that restricts or prevents the use or storage of marijuana by qualifying patients residing within the facility.

#### **Enacted Law Summary**

Public Law 2013, chapter 520 allows a hospice provider facility or nursing facility to allow a qualifying patient to use prepared marijuana for medical use without requiring the facility to be named as a primary caregiver or the qualifying patient to obtain a registry identification card as long as the prepared marijuana is used in a form that is

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not smoked. It allows a hospice provider facility or nursing facility to adopt a policy that restricts or prevents the use or storage of marijuana by qualifying patients residing within the facility.

**LD 1794      An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14** **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH CRAVEN	OTP-AM ONTP	H-684 H-760 FARNSWORTH

This bill prohibits the Department of Health and Human Services from expending or transferring funds to the Alexander Group, Inc. for the performance of a comprehensive evaluation of the safety net programs administered by the department or a review or analysis of the department's programs, processes, practices or potential reforms or for any other consulting services, and it deappropriates and deallocates unexpended funds that are encumbered for this project.

**Committee Amendment "A" (H-684)**

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

**House Amendment "A" (H-760)**

This amendment strikes the emergency preamble and the emergency clause.

**LD 1815      An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program** **Accepted Majority (ONTP) Report**

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

This bill creates a work search requirement for job-ready applicants to the Temporary Assistance for Needy Families program. Before assistance is granted, an applicant must apply in writing for three separate advertised jobs and provide verifiable documentation to the Department of Health and Human Services, if considered job-ready.

**LD 1820      Resolve, Directing the Department of Health and Human Services To Develop a Report with Data on Out-of-state Access to Temporary Assistance for Needy Families Program Benefits** **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU A BURNS	OTP-AM OTP-AM	H-792

This bill prohibits a recipient of benefits under the Temporary Assistance for Needy Families program from using an electronic benefits transfer card, or EBT card, outside of Maine, either at an automated teller machine or for an electronic point of sale transaction.

**Committee Amendment "A" (H-792)**

This amendment, which is the majority report of the committee, replaces the bill with a resolve. It requires the Department of Health and Human Services to develop a report on out-of-state access to Temporary Assistance for

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Needy Families program benefits to be submitted to the Joint Standing Committee on Health and Human Services no later than November 1, 2014. The report must include data on out-of-state transactions at automated teller machines and electronic points of sale, the types of establishments where benefits are accessed, the type of purchases made using point-of-sale transactions and the duration of continuous access out of state. The Department of Health and Human Services is required to work with the Office of the Attorney General to investigate possible misuse of benefits and whether continuous use outside of the State means the individual accessing those benefits is no longer a resident of the State.

**LD 1822      An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD S CUSHING	OTP-AM OTP-AM OTP-AM	H-787

This bill prohibits benefits provided under the Temporary Assistance for Needy Families program from being expended on tobacco, imitation liquor, liquor, gambling, lotteries or bail.

**Committee Amendment "A" (H-787)**

This amendment, which is the majority report of the committee, replaces the bill. It prohibits the use of the electronic benefits transfer system at tobacco specialty stores. It requires the Department of Health and Human Services to develop an education program for recipients of benefits under the Temporary Assistance for Needy Families program that emphasizes that those benefits are to be used for supporting dependent children and are not to be used to pay for tobacco products, liquor products, gambling activities, lotteries or bail. In addition, the Department of Health and Human Services must collect as much data as possible on the use of Temporary Assistance for Needy Families program benefits for tobacco and liquor products, gambling activities, lotteries and bail. The department is required to report its findings, including recommendations and suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2014.

**Committee Amendment "B" (H-788)**

This amendment, a minority report of the committee, incorporates a fiscal note.

**Committee Amendment "C" (H-789)**

This amendment, which is a minority report of the committee, bans the use of electronic transfer system benefits at tobacco specialty stores. It requires the Department of Health and Human Services to develop an education program for recipients of benefits under the Temporary Assistance for Needy Families program that emphasizes the importance of using benefits for supporting dependent children and the prohibition on using benefits to purchase tobacco products or liquor products or for gambling activities, lotteries or bail. In addition, the Department of Health and Human Services must collect as much data as possible on the use of Temporary Assistance for Needy Families program benefits for tobacco and liquor products, gambling activities, lotteries and bail. The department is required to report its findings, including recommendations and suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2014.

**House Amendment "A" To Committee Amendment "A" (H-802)**

This amendment restores the provisions of the bill that prohibit benefits under the Temporary Assistance for Needy Families program from being expended on tobacco, imitation liquor, liquor, gambling, lotteries or bail. In addition, the Department of Health and Human Services is directed to collect information on the cost and impact of implementing and enforcing the restrictions on the use of Temporary Assistance for Needy Families program

## ***Joint Standing Committee on Health and Human Services***

benefits for tobacco and liquor products, gambling activities, lotteries and bail. The department is required to report its findings, including recommendations and suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than March 15, 2015.

### **House Amendment "C" To Committee Amendment "A" (H-805)**

Like the bill, this amendment prohibits benefits provided under the Temporary Assistance for Needy Families program from being expended on tobacco, imitation liquor, liquor, gambling, lotteries or bail. It eliminates the requirement established in Committee Amendment "A" that the Department of Health and Human Services develop an education program for recipients of benefits under the Temporary Assistance for Needy Families program that emphasizes that those benefits are to be used for supporting dependent children and are not to be used to pay for tobacco products, liquor products, gambling activities, lotteries or bail. In addition, it eliminates the requirement that the Department of Health and Human Services collect as much data as possible on the use of Temporary Assistance for Needy Families program benefits for tobacco and liquor products, gambling activities, lotteries and bail. This amendment also makes the following changes to the laws governing the Temporary Assistance for Needy Families program.

1. It removes the provision that prohibits a person from being sanctioned under the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program or the Temporary Assistance for Needy Families program for failure to participate in the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program if that failure to participate is based on good cause.
2. It removes the 24-month limit on education, training and treatment for participants in the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program.
3. It prohibits a recipient of benefits under the Temporary Assistance for Needy Families program from using an electronic benefits transfer card, or EBT card, outside of Maine, either at an automated teller machine or for an electronic point of sale transaction.
4. It creates a work search requirement for job-ready applicants to the Temporary Assistance for Needy Families program.

### **House Amendment "B" To Committee Amendment "A" (H-803)**

This amendment provides that retailers and vendors may not accept TANF benefits through electronic benefits transfer system debit cards for tobacco, imitation liquor, liquor, gambling or lotteries.

### **Senate Amendment "A" To Committee Amendment "A" (S-505)**

This amendment restores the provisions of the bill that prohibit benefits under the Temporary Assistance for Needy Families program from being expended on tobacco, imitation liquor, liquor, gambling, lotteries or bail. In addition, this amendment provides that retailers and vendors may not accept TANF benefits through electronic benefits transfer system debit cards for those prohibited expenditures. This amendment specifies that the recipient of Temporary Assistance for Needy Families program benefits must agree to refrain from expending the benefits in violation of the law. This amendment provides for the education of Temporary Assistance for Needy Families program recipients regarding the appropriate, approved and prohibited uses of Temporary Assistance for Needy Families program benefits. In addition, the Department of Health and Human Services is directed to collect information on the cost and impact of implementing and enforcing the restrictions on the use of Temporary Assistance for Needy Families program benefits for tobacco and liquor products, gambling activities, lotteries and bail. The department is required to report its findings, including recommendations and suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than March 15, 2015.

***Joint Standing Committee on Health and Human Services***

**LD 1829    An Act To Require the Department of Health and Human Services To Report Annually on Investigations and Prosecutions of False Claims Made under the MaineCare, Temporary Assistance for Needy Families and Food Supplement Programs**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GATTINE LACHOWICZ	OTP-AM ONTP	H-786 H-818    FARNSWORTH

This bill requires the Department of Health and Human Services to report annually by February 15th to 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 financial affairs regarding actions taken by the department to investigate program integrity under the MaineCare, Temporary Assistance for Needy Families and food supplement programs, including the amount recovered, the cost of those investigations and prosecutions, the number of personnel working on the investigations, the status of cases referred to the Attorney General's office, a description of the performance and activities of a vendor, contractor or other program integrity unit used by the department to help recover overpayments, a description of the department's participation in federally mandated program integrity efforts, the results of federal audits, a description of defects, deficiencies or weaknesses in department systems, a description of planned investments in technology and a description of policy changes or improvements implemented.

**Committee Amendment "A" (H-786)**

This amendment, which is the majority report of the committee, clarifies the bill by adding references to the chapters of the Maine Revised Statutes, Title 22 through which benefits are provided under the MaineCare program, Temporary Assistance for Needy Families, TANF, program, Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program and the statewide food supplement program. The amendment also specifies that information disclosed by the Office of the Attorney General for the purposes of the annual report from the Department of Health and Human Services on investigations and prosecutions of false claims made under the MaineCare, TANF and food supplement programs on the status of cases must conform to the law on intelligence and investigative record information and may not compromise the investigation or prosecution of a case. The amendment also specifies that the requirements of the bill must be accomplished within the existing resources of the department.

**House Amendment "A" (H-818)**

This amendment removes the emergency preamble and emergency clause.

**LD 1840    An Act To Implement the Recommendations of the Substance Abuse Services Commission with Regard to the Controlled Substances Prescription Monitoring Program**

**PUBLIC 587  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-531    HILL

This bill implements the recommendations of the Substance Abuse Services Commission with regard to the Controlled Substances Prescription Monitoring Program pursuant to Resolve 2013, chapter 25. The bill is the unanimous report of the Joint Standing Committee on Health and Human Services and is reported out of committee pursuant to Joint Rule 353. The bill repeals provisions of the Controlled Substances Prescription Monitoring Program that pertain to specific participation requirements. It appropriates funding to enable the Department of

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Health and Human Services to update the monitoring program's online enrollment mechanism for prescribers of controlled substances and directs the department to take action to enable those prescribers to renew professional applications online. It appropriates funding to implement electronic coding necessary to update the monitoring program's computer system. The bill directs the Department of Health and Human Services to seek outside funding if funding is insufficient to complete the update.

### **Senate Amendment "A" (S-531)**

This amendment removes the appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2013, chapter 587 implements the recommendations of the Substance Abuse Services Commission with regard to the Controlled Substances Prescription Monitoring Program pursuant to Resolve 2013, chapter 25. The law repeals provisions of the Controlled Substances Prescription Monitoring Program that pertain to specific participation requirements. The law requires the Department of Health and Human Services to update the enrollment mechanism for prescribers of controlled substances who are registering with the program or are renewing registration. The law requires the department to update its computer system to allow subaccount holders and delegated account holders access to the database using the online application process. The law requires updating of the computer system to enable licensing data to be extracted on a scheduled basis and transferred to the program in order to allow for some automated enrollment. The law allows the Department of Health and Human Services to seek outside funding if funding is insufficient to complete the update.

Public Law 2013, chapter 587 was enacted as an emergency measure effective April 30, 2014.

### **LD 1842 An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program**

**Accepted Majority  
(ONTP) Report**

#### Sponsor(s)

GILLWAY  
HAMPER

#### Committee Report

ONTP  
OTP-AM

#### Amendments Adopted

This bill makes the following changes to the laws governing the Temporary Assistance for Needy Families program.

1. It removes the provision that prohibits a person from being sanctioned under the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program or the Temporary Assistance for Needy Families program for failure to participate in the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program if that failure to participate is based on good cause.
2. It removes the 24-month limit on education, training and treatment for participants in the Additional Support for People in Retraining and Employment-Temporary Assistance for Needy Families program.
3. It eliminates the Parents as Scholars Program.

### **Committee Amendment "A" (H-790)**

This amendment, which is the minority report of the committee, retains the provision of current law that prohibits a person from being sanctioned under the Additional Support for People in Retraining and Employment Temporary Assistance for Needy Families program if the person is a victim of domestic violence.

*Joint Standing Committee on Health and Human Services*

**LD 1844    An Act To Increase Local Responsibility for General Assistance**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI THIBODEAU	ONTP OTP-AM	

This bill, beginning July 1, 2015, changes the formula for determining the rate of reimbursement paid by the State to municipalities and Indian tribes under the general assistance program to 50% of the municipalities' and Indian tribes' net general assistance costs. The bill also requires all municipalities to submit reports to the Department of Health and Human Services on a monthly basis. The bill repeals the requirement that the State reimburse municipalities and Indian tribes for a portion of the costs incurred in paying benefits through the municipality's or Indian tribe's general assistance program.

**Committee Amendment "A" (H-794)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

*Joint Standing Committee on Health and Human Services*

SUBJECT INDEX

*Aging and Long-term Care*

Enacted

LD 20	Resolve, Directing the Department of Health and Human Services To Review the Need for and the Costs of Services That Enable Populations Who Are Elderly or Have Disabilities To Live Independently	RESOLVE 79
LD 1776	An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities	PUBLIC 594 EMERGENCY

Not Enacted

LD 535	An Act To Promote Greater Flexibility in the Provision of Long-term Care Services	ONTP
LD 1745	An Act To Preserve Maine's Long-term Care Facilities	Died On Adjournment
LD 1757	Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability	Veto Sustained

*Child Care*

Enacted

LD 1581	An Act To Improve Business Certainty for Providers of Quality Child Care	PUBLIC 559
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Not Enacted

LD 1682	An Act To Preserve Head Start and Child Care Services	Died On Adjournment
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*Children's Mental Health*

Enacted

LD 1031	Resolve, Directing the Department of Health and Human Services To Review the Use of Restraint and Seclusion at Mental Health Institutes	RESOLVE 91
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*Children's Services*

Enacted

LD 1683	An Act To Improve Degree and Career Attainment for Former Foster Children	PUBLIC 577
LD 1685	Resolve, To Strengthen the Protection of Children from Abuse and Neglect	RESOLVE 99 EMERGENCY

Not Enacted

LD 1047	Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood	ONTP
LD 1449	An Act To Amend the Composition and Duties of the Maine Children's Growth Council	Veto Sustained

*Departmental Organization and Administration*

**Not Enacted**

LD 1794	An Act To Cancel the No-bid Alexander Group Contract To Produce Savings in Fiscal Year 2013-14	Veto Sustained
LD 1829	An Act To Require the Department of Health and Human Services To Report Annually on Investigations and Prosecutions of False Claims Made under the MaineCare, Temporary Assistance for Needy Families and Food Supplement Programs	Veto Sustained

**Developmental Disabilities**

**Enacted**

LD 1582	Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 94 EMERGENCY
LD 1583	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 Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 85 EMERGENCY
LD 1584	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 Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 84 EMERGENCY
LD 1598	An Act To Improve Hospital-based Behavioral Health Treatment for Persons with Intellectual Disabilities or Autism	PUBLIC 500

**Health Care Workforce**

**Not Enacted**

LD 1599	Resolve, Directing the Commissioner of Health and Human Services To Advance the Safe Handling of Hazardous Drugs To Protect Health Care Personnel	ONTP
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**Health Information and Data**

**Enacted**

LD 1642	An Act To Clarify the Law Governing Public Disclosure of Health Care Prices	PUBLIC 515
LD 1740	An Act To Amend Laws Relating to Health Care Data	PUBLIC 528

**Not Enacted**

LD 1759	Resolve, Implementing the Recommendations of the Commission To Study the Incidence of and Mortality Related to Cancer	ONTP
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**Licensing**

**Not Enacted**

LD 1592	An Act To Improve and Modernize the Authority of Local Health Inspectors	ONTP
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**Medicaid/MaineCare**

**Enacted**

LD 1274	An Act To Sustain Emergency Medical Services throughout the State	PUBLIC 441
LD 1596	Resolve, Directing the Department of Health and Human Services To Amend MaineCare Rules as They Pertain to the Delivery of Covered Services via Telecommunications Technology	RESOLVE 105 EMERGENCY
LD 1748	Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 104 EMERGENCY

**Not Enacted**

LD 1247	An Act To Expand Coverage of Family Planning Services	Veto Sustained
LD 1487	An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People	Veto Sustained
LD 1552	Resolve, To Provide for an Analysis of MaineCare Rates for Facility-based Preschool Services for Children with Disabilities and a Report on the Analysis	Veto Sustained
LD 1578	An Act To Increase Health Security by Expanding Federally Funded Health Care for Maine People	Veto Sustained
LD 1595	An Act To Preserve Access to Nursing Home Care by Correcting Chronic Shortfalls in MaineCare Reimbursement	Leave to Withdraw Pursuant to Joint Rule 310
LD 1636	An Act To Provide a More Efficient and Reliable System of Nonemergency Transportation for MaineCare Members	ONTP
LD 1640	An Act To Expand MaineCare for Veterans and Low-income Residents	Veto Sustained
LD 1663	Resolve, To Require New Contracts for MaineCare Nonemergency Transportation	Veto Sustained

**Medical Use of Marijuana**

**Enacted**

LD 1597	An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act	PUBLIC 501 EMERGENCY
LD 1623	An Act To Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries To Purchase Excess Marijuana from Other Dispensaries	PUBLIC 503 EMERGENCY
LD 1739	An Act To Amend the Maine Medical Use of Marijuana Act	PUBLIC 516
LD 1779	An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use	PUBLIC 520

**Mental Health**

**Not Enacted**

LD 968	An Act To Provide Needed Psychiatric Hospitalization for Persons with Mental Illness	ONTP
LD 1580	An Act To Use the Dorothea Dix Psychiatric Center To Provide Inpatient Mental Health Services for Forensic Patients	ONTP
LD 1594	Resolve, To Review and Make Recommendations on Challenges, Gaps and Inefficiencies in Maine's Emergency Crisis Hotline and "Warm Line" Services	Veto Sustained

**Oral Health/Dental Care**

**Not Enacted**

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|---------|---|------|
| LD 1704 | An Act To Increase the Use of Dental Services by MaineCare-eligible Children  | ONTP |
| LD 1749 | An Act To Create Greater Cost Efficiency and Improve Health Outcomes by Incorporating Increased Access to Dental Services for Adults through MaineCare's Care Management and Coordination Initiatives | ONTP |

**Poverty and Homelessness**

**Not Enacted**

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|---------|---|----------------|
| LD 1717 | Resolve, To Support Homeless Youth Shelters | Veto Sustained |
|---------|---|----------------|

**Public Assistance**

**Not Enacted**

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|---------|---|------------------------|
| LD 1815 | An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program   | Majority (ONTP) Report |
| LD 1820 | Resolve, Directing the Department of Health and Human Services To Develop a Report with Data on Out-of-state Access to Temporary Assistance for Needy Families Program Benefits | Veto Sustained         |
| LD 1822 | An Act To Increase Integrity in the Temporary Assistance for Needy Families Program through Restriction of Expenditures   | Died Between Houses    |
| LD 1842 | An Act To Amend the Laws Governing the Temporary Assistance for Needy Families Program  | Majority (ONTP) Report |
| LD 1844 | An Act To Increase Local Responsibility for General Assistance  | Majority (ONTP) Report |

**Substance Abuse**

**Enacted**

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|---------|---|-------------------------|
| LD 1686 | An Act To Address Preventable Deaths from Drug Overdose   | PUBLIC 579<br>EMERGENCY |
| LD 1840 | An Act To Implement the Recommendations of the Substance Abuse Services Commission with Regard to the Controlled Substances Prescription Monitoring Program | PUBLIC 587<br>EMERGENCY |

**Not Enacted**

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|---------|---|------------------------|
| LD 1213 | An Act To Reduce Costs and Increase Access to Methadone Treatment | Majority (ONTP) Report |
|---------|---|------------------------|

**Tobacco Sale and Use**

**Enacted**

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|--------|---|------------|
| LD 386 | An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare | PUBLIC 444 |
|--------|---|------------|

*Joint Standing Committee on Insurance and Financial Services*

**LD 347      An Act To Amend Insurance Coverage for Diagnosis of Autism  
Spectrum Disorders**

**PUBLIC 597**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LACHOWICZ FARNSWORTH	OTP-AM ONTP	S-412

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill expands health insurance coverage for autism spectrum disorders to persons 21 years of age and under. Current law requires coverage for only those five years of age and under. The bill applies to individual, group health and group health maintenance organization insurance policies, contracts, and certificates issued or renewed on or after January 1, 2014.

**Committee Amendment "A" (S-412)**

This amendment is the majority report of the committee.

The amendment expands health insurance coverage for autism spectrum disorders to persons ten years of age and under, whereas the bill expands it to persons 21 years of age and under. Current law requires coverage for persons five years of age and under. The provision applies to individual, group health and individual and group health maintenance organization insurance policies, contracts, and certificates issued or renewed on or after January 1, 2015.

**Enacted Law Summary**

Public Law 2013, chapter 597 expands health insurance coverage for autism spectrum disorders to persons 10 years of age and under. Current law requires coverage for persons 5 years of age and under. The law applies to individual, group health and individual and group health maintenance organization insurance policies, contracts and certificates issued or renewed on or after January 1, 2015.

**LD 523      An Act To Require Health Insurance Coverage for Hearing Aids for  
Adults**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO BECK	OTP-AM ONTP	S-378

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill requires health insurance coverage for hearing aids for persons over 18 years of age. Under current law, coverage must be provided for individuals 18 years of age and under.

**Committee Amendment "A" (S-378)**

This amendment is the majority report of the committee and changes the title.

The amendment requires health insurance carriers to provide coverage for hearing aids for individuals 26 years of age and under. Under current law, coverage must be provided for individuals 18 years of age and under. The requirements apply to all policies, contracts, and certificates issued or renewed on or after January 1, 2015.

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**LD 627      An Act Relating to Orally Administered Cancer Therapy**

**PUBLIC 449**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN HOBBINS	OTP-AM	S-379

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill requires health insurance policies that cover cancer chemotherapy to include coverage for orally administered anticancer medications.

**Committee Amendment "B" (S-379)**

This amendment replaces the bill and requires health insurance carriers that provide coverage for cancer chemotherapy to include coverage for orally administered anticancer medications that is equivalent to the coverage provided for intravenously administered or injected anticancer medications. The amendment also clarifies that the provision does not limit a carrier's ability to establish a prescription drug formulary, and does not require a carrier to cover an orally administered anticancer medication simply because it is an alternative to an intravenously administered or injected anticancer medication.

The amendment applies to all policies, contracts, and certificates issued or renewed on or after January 1, 2015.

**Enacted Law Summary**

Public Law 2013, chapter 449 requires health insurance carriers that provide coverage for cancer chemotherapy to include coverage for orally administered anticancer medications that is equivalent to the coverage provided for intravenously administered or injected anticancer medications. The law specifies that the provision does not limit a carrier's ability to establish a prescription drug formulary and does not require a carrier to cover an orally administered anticancer medication simply because it is an alternative to an intravenously administered or injected anticancer medication.

Public Law 2013, chapter 449 applies to all policies, contracts and certificates issued or renewed on or after January 1, 2015.

**LD 1037      An Act To Provide Access to Affordable Health Care for All Maine Residents by 2020**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill, which is a concept draft pursuant to Joint Rule 208, proposes to provide access to a baseline of affordable health care for all Maine residents by 2020 through subsidies, expansion of government programs, reforms in the insurance laws or other measures.

See related bill, LD 1345, An Act to Establish a Single-payor Health Care System to be Effective in 2017.

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**LD 1092 An Act To Increase the Use of Long-term Care Insurance**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill establishes an alternative long-term care benefit program for those persons that qualify for long-term benefits under the MaineCare program. The bill allows persons otherwise eligible for long-term care benefits under MaineCare that own life insurance policies with face amounts exceeding \$10,000 to enter into life settlement contracts in exchange for direct payments to a health care provider for long-term care benefits. The bill prohibits the Department of Health and Human Services from considering the value of the life settlement contract as an asset or resource in determining eligibility for MaineCare. The bill also establishes the conditions under which a life settlement contract may be used, requires certain disclosures to be made to MaineCare applicants and authorizes the Department of Health and Human Services to adopt rules after consultation with the Department of Professional and Financial Regulation, Bureau of Insurance.

**LD 1236 An Act To Amend the Maine Insurance Code To Ensure Fair and Reasonable Coverage and Reimbursement of Chiropractic Services**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND CAMPBELL R	ONTP OTP-AM	

This bill was carried over from the First Regular Session of 126th Legislature.

The bill requires that coverage and payment by health insurers and health maintenance organizations for services within the scope of practice of chiropractic doctors be at least equal to and consistent with coverage for services provided by allopathic or osteopathic doctors. It requires insurers to provide benefits covering and paying for care by chiropractic doctors at least equal to and consistent with the benefits paid to other health care providers treating similar conditions within the scope of practice of chiropractic doctors. Under the bill, these carriers may not classify services provided by chiropractic doctors as physical therapy, or place these services into other categories that unreasonably limit coverage or payments for such services, or impose copayments, coinsurance requirements or deductibles that are more burdensome or limiting than those imposed with respect to services provided by allopathic or osteopathic doctors. The copayment for each service provided in the course of an office visit to a chiropractic doctor may not exceed \$5 or 10% of the covered payment for such services, whichever is greater. The total copayment for the combined services provided in the course of an office visit to a chiropractic doctor may not exceed \$30 or 10% of the combined covered payment for such services, whichever is greater.

**Committee Amendment "A" (S-376)**

This amendment is the minority report of the committee and replaces the bill. The amendment requires coverage and reasonable payment by health insurers and health maintenance organizations for medically necessary services within the scope of practice of chiropractic doctors. It requires insurers to provide benefits covering and paying for care by chiropractic doctors. Under the amendment, these carriers may not classify services provided by chiropractic doctors as physical therapy or place these services into other categories that unreasonably limit coverage or payments for such services. It also prohibits the imposition of unreasonable patient copayment, coinsurance, or deductible requirements that exceed those patient obligations imposed with respect to other provider

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services. The copayment for each service provided in the course of an office visit to a chiropractic doctor may not exceed \$5 or ten percent of the covered payment for such service, whichever is greater. The total copayment for the combined services provided in the course of an office visit to a chiropractic doctor may not exceed \$30 or ten percent of the combined covered payment for such services, whichever is greater.

**LD 1345      Resolve, To Study the Design and Implementation of Options for a  
Universal Health Care Plan in the State That Is in Compliance with the  
Federal Patient Protection and Affordable Care Act**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST GRATWICK	OTP-AM ONTP	H-771

This bill was carried over from the First Regular Session of the 126th Legislature.

Part A of the bill establishes the Maine Health Benefit Marketplace as the State's health benefit exchange as authorized by the federal Patient Protection and Affordable Care Act to facilitate the purchase of health care coverage by individuals and small businesses. The Maine Health Benefit Marketplace is established within the Department of Professional and Financial Regulation. The bill requires coverage to be available through the State-based marketplace no later than January 1, 2015 and requires the Executive Director of the Maine Health Benefit Marketplace to submit a declaration of intent to establish a state-based exchange under federal law to the federal Department of Health and Human Services no later than November 18, 2013. The bill also requires the executive director to submit applications for any available federal grant funding to support planning and implementation of the exchange as soon as practicable.

Part B of the bill establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the people of the State. The plan will become effective and binding on the State upon the approval of a waiver from the United States Department of Health and Human Services. All residents and nonresidents who maintain significant contact with the State are eligible for covered health care services through the Maine Health Care Plan. The Maine Health Care Plan must conform to the minimum essential benefits required under federal law, but may require additional benefits within existing resources. Health care services under the Maine Health Care Plan are provided by participating providers in organized delivery systems and through the open plan, which is available to all providers. It establishes the Maine Health Care Agency to administer and oversee the Maine Health Care Plan, to act under the direction of the Maine Health Care Council, and to administer and oversee the Maine Health Care Trust Fund. The Maine Health Care Council is the decision-making and directing council for the agency and is composed of five full-time appointees.

Part B also directs the Maine Health Care Agency to establish programs to ensure quality, affordability, efficiency of care and health care planning. The agency health care planning program includes the establishment of global budgets for health care expenditures for the State and for institutions and hospitals. The health care planning program also encompasses the certificate of need responsibilities of the agency pursuant to the Maine Revised Statutes, Title 22, chapter 103-A. The bill contains a directive to the State Controller to advance \$600,000 to the Maine Health Care Trust Fund. This amount must be repaid by the Maine Health Care Agency by June 30, 2018.

Part C of the bill establishes the Maine Health Care Plan Transition Advisory Committee. Composed of 20 members, appointed by the Governor, President of the Senate and Speaker of the House of Representatives, and subject to confirmation by the Legislature, the committee is charged with holding public hearings, soliciting public comments, and advising the Maine Health Care Agency on the transition from the current health care system to the Maine Health Care Plan. Members of the committee serve without compensation but may be reimbursed for their expenses. The committee is directed to report to the Governor and to the Legislature every six months beginning July 1, 2017. The committee completes its work when the Maine Health Care Plan becomes effective.

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Part D of the bill establishes the salaries of the members of the Maine Health Care Council and the executive director of the Maine Health Care Agency.

Part E of the bill prohibits the sale on the commercial market of health insurance policies and contracts that duplicate the coverage provided by the Maine Health Care Plan. It allows the sale of health care policies and contracts that do not duplicate, and are supplemental to the coverage of the Maine Health Care Plan.

Part F of the bill directs the Maine Health Care Agency to submit two financing plans to the Legislature by January 15, 2016. Part F also directs the Maine Health Care Agency to ensure employment retraining for administrative workers employed by insurers and providers who are displaced by the transition to the Maine Health Care Plan. It directs the Maine Health Care Agency to study the delivery and financing of long-term care services to plan members. Consultation is required with the Maine Health Care Plan Transition Advisory Committee, representatives of consumers and potential consumers of long-term care services, and representatives of providers of long-term care services, employers, employees and the public. A report by the agency to the Legislature is due January 1, 2018.

Part G clarifies that throughout the Maine Revised Statutes, the words "payer" and "payor" have the same meaning.

### **Committee Amendment "A" (H-771)**

The amendment, which is the majority report, replaces the bill and changes it into a resolve.

The amendment expresses the Legislature's intent that all Maine residents have access to and coverage for affordable, quality health care. The amendment requires the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters to solicit the services of one or more consultants to propose design options for creating a universal system of health care in the State. The resolve requires the consultant or consultants to submit a proposal by December 2, 2015, containing at least three design options that comply with the federal Patient Protection and Affordable Care Act.

The amendment includes a provision requiring the State Controller to transfer \$100,000 from the State Innovation Model grant received by the Department of Health and Human Services pursuant to the federal Patient Protection and Affordable Care Act before June 30, 2015, to fund the study required by the resolve. If funds exceeding \$100,000 are received from other public and private sources before December 1, 2015, the amendment requires that the money be transferred back to the Department of Health and Human Services.

### **LD 1367      **Resolve, To Improve Early Diagnosis, Treatment and Outcomes for Youth and Young Adults with, or at Risk for, Serious Mental Health Conditions****

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM	OTP-AM	H-717
ALFOND	ONTP	S-553    HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill requires the Department of Health and Human Services to require providers of behavioral and mental health services for children to establish or participate in so-called bridge teams for the purpose of ensuring continuity of care for students receiving behavioral and mental health services who graduate from high school and are likely to be in need of such services following graduation. The bill also requires MaineCare and private health insurance carriers to provide coverage for such services.

### **Committee Amendment "A" (H-717)**

This amendment is the majority report of the committee and replaces the bill and changes the title.

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The amendment requires the MaineCare program and health insurance carriers to provide coverage for care coordination and assertive community treatment services for eligible persons who are 26 years of age or under who meet the criteria for a psychiatric diagnosis and experience significant impairment in function as determined by a licensed mental health provider. The amendment adds a definition of "assertive community treatment services." The requirements imposed on health insurance carriers apply to individual, group health and group health maintenance organization insurance policies, contracts, and certificates issued or renewed on or after January 1, 2015. The amendment specifies the scope and length of coverage for eligible persons based on age rather than referring to persons who have graduated from high school as in the bill. The amendment also more specifically describes the types of services required to be covered.

The amendment also requires the Department of Health and Human Services to require providers of mental and behavioral health services for children to establish or participate in so-called bridge teams for the purpose of ensuring continuity of care for students receiving mental and behavioral health services who graduate from high school and are likely to be in need of such services following graduation.

### **Senate Amendment "A" To Committee Amendment "A" (S-553)**

This amendment replaces Committee Amendment "A" and makes the bill a resolve. The amendment requires the Department of Health and Human Services to apply for federal grants that might be available from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration under the "Now is the Time" Healthy Transitions: Improving Life Trajectories for Youth and Young Adults with, or at Risk for, Serious Mental Health Conditions grant program to provide services and supports to address serious mental health conditions, co-occurring disorders and the risks for developing serious mental health conditions among youth 16 to 26 years of age. The amendment requires the department to apply for grant money no later than June 1, 2014.

### **LD 1512 An Act To Increase Funding for Start-ups**

**PUBLIC 452  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-382

This bill was carried over from the First Regular Session of the 126th Legislature.

The purpose of this bill is to promote and encourage the growth of Maine small businesses by facilitating the ability of a business to raise capital by selling small amounts of equity to a wider pool of small investors with fewer restrictions.

The bill exempts from existing restrictions regarding registration and advertising an issuer transaction or sale if the issuer transaction or sale meets certain conditions, including:

1. The issuer of the security must be a business entity formed and registered under Maine law;
2. The purchasers of the securities must be Maine residents;
3. The size of the offering may not exceed \$1,000,000 if the issuer has not undergone, and provided documentation from, a financial audit in the previous year;
4. The size of the offering may not exceed \$2,000,000 if the issuer has undergone, and provided documentation from, a financial audit in the previous year;
5. The issuer may not accept more than \$2,000 from any single purchaser unless the purchaser is an accredited

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investor under rules adopted by the federal Securities and Exchange Commission; and

6. The issuer requires from all purchasers a written acknowledgement that the purchaser assumes the risks associated with the investment.

### **Committee Amendment "A" (S-382)**

This amendment replaces the bill and adds an emergency preamble and emergency clause. Like the bill, the purpose of the amendment is to promote and encourage the growth of Maine small businesses by facilitating the ability of a business to raise capital by selling small amounts of securities to a wider pool of small investors with fewer restrictions.

This amendment provides for a streamlined registration process and simplified registration statement if the issuer and the offering meet certain conditions, including:

1. The issuer of the security is a business entity formed and registered under Maine law with its principal place of business in Maine;
2. The dollar amount of the securities sold by an issuer during any 12-month period does not exceed \$1,000,000;
3. The dollar amount of securities sold to any single investor does not exceed \$5,000 unless the investor is an accredited investor as defined in regulations adopted by the federal Securities and Exchange Commission;
4. The offering meets the requirements for a federal exemption from registration for small offerings as set forth in regulations adopted by the federal Securities and Exchange Commission;
5. The issuer files with the administrator and provides to investors and prospective investors an offering document meeting the requirements of state law and any rules adopted or orders issued by the administrator; and
6. The issuer sets aside in a separate bank account funds received from investors until such time as the minimum offering amount is reached. If the minimum offering amount is not met within one year of the effective date of the offering, the issuer must return all funds to investors.

### **Enacted Law Summary**

Public Law 2013, chapter 452 provides for a streamlined registration process and simplified registration statement if the issuer and the offering meet certain conditions, including:

1. The issuer of the security is a business entity formed and registered under Maine law with its principal place of business in Maine;
2. The dollar amount of the securities sold by an issuer during any 12-month period does not exceed \$1,000,000;
3. The dollar amount of securities sold to any single investor does not exceed \$5,000 unless the investor is an accredited investor as defined in regulations adopted by the federal Securities and Exchange Commission;
4. The offering meets the requirements for a federal exemption from registration for small offerings as set forth in regulations adopted by the federal Securities and Exchange Commission;
5. The issuer files with the administrator and provides to investors and prospective investors an offering document meeting the requirements of state law and any rules adopted or orders issued by the administrator; and
6. The issuer sets aside in a separate bank account funds received from investors until such time as the minimum offering amount is reached. If the minimum offering amount is not met within one year of the effective date of the

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offering, the issuer must return all funds to investors.

Public Law 2013, chapter 452 was enacted as an emergency measure effective March 2, 2014.

### **LD 1600     An Act To Require Health Insurers To Provide Coverage for Human Leukocyte Antigen Testing To Establish Bone Marrow Donor Transplantation Suitability**

**PUBLIC 603**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RANKIN LANGLEY	OTP-AM ONTP OTP-AM	H-755

This bill requires health insurance coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability.

#### **Committee Amendment "A" (H-755)**

This amendment is the majority report of the committee and replaces the bill.

The amendment requires carriers offering health plans in this State to provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability, and prohibits carriers from imposing any cost-sharing requirement on enrollees for the test. The amendment specifies that enrollees in a health plan must meet the criteria for testing established by the National Marrow Donor Program and sign an informed consent form at the time of testing along with an acknowledgment that the enrollee is willing to be a donor if a suitable match is found. Testing is limited to once per lifetime.

The amendment applies to all health plan policies and contracts issued or renewed on or after January 1, 2015.

#### **Committee Amendment "B" (H-756)**

This amendment is a minority report of the committee and replaces the bill.

The amendment requires carriers offering health plans in this State to provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability, and prohibits carriers from imposing any cost-sharing requirement on enrollees for the test. The amendment specifies that enrollees in a health plan must meet the criteria for testing established by the National Marrow Donor Program and sign an informed consent form at the time of testing along with an acknowledgment that the enrollee is willing to be a donor if a suitable match is found. Testing is limited to once per lifetime. Unlike the majority report, this amendment limits the scope of coverage to immediate family members and donor drives conducted for a specified individual donee.

The amendment applies to all health plan policies and contracts issued or renewed on or after January 1, 2015.

#### **Enacted Law Summary**

Public Law 2013, chapter 603 requires carriers offering health plans in this State to provide coverage for laboratory fees up to \$150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability, and prohibits carriers from imposing any cost-sharing requirement on enrollees for the test. The law specifies that enrollees in a health plan must meet the criteria for testing established by the National Marrow Donor Program and sign an informed consent form at the time of testing along with an acknowledgment that the enrollee is willing to be a donor if a suitable match is found. Testing is limited to once per lifetime.

The law applies to all health plan policies and contracts issued or renewed on or after January 1, 2015.

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**LD 1629 An Act To Amend the Laws Governing the Provider Profiling Program**

**ONTP**

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

This bill amends the law governing the health insurance provider profiling program to ensure that its requirements also apply to the establishment of narrow networks of health care providers.

See related bill, LD 1676, An Act to Strengthen Disclosure About Provider Networks in Health Insurance Plans to Consumers and Providers.

**LD 1651 An Act To Update Citations of Recodified Federal Regulations in the  
Maine Consumer Credit Code**

**PUBLIC 464**

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

This bill updates the Maine Consumer Credit Code so that existing references to federal regulations are up to date. The bill also amends the Maine Revised Statutes, Title 9-A, section 3-310 by consolidating references to the implementing regulations of the Federal Truth in Lending Act.

**Enacted Law Summary**

Public Law 2013, chapter 464 updates the Maine Consumer Credit Code so that existing references to federal regulations are up to date. The law also amends the Maine Revised Statutes, Title 9-A, section 3-310 by consolidating references to the implementing regulations of the Federal Truth in Lending Act.

**LD 1676 An Act To Strengthen Disclosure about Provider Networks in Health  
Insurance Plans to Consumers and Providers**

**PUBLIC 535**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGOWAN	OTP-AM OTP-AM	H-718

This bill amends the law regarding the access standards that health insurance carriers must meet to require that the standards address the geographic locations and distribution of health care providers and that carriers mitigate the detrimental impact associated with requiring members to travel longer distances to obtain health care services.

**Committee Amendment "A" (H-718)**

This amendment is the majority report of the committee and replaces the bill.

The amendment requires a health insurance carrier to disclose information about its provider networks, including whether there are any hospitals, health care facilities, physicians, or other providers not included in the provider's network, and any differences in an enrollee's financial responsibilities for payment of covered services to a participating provider and to a provider not included in a provider network. The amendment authorizes the Superintendent of Insurance to adopt rules setting forth the manner, content and required disclosure of the information and specifies that those rules are routine technical rules.

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The amendment also requires a health insurance carrier to disclose upon request from a provider the reason for the carrier's decision not to offer the provider the opportunity to participate, or to include the provider in any provider network of the carrier. The amendment requires that the written explanation indicate whether the reason was related to the provider's performance with respect to quality, cost or cost-efficiency. The amendment stipulates that a provider has no right of action as the result of such a disclosure.

### **Committee Amendment "B" (H-719)**

This amendment is the minority report of the committee and replaces the bill. The amendment requires a health insurance carrier to disclose information about its provider networks, including whether there are any hospitals, health care facilities, physicians or other providers not included in the provider's network and any differences in an enrollee's financial responsibilities for payment of covered services to a participating provider and to a provider not included in a provider network. The amendment authorizes the Superintendent of Insurance to adopt rules setting forth the manner, content and required disclosure of the information and specifies that those rules are routine technical rules.

This amendment does not include the additional provision included in the majority report, which requires a health insurance carrier to disclose upon request from a provider the reason for not including the provider in the carrier's provider network.

Committee Amendment "B" was not adopted.

### **Enacted Law Summary**

Public Law 2013, chapter 535 requires a health insurance carrier to disclose information about its provider networks, including whether there are any hospitals, health care facilities, physicians or other providers not included in the provider's network and any differences in an enrollee's financial responsibilities for payment of covered services to a participating provider and to a provider not included in a provider network. The law authorizes the Superintendent of Insurance to adopt rules setting forth the manner, content and required disclosure of the information and specifies that those rules are routine technical rules.

The law also requires a health insurance carrier to disclose upon request from a provider the reason for the carrier's decision not to offer the provider the opportunity to participate or to include the provider in any provider network of the carrier. The written explanation provided by the carrier must indicate whether the reason was related to the provider's performance with respect to quality, cost or cost-efficiency. The law stipulates that a provider has no right of action as the result of such a disclosure.

### **LD 1691 An Act To Stop Unlicensed Loan Transactions**

**PUBLIC 480**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS GRATWICK	OTP-AM	H-615 S-408 GRATWICK

This bill establishes that it is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act, and a violation of the Maine Consumer Credit Code if a lender, including a payday lender, makes an unlicensed loan transaction or assists in such a transaction. The bill does not affect supervised financial organizations.

### **Committee Amendment "A" (H-615)**

This amendment makes the following technical changes to the bill.

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1. It clarifies that the definition of "lender" applies only to the lending of money to be consistent with how the term is used in other areas of the Maine Consumer Credit Code.
2. It replaces the term "federally insured depository institution" with the term "supervised financial organization" to be consistent with other language used in the bill and in the Maine Consumer Credit Code.
3. It clarifies the violation of a person's or lender's providing assistance to a lender or processor when the person or lender has knowledge that the lender or processor is unlicensed by providing that the assistance must have been substantial.

### **Senate Amendment "A" (S-408)**

This amendment provides that a processor does not include the nationwide automated electronic funds transfer system that provides for an interbank exchange of either checks or automated debit or credit entries.

### **Enacted Law Summary**

Public Law 213, chapter 480 establishes that it is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act, and a violation of the Maine Consumer Credit Code, if a lender, including a payday lender, makes an unlicensed loan transaction or assists in such a transaction.

### **LD 1712      An Act To Make Technical Corrections to the Maine Consumer Credit Code To Facilitate the Multistate Licensing Process**

**PUBLIC 466**

Sponsor(s)  
WHITTEMORE

Committee Report  
OTP

Amendments Adopted

This bill makes the following changes to the Maine Consumer Credit Code.

1. It makes changes to the laws governing the licensing of lenders who make supervised loans, and the licensing of loan brokers depending on whether those lenders and brokers make or arrange residential mortgage loans. Lenders and brokers who make or arrange residential mortgage loans must apply for and renew licenses electronically through the nationwide mortgage licensing system and registry. Different fees for licensing and renewal are charged depending on whether lenders and brokers make or arrange residential mortgage loans, since mortgage lenders receive one-year licenses and nonmortgage lenders receive two-year licenses.
2. It requires that each branch location license application to make supervised loans be accompanied by a surety bond in the amount of \$50,000.
3. It allows the Superintendent of Consumer Credit Protection to require a licensee to file quarterly reports.
4. It removes references to specific topics that must be covered in prelicensing education, testing, and continuing education for mortgage loan originators. It also repeals rule making provisions related to continuing education.

### **Enacted Law Summary**

Public Law 2013, chapter 466 makes the following changes to the Maine Consumer Credit Code.

1. It makes changes to the laws governing the licensing of lenders who make supervised loans and the licensing of loan brokers depending on whether those lenders and brokers make or arrange residential mortgage loans. Lenders and brokers who make or arrange residential mortgage loans must apply for and renew licenses electronically through the nationwide mortgage licensing system and registry. Different fees for licensing and renewal are charged depending on whether lenders and brokers make or arrange residential mortgage loans, since mortgage lenders

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receive one-year licenses and nonmortgage lenders receive two-year licenses.

2. It requires that each branch location license application to make supervised loans be accompanied by a surety bond in the amount of \$50,000.
3. It allows the Superintendent of Consumer Credit Protection to require a licensee to file quarterly reports.
4. It removes references to specific topics that must be covered in prelicensing education, testing and continuing education for mortgage loan originators. It also repeals rule making provisions related to continuing education.

**LD 1760    An Act To Implement the Recommendations of the Commission To  
Study Transparency, Costs and Accountability of Health Care System  
Financing**

**PUBLIC 560**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-503

This bill implements the recommendations of the Commission To Study the Transparency, Costs and Accounting of Health Care System Financing.

1. The bill requires health care practitioners and health care facilities to provide clients, upon request, with an individualized cost estimate for anticipated health care services associated with that specific entity's services.
2. The bill directs health care practitioners to expand public awareness of the Maine Health Data Organization and its website by displaying at practitioners' offices information on the Maine Health Data Organization and how consumers can become more informed of the costs associated with health care procedures.
3. The bill amends the laws governing the information that hospitals and ambulatory surgical centers are required to make available to consumers by adding a requirement that these entities prominently display a notice informing consumers of their ability to request and receive information on the average charges for any inpatient service or outpatient procedure provided by the hospital or center upon request.
4. The bill amends the annual statutory reporting requirement for the Maine Health Data Organization to include language requiring the Maine Health Data Organization to include in its report an update on its collaborative efforts with other health data organizations to improve consumer access to information on health care quality and price and health care transparency initiatives in this State. The bill also amends the statutory provisions governing the Maine Health Data Organization annual report to require that the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, in addition to the joint standing committee of the Legislature having jurisdiction over health and human services matters, be provided with the annual report.

### **Committee Amendment "A" (S-503)**

This amendment does the following.

1. It adds language to section 1 of the bill requiring hospitals and ambulatory surgical centers to also identify each third-party health care practitioner or facility that will provide health care services or procedures to a consumer as part of a single medical encounter to enable the consumer to seek an estimate of the total price of medical services to be rendered directly by each practitioner or facility.
2. It removes the provision of the bill that requires health care practitioners to prominently display information on price transparency tools to assist consumers to obtain estimates of health care costs, the substance of which has been enacted into law by other legislation and removes the provision of the bill requiring each health care practitioner

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and health care facility to provide an individualized cost estimate for a client's anticipated health care services and procedures.

3. It requires that health care practitioners and health care facilities provide uninsured patients, upon request, with an estimate of the total price of a single medical encounter and notification of any charity care policy adopted by the practitioner or facility. If the practitioner or facility is unable to provide an accurate estimate of the total price because the amount of a medical service to be consumed during the medical encounter is unknown in advance, the practitioner or facility must provide a brief description of the basis for determining the total price. If a single medical encounter will involve medical services to be rendered by one or more third-party health care practitioners or facilities, the practitioner or facility must identify each third-party practitioner or facility to enable the uninsured patient to seek an estimate of the total price of medical services to be rendered directly by each practitioner or facility.

### **Enacted Law Summary**

Public Law 2013, chapter 560 requires that health care practitioners and health care facilities provide uninsured patients, upon request, with an estimate of the total price of a single medical encounter, and notification of any charity care policy adopted by the practitioner or facility. If the practitioner or facility is unable to provide an accurate estimate of the total price because the amount of a medical service to be consumed during the medical encounter is unknown in advance, the practitioner or facility must provide a brief description of the basis for determining the total price. If a single medical encounter will involve medical services to be rendered by one or more third-party health care practitioners or facilities, the practitioner or facility must identify each third-party practitioner or facility to enable the uninsured patient to seek an estimate of the total price of medical services to be rendered directly by each practitioner or facility.

The law amends the laws governing the information that hospitals and ambulatory surgical centers are required to make available to consumers by adding a requirement that these entities prominently display a notice informing consumers of their ability to request and receive information on the average charges for any inpatient service or outpatient procedure provided by the hospital or center upon request. In addition, if a single medical encounter will involve medical services to be rendered by one or more third-party health care practitioners or facilities, the hospital or ambulatory surgical center must identify each third-party practitioner or facility to enable an individual to seek an estimate of the total price of medical services to be rendered directly by each practitioner or facility.

The law amends the annual statutory reporting requirement for the Maine Health Data Organization to include language requiring the Maine Health Data Organization to include in its report an update on its collaborative efforts with other health data organizations to improve consumer access to information on health care quality and price and health care transparency initiatives in this State. The law also amends the statutory provisions governing the Maine Health Data Organization annual report to require that the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, in addition to the joint standing committee of the Legislature having jurisdiction over health and human services matters, be provided with the annual report.

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## SUBJECT INDEX

### *Consumer Credit*

#### Enacted

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### *Insurance, Health*

#### Enacted

LD 347	An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders	PUBLIC 597
LD 627	An Act Relating to Orally Administered Cancer Therapy	PUBLIC 449
LD 1600	An Act To Require Health Insurers To Provide Coverage for Human Leukocyte Antigen Testing To Establish Bone Marrow Donor Transplantation Suitability	PUBLIC 603
LD 1676	An Act To Strengthen Disclosure about Provider Networks in Health Insurance Plans to Consumers and Providers	PUBLIC 535
LD 1760	An Act To Implement the Recommendations of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing	PUBLIC 560

#### Not Enacted

LD 523	An Act To Require Health Insurance Coverage for Hearing Aids for Adults	Veto Sustained
LD 1037	An Act To Provide Access to Affordable Health Care for All Maine Residents by 2020	ONTP
LD 1236	An Act To Amend the Maine Insurance Code To Ensure Fair and Reasonable Coverage and Reimbursement of Chiropractic Services	Majority (ONTP) Report
LD 1345	Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act	Veto Sustained
LD 1367	Resolve, To Improve Early Diagnosis, Treatment and Outcomes for Youth and Young Adults with, or at Risk for, Serious Mental Health Conditions	Veto Sustained
LD 1629	An Act To Amend the Laws Governing the Provider Profiling Program	ONTP

### *Insurance, Regulation and Practices*

#### Not Enacted

LD 1092	An Act To Increase the Use of Long-term Care Insurance	ONTP
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### *Securities*

#### Enacted

LD 1512	An Act To Increase Funding for Start-ups	PUBLIC 452 EMERGENCY
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**LD 89 An Act To Establish a Deadline for Snowmobile Registration**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It requires that the fee for a resident snowmobile registration and for a nonresident seasonal snowmobile registration be paid on or before December 31st of the year prior to the year that the registration will be in effect and establishes a \$20 late fee.

**LD 153 An Act To Establish a Comprehensive Hunting and Fishing License**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It eliminates the superpack license and replaces it with a comprehensive license that includes all hunting and fishing licenses and permits including entries into the moose and antlerless deer permit lotteries. The comprehensive license differs from the superpack license in that:

1. The license holder is not allowed to take more deer than is permitted for other hunting license holders;
2. The license does not include an antlerless deer permit for use in wildlife management districts in which 3,500 such permits are issued;
3. The resident fee for the license is \$35 instead of \$200;
4. The license is available to nonresidents and aliens for a fee of \$125; and
5. There is no license fee category for a person who holds two or more lifetime licenses.

**LD 738 An Act To Promote the Maine Economy and Support Maine's Sporting Camp Tradition**

**PUBLIC 437**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T WOOD	OTP-AM ONTP	S-305 S-340 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to provide economic support for certain sporting camps by directing the Department of Inland Fisheries and Wildlife to offer for sale a certain number of moose permits for the camps' use. In order to qualify, a sporting camp must be a facility licensed by the Department of

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Health and Human Services that offers American plan fully guided taxable moose hunting packages. The moose permits would be transferable and valid for one-time use during the current season or the next season on an American plan fully guided hunt within the eligible camp's zone or up to two contiguous zones.

The following provisions apply when the Department of Inland Fisheries and Wildlife offers the moose permits for sale:

1. The total number of moose permits must be greater than the number issued in calendar year 2012;
2. All hunters must hold valid Maine hunting licenses;
3. The fee per permit is \$1,500;
4. The number of permits offered for sale to the sporting camps must be capped at 250; and
5. The revenue received from the sale of the permits must be used to offset any loss from the moose permit auction by youth conservation education programs.

### **Committee Amendment "A" (S-305)**

This amendment, which is the majority report of the committee, replaces the bill and creates a new moose hunting permit lottery system for hunting outfitters, who may sell or transfer the permits as part of a food, lodging and hunting package. The permits made available for this lottery, if any, will come from 10% of the number of permits that exceed 3,140, which is the total number of moose hunting permits issued in 2010. Individuals hunting with permits issued under this system must hunt with a licensed Maine guide. Proceeds of the new lottery system will be allocated to youth conservation education programs under certain conditions and any remainder will be allocated to the Moose Research and Management Fund.

### **Senate Amendment "A" To Committee Amendment "A" (S-340)**

This amendment lapses \$10,374 for each of fiscal years 2013-14 and 2014-15 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the General Fund unappropriated surplus to offset the loss in revenue from changes made to moose permit fees.

### **Enacted Law Summary**

Public Law 2013, chapter 437 creates a new moose hunting permit lottery system for hunting outfitters, who may sell or transfer the permits as part of an eating, lodging and hunting package. The permits made available for this lottery, if any, will come from 10% of the number of permits that exceed 3,140, which is the total number of moose hunting permits that were issued in 2010. Individuals hunting with permits issued under this system must hunt with a licensed Maine guide. Proceeds of the new lottery system will be allocated to youth conservation education programs under certain conditions and any remainder will be allocated to the Moose Research and Management Fund. This law provides for the transfer of \$10,374 in both fiscal years 2013-14 and 2014-15 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the General Fund unappropriated surplus to offset the loss in revenue from changes made to moose permit fees.

See also Public Law 2013, chapter 538 (LD 1667), which repeals Public Law 2013, chapter 437, section 1, and, for purposes of entry into the moose permit lottery and allocation of moose lottery permits, defines "hunting outfitter" to include sporting camp owner-operators who are licensed to provide package deals for food, lodging and the services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives it through a hunting outfitter.

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**LD 931      An Act To Prevent Fish Kills and To Allow for Recreational Use of Sebago Lake**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill was carried over from the First Regular Session of the 126th Legislature. It establishes water flow requirements for a dam and bypass area that controls the water level of Sebago Lake and the flows entering the Presumpscot River to prevent fish kills and to allow for recreational use of public access to Sebago Lake.

**LD 1626      An Act To Fund Invasive Species Prevention and Control**

**PUBLIC 580  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN	OTP-AM OTP-AM	H-692 H-750 SHAW

This bill increases the fees collected for watercraft operating on inland waters of the State by \$7 for residents and establishes a \$35 fee for nonresidents. It also directs the Department of Environmental Protection to establish a program within the department that uses the revenue from the increased fees to work on removing invasive aquatic plants that exist in lakes of 10,000 acres or more in area. The department is also directed to establish a long-term management program to prevent future infestation of invasive aquatic plants.

**Committee Amendment "A" (H-692)**

This amendment, which is the majority report of the committee, increases the fees collected for watercraft operating on inland waters of the State by \$5 beginning in 2015. This amendment also increases the lake and river protection sticker fee for nonresidents by \$5. It directs that the revenue from these increased fees be directed to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection beginning in 2015. Finally, this amendment eliminates the proposed invasive aquatic plant removal and long-term management programs within the Department of Environmental Protection and the proposed nonresident registration fees that are contained in the bill.

The amendment also strikes the emergency preamble and emergency clause and adds an appropriations and allocations section.

**Committee Amendment "B" (H-693)**

This amendment, which is the minority report, replaces the bill. It requires the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection to report annually on the Lake and River Protection Fund and the Invasive Aquatic Plant and Nuisance Species Fund, respectively, and activities and accomplishments related to invasive species prevention and control supported by the funds, to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

**House Amendment "C" To Committee Amendment "A" (H-750)**

This amendment retains the emergency preamble and emergency clause in the bill. It removes from Committee Amendment "A" the provisions that increase fees for watercraft operating on the inland waters of the State and for lake and river protection stickers. It increases from 60% to 80% the percentage of these fees that is dedicated to the

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Invasive Aquatic Plant and Nuisance Species Fund in the Department of Environmental Protection and reduces from 40% to 20% the percentage of these fees that is dedicated to the Lake and River Protection Fund in the Department of Inland Fisheries and Wildlife. It requires the Commissioner of Environmental Protection to use at least 20% of the money in the Invasive Aquatic Plant and Nuisance Species Fund for eradication activities. It allocates funds from the Inland Fisheries and Wildlife Carrying Account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund in an amount equal to the reduction in funding to the Lake and River Protection Fund caused by the reduction in the percentage of fees dedicated to the fund for the current biennium.

### **Enacted Law Summary**

Public Law 2013, chapter 580 increases from 60% to 80% the percentage of fees for watercraft operating on the inland waters of the State and for lake and river protection stickers that is dedicated to the Invasive Aquatic Plant and Nuisance Species Fund in the Department of Environmental Protection, and reduces from 40% to 20% the percentage of these fees that is dedicated to the Lake and River Protection Fund in the Department of Inland Fisheries and Wildlife. It requires the Commissioner of Environmental Protection to use at least 20% of the money in the Invasive Aquatic Plant and Nuisance Species Fund for eradication activities. It allocates funds from the Inland Fisheries and Wildlife Carrying Account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund in an amount equal to the reduction in funding to the Lake and River Protection Fund caused by the reduction in the percentage of fees dedicated to the fund for the current biennium.

Public Law 2014, chapter 580 was enacted as an emergency measure effective April 29, 2014.

**LD 1667      An Act To Amend Certain Provisions of Inland Fisheries and Wildlife  
Laws**

**PUBLIC 538  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE	OTP-AM	S-474 H-806   SHAW

This bill makes the following changes to inland fisheries and wildlife laws.

1. It eliminates the delinquency fee charged to agents of the Department of Inland Fisheries and Wildlife who sell licenses and registrations for the department but fail to remit the funds within 60 days.
2. It clarifies changes made by Public Law 2013, chapter 236 (LD 1015) to the laws regarding hunting with a crossbow.
3. It clarifies a change made to the law regarding resident junior hunting licenses to specify that the license does not exempt the holder from having to comply with the requirements of the lottery process, including those of the lottery for an antlerless deer permit.
4. It corrects an error made in Public Law 2013, chapter 408 (LD 1435), which amended the qualifications for an antlerless deer permit for a person with a disability and inadvertently removed from eligibility a person who is suffering from the permanent loss of use of both lower limbs.
5. It adds the discharge of a bow and arrow to the prohibition against discharging a weapon over or near a public paved way.
6. It resolves a conflict created by Public Law 2013, chapters 380 (LD 932) and 408 (LD 1435), which repealed the same provisions of law regarding nonresident junior fishing licenses, except that chapter 380 delayed the repeal

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until January 1, 2015 to minimize the fiscal impact to the department. The conflict is resolved by delaying the repeal until January 1, 2015, as in chapter 380.

### **Committee Amendment "A" (S-474)**

This amendment adds the following provisions to the bill.

1. It changes the libel proceedings statute by adding an exemption for a person who is found hunting after revocation to allow a law enforcement officer to seize hunting equipment without following the libel proceedings for hunting with a suspended or revoked license.
2. It creates a mandatory fee of \$25 to reinstate a license after a suspension.
3. It clarifies that the time frame for which a person is ineligible to obtain any license issued by the Department of Inland Fisheries and Wildlife following a conviction for disturbing traps is three years from the date of conviction for a first offense and five years following the date of conviction for a second or subsequent offense. Current law makes it a mandatory license revocation of any license in effect at the time of the violation for disturbing traps.
4. It adds unlawfully hunting or possessing an antlerless deer in wildlife management areas, in which no antlerless deer permits are issued, to the list of offenses that are subject to mandatory license revocation. It also makes hunting or fishing with a suspended or revoked license subject to mandatory hunting license revocation for a minimum of one year.
5. It exempts a person who loses a license under the interstate wildlife violator compact as a result of a conviction occurring out of state from the requirement that the person complete Maine's outdoor ethics course in order to have the Maine license reinstated once the person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.
6. It reallocates the provision of law regarding the outdoor ethics course.
7. It exempts a person who applies for a Maine apprentice hunter license from the requirement to take a hunter safety course as otherwise required by law.
8. It amends the junior hunting, apprentice hunting and junior trapping laws in order to make them more consistent and, in the context of the provisions for the supervision of junior hunters and junior trappers, clearly defines "in the presence of" to include visual and voice contact that does not include the use of technology, including but not limited to binoculars and citizen band radios.
9. It repeals Public Law 2013, chapter 437 (LD 738), section 1, which established moose permits for hunting lodges, and, for purposes of entry into the moose permit lottery and allocation of moose lottery permits, defines "hunting outfitter" to include sporting camp owner-operators who are licensed to provide package deals for food, lodging and the services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives it through a hunting outfitter.
10. It removes the restriction against discharging a bow and arrow or causing a projectile to pass as a result of that discharge, within 100 yards of a building or residential dwelling without permission from the building's owner or occupant or owner's authorized representative.
11. It repeals the law requiring a grouse hunter to label ruffed grouse the hunter harvested when travelling within or through the unorganized territory.
12. It corrects a reference to junior hunting licenses in the provision on hunter safety requirements to consistently use the term "junior" when referring to a hunting license for people between 10 and 16 years of age.

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13. It requires the Commissioner of Inland Fisheries and Wildlife to provide an annual report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters documenting any rulemaking actions taken to amend the list of waters containing state heritage fish adopted by the commissioner by rule. It also changes the designation of rules governing the removal of waters from the list from major substantive to routine technical.

14. It adds an emergency preamble and emergency clause.

### **House Amendment "A" (H-806)**

Public Law 2013, chapter 368 (LD 1509) authorized the transfer of \$150,000 to fund security improvements and renovations at the Gray headquarters facility. This amendment, instead, authorizes the funds to be used for the construction of a new headquarters facility in Gray.

### **Enacted Law Summary**

Public Law 2013, chapter 538 amends Maine's inland fisheries and wildlife laws as follows.

1. It eliminates the delinquency fee charged to agents of the Department of Inland Fisheries and Wildlife who sell licenses and registrations for the department but fail to remit the funds within 60 days.
2. It clarifies changes made by Public Law 2013, chapter 236 to the laws regarding hunting with a crossbow.
3. It clarifies a change made to the law regarding resident junior hunting licenses to specify that the license does not exempt the holder from having to comply with the requirements of the lottery process, including those of the lottery for an antlerless deer permit.
4. It corrects an error made in Public Law 2013, chapter 408, which amended the qualifications for an antlerless deer permit for a person with a disability and inadvertently removed from eligibility a person who is suffering from the permanent loss of use of both lower limbs.
5. It adds the discharge of a bow and arrow to the prohibition against discharging a weapon over or near a public paved way.
6. It resolves a conflict created by Public Law 2013, chapters 380 and 408, which repealed the same provisions of law regarding nonresident junior fishing licenses, except that chapter 380 delayed the repeal until January 1, 2015. The conflict is resolved by delaying the repeal until January 1, 2015, as in chapter 380.
7. It changes the libel proceedings statute by adding an exemption for a person who is found hunting after revocation to allow a law enforcement officer to seize hunting equipment without following the libel proceedings for hunting with a suspended or revoked license.
8. It creates a mandatory fee of \$25 to reinstate a license after a suspension.
9. It clarifies that the time frame for which a person is ineligible to obtain any license issued by the Department of Inland Fisheries and Wildlife following a conviction for disturbing traps is three years from the date of conviction for a first offense and five years following the date of conviction for a second or subsequent offense.
10. It adds unlawfully hunting or possessing an antlerless deer in wildlife management areas in which no antlerless deer permits are issued, to the list of offenses that are subject to mandatory license revocation. It also makes hunting or fishing with a suspended or revoked license subject to mandatory hunting license revocation for a minimum of one year.

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11. It exempts a person who loses a license under the interstate wildlife violator compact as a result of a conviction occurring out of state from the requirement that the person complete Maine's outdoor ethics course in order to have the Maine license reinstated once the person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.
12. It reallocates the provision of law regarding the outdoor ethics course.
13. It exempts a person who applies for a Maine apprentice hunter license from the requirement to take a hunter safety course as otherwise required by law.
14. It amends the junior hunting, apprentice hunting and junior trapping laws in order to make them more consistent and, in the context of the provisions for the supervision of junior hunters and junior trappers, clearly defines "in the presence of" to include visual and voice contact that does not include the use of technology, including but not limited to binoculars and citizen band radios.
15. It repeals and re-enacts Public Law 2013, chapter 437, section 1, which established moose permits for hunting lodges, and, for purposes of entry into the moose permit lottery and allocation of moose lottery permits, defines "hunting outfitter" to include sporting camp owner-operators who are licensed to provide package deals for food, lodging and the services of a guide. It prohibits the sale or transfer of the permit by a hunter who receives it through a hunting outfitter.
16. It removes the restriction against discharging a bow and arrow, or causing a projectile to pass as a result of that discharge, within 100 yards of a building or residential dwelling without permission from the building's owner or occupant or owner's authorized representative.
17. It repeals the law requiring a grouse hunter to label ruffed grouse the hunter harvested when travelling within or through the unorganized territory.
18. It corrects a reference to junior hunting licenses in the provision on hunter safety requirements to consistently use the term "junior" when referring to a hunting license for people between 10 and 16 years of age.
19. It requires the Commissioner of Inland Fisheries and Wildlife to provide an annual report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters documenting any rule-making actions taken to amend the list of waters containing state heritage fish adopted by the commissioner by rule. It also changes the designation of rules governing the removal of waters from the list from major substantive to routine technical.
20. It authorizes \$150,000, which was allocated in Public Law 2013, chapter 368, for security improvements and facility renovations at the Department of Inland Fisheries and Wildlife headquarters in Gray, to be used instead for construction of a new headquarters facility in Gray.

Public Law 2013, chapter 538 was enacted as an emergency measure effective April 10, 2014.

### **LD 1695      An Act Regarding Fishways**

**PUBLIC 499**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE KATZ	OTP-AM	H-673

This bill reduces the distance from the fishway in Webber Pond in Vassalboro within which a person may not fish from 150 feet to 25 feet, to allow fishing from the nearby town dock area.

*Joint Standing Committee on Inland Fisheries and Wildlife*

**Committee Amendment "A" (H-673)**

This amendment changes the bill to restrict fishing in or from the fishway at Webber Pond Dam in the Town of Vassalboro in Kennebec County.

This amendment also restricts fishing in or from the fishway at Pushaw Lake Dam in the Town of Hudson in Penobscot County, Davis Pond Dam in the Town of Eddington in Penobscot County, Leonard's Mills Dam on Blackman Stream in the Town of Bradley in Penobscot County and Souadabscook Stream Dam at Grist Mill Road in the Town of Carmel in Penobscot County.

**Enacted Law Summary**

Public Law 2013, chapter 499 restricts fishing in or from the fishway at Webber Pond Dam in the Town of Vassalboro in Kennebec County, Pushaw Lake Dam in the Town of Hudson in Penobscot County, Davis Pond Dam in the Town of Eddington in Penobscot County, Leonard's Mills Dam on Blackman Stream in the Town of Bradley in Penobscot County and Souadabscook Stream Dam at Grist Mill Road in the Town of Carmel in Penobscot County.

**LD 1845      An Act To Prohibit the Use of Dogs, Bait or Traps When Hunting Bears      INDEF PP**  
**Except under Certain Circumstances**

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

This initiated bill prohibits the use of dogs to hunt or pursue bear, the use of bait to hunt or attract bear and the setting of a trap to hunt or capture bear. The use of dogs, bait or a trap is permitted for certain scientific and research purposes or for state or federal employees when necessary to hunt or capture a specific offending bear that threatens livestock, domestic animals, threatened or endangered wildlife or public safety. Baiting is also permitted by owners or operators of commercial timberlands in order to prevent damage to commercial timberland.

*Joint Standing Committee on Inland Fisheries and Wildlife*

SUBJECT INDEX

*All-terrain Vehicles, Snowmobiles and Watercraft*

Not Enacted

LD 89 An Act To Establish a Deadline for Snowmobile Registration ONTP

*Bear*

Not Enacted

LD 1845 An Act To Prohibit the Use of Dogs, Bait or Traps When Hunting Bears  
Except under Certain Circumstances INDEF PP

*Department of Inland Fisheries and Wildlife*

Enacted

LD 1667 An Act To Amend Certain Provisions of Inland Fisheries and Wildlife Laws PUBLIC 538  
EMERGENCY

*Fish and Fishing*

Enacted

LD 1695 An Act Regarding Fishways PUBLIC 499

*Lake and River Protection - Invasive Species*

Enacted

LD 1626 An Act To Fund Invasive Species Prevention and Control PUBLIC 580  
EMERGENCY

*Lake and River Protection - Water Flow Requirements*

Not Enacted

LD 931 An Act To Prevent Fish Kills and To Allow for Recreational Use of Sebago  
Lake Leave to  
Withdraw  
Pursuant to Joint  
Rule 310

*Licenses and Permits*

Not Enacted

LD 153 An Act To Establish a Comprehensive Hunting and Fishing License ONTP

*Moose*

Enacted

LD 738 An Act To Promote the Maine Economy and Support Maine's Sporting  
Camp Tradition PUBLIC 437

**Joint Standing Committee on Judiciary**

**LD 725      An Act To Implement the Recommendations of the Judicial Compensation Commission**

**PUBLIC 563  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-383 S-551 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill implements the recommendations of the Judicial Compensation Commission. It increases the salary of justices and judges in the Supreme Judicial Court, Superior Court and District Court to provide a cost-of-living increase equal to the amount that would have been awarded had statutory increases been granted in fiscal year 2003-04, fiscal year 2004-05, fiscal year 2010-11, fiscal year 2011-12 and fiscal year 2012-13. It also changes the reporting deadline for the Judicial Compensation Commission from December 1st to December 15th.

**Committee Amendment "A" (S-383)**

This amendment replaces the Judicial Compensation Commission’s recommended statutory salary increases for the justices and judges of the Supreme Judicial Court, Superior Court and District Court with a 2% adjustment for fiscal year 2014-15. The 2% increase is in addition to the 3% adjustments for each fiscal year 2013-14 and 2014-15 directed by Public Law 2013, chapter 368, Part BB.

**Senate Amendment "A" To Committee Amendment "A" (S-551)**

This amendment reduces the statutory maximum annual percentage cost-of-living increase for judicial salaries from 4% to 3%.

**Enacted Law Summary**

Public Law 2013, chapter 563 reduces the statutory maximum annual percentage cost-of-living increase for judicial salaries from 4% to 3%. In unallocated language, it provides a salary adjustment of 2% for fiscal year 2014-15. The 2% increase is in addition to the 3% adjustments for each fiscal year 2013-14 and 2014-15 directed by Public Law 2013, chapter 368, Part BB. It also changes the reporting date for the Judicial Compensation Commission to December 15th of each even numbered year.

Public Law 2013, chapter 563 was enacted as an emergency measure effective April 24, 2014.

**LD 1194      Resolve, Directing a Study of Social Media Privacy in School and in the Workplace**

**RESOLVE 112  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCLELLAN	OTP-AM	H-640 S-447 KATZ

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill prohibits an employer or educational institution, whether public or private, from requiring or requesting an employee or a student, or a prospective employee or student, to disclose the username or account password for a personal social media account or e-mail account or to otherwise provide the employer or institution with access to those accounts.

**Committee Amendment "A" (H-640)**

## *Joint Standing Committee on Judiciary*

This amendment replaces the bill with a resolve directing the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace. It requires the committee to meet up to four times and to submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. This amendment also adds an emergency preamble and clause.

### **Senate Amendment "A" To Committee Amendment "A" (S-447)**

This amendment amends Committee Amendment "A" by directing the Joint Standing Committee on Judiciary to include in its study concerns about cloud computing services that process and store student data. The amendment also requires the committee to seek funding contributions to fully fund the cost of the study.

### **Enacted Law Summary**

Resolve 2013, chapter 112 directs the Joint Standing Committee on Judiciary to study issues about social media and personal e-mail privacy in school and in the workplace, including concerns about cloud computing services that process and store student data. The committee may meet up to four times and must submit a report by November 5, 2014 for presentation to the First Regular Session of the 127th Legislature. The committee is required to seek funding contributions to fully fund the cost of the study.

Resolve 2013, chapter 112 was finally passed as an emergency measure effective May 1, 2014.

## **LD 1389      An Act To Expedite the Foreclosure Process**

**PUBLIC 521**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-734

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill allows an employee of a financial institution or credit union who is not an attorney to appear for that institution in connection with a foreclosure action. The bill also clarifies the standards for foreclosure mediation and allows for an expedited foreclosure of abandoned property.

### **Committee Amendment "A" (H-734)**

This amendment replaces the bill. It is based on the recommendations the Attorney General developed through the Attorney General's working group on residential foreclosures.

Part A amends the laws regarding the real estate transfer tax to ensure that the tax is paid on property transferred when there is a foreclosure sale, regardless of whether the transfer is done by deed, assignment or other method of transfer. Part A specifically includes assignments by the plaintiff in a foreclosure action of the rights as high bidder or the foreclosure judgment itself.

Part B establishes an expedited procedure for properties that are abandoned in uncontested foreclosure cases.

Part C provides that there may be only one adjournment in a foreclosure action if the court determined the property to be abandoned. The court may permit additional adjournments if the bank or servicer can demonstrate good cause for the adjournment or in accordance with regulations concerning loss mitigation procedures in Title 12 of the Code of Federal Regulations, Section 1024.41.

Current law provides that, when property is acquired by a municipality for unpaid taxes, the new owner does not obtain marketable title until 15 years has passed from the time of the foreclosure. Part D shortens the challenge period from the current 15 years to five years for property subject to tax liens recorded after October 13, 2014. For property subject to a tax lien recorded after October 13, 1993 and on or before October 13, 2014, the challenge

## *Joint Standing Committee on Judiciary*

period ends upon the earlier of the expiration of the 15-year period immediately following the expiration of the period of redemption and October 13, 2019.

Part E gives the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection the authority to regulate residential real estate property management providers that enter presumably abandoned residences to winterize those residences, change the door locks or remove items of personal property. Part E further prohibits providers from breaching the peace against any person and requires providers to inventory personal property removed from a residence and immediately notify the appropriate consumer that the personal property will be made available in a manner convenient to the consumer.

Part F adds standards to those required of mediators in the foreclosure mediation program under the Maine Revised Statutes, Title 14, section 6321-A.

### **Enacted Law Summary**

Public Law 2013, chapter 521 amends the foreclosure statutes in the following manner.

Part A amends the laws regarding the real estate transfer tax to ensure that the tax is paid on property transferred when there is a foreclosure sale, regardless of whether the transfer is done by deed, assignment or other method of transfer. Part A specifically includes assignments by the plaintiff in a foreclosure action of the rights as high bidder or the foreclosure judgment itself.

Part B establishes an expedited procedure for properties that are abandoned in uncontested foreclosure cases. If a foreclosure plaintiff produces clear and convincing evidence of abandonment and the case is uncontested, the court may declare the property abandoned, advance the foreclosure on the docket and grant judgment for the plaintiff. In such cases the redemption period is shortened from 90 days to 45 days. Part B suggests indicia of abandonment, but does not direct the court to limit its findings to these factors. Upon the later of the issuance of the order of abandonment or the judgment of foreclosure, if the premises include dwelling units occupied by tenants as their primary residence, the plaintiff must assume the duties of a landlord. In addition, the plaintiff must notify the municipality in which the premises are located and record the order of abandonment in the appropriate registry of deeds within 30 days from the later of the order of abandonment or the foreclosure judgment.

Part C provides that there may be only one adjournment in a foreclosure action if the court determined the property to be abandoned. The court may permit additional adjournments if the bank or servicer can demonstrate good cause for the adjournment or in accordance with regulations concerning loss mitigation procedures in Title 12 of the Code of Federal Regulations, Section 1024.41. Current law requires that the public sale must be held no less than 30 days and no more than 45 days after the first date of publication. Part C adds an exception for requirements included in Title 12 of the Code of Federal Regulations, Section 1024.41.

Current law provides that, when property is acquired by a municipality for unpaid taxes, the new owner does not obtain marketable title until 15 years has passed from the time of the foreclosure. Part D shortens the challenge period from the current 15 years to five years for property subject to tax liens recorded after October 13, 2014. For property subject to a tax lien recorded after October 13, 1993 and on or before October 13, 2014, the challenge period ends upon the earlier of the expiration of the 15-year period immediately following the expiration of the period of redemption and October 13, 2019.

Part E gives the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection the authority to regulate residential real estate property management providers that enter presumably abandoned residences to winterize those residences, change the door locks or remove items of personal property. Part E further prohibits providers from breaching the peace against any person and requires providers to inventory personal property removed from a residence and immediately notify the appropriate consumer that the personal property will be made available in a manner convenient to the consumer. The provider must make a permanent record of all steps taken to preserve and secure the dwelling and must produce that record and the inventory of removed unsecured

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items upon written request of the resident.

Part F adds standards to those required of mediators in the foreclosure mediation program under the Maine Revised Statutes, Title 14, section 6321-A. Part F requires mediators to ensure the parties appropriately determine net present value by using either the Federal Deposit Insurance Corporation Loan Modification Program Guide worksheet or other way of determining net present value that is as reasonable as the worksheet. Part F also requires that the mediator's report contain greater detail regarding the agreements made among the parties and the time frames within which the parties are required to provide information and reach determinations of loss mitigation eligibility.

### LD 1428 An Act To Protect Religious Freedom

Accepted Majority  
(ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS TIMBERLAKE	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill creates the Preservation of Religious Freedom Act, which allows a person whose right to exercise the person's religion is burdened by a government law or exercise of authority to bring an action in court seeking equitable or monetary damages unless the government remedies the burden or shows that the law or exercise of authority is the least restrictive means of furthering a compelling governmental interest.

#### Committee Amendment "A" (S-390)

This amendment, which is the minority report of the committee, replaces the bill. This amendment provides that the government may not directly or indirectly burden a person's exercise of religion unless the application of the burden to the person is in furtherance of a compelling governmental interest and is accomplished through the least restrictive means. This amendment allows a person whose exercise of religion has been or is substantially likely to be burdened in violation of this legislation to assert the violation as a claim or defense in a court action.

### LD 1601 An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs

PUBLIC 566

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP-AM	H-648

Current law requires forfeited bail to be paid into an account maintained by each prosecutorial district for the purpose of paying expenses related to the extradition of fugitives from justice. The maximum amount that may be retained in that account is \$20,000. This bill increases the amount that may be retained in that account to \$40,000 and expands the uses of the funds in the account to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

#### Committee Amendment "A" (H-648)

This amendment provides for a \$10,000 increase in the amount that may be retained in a district attorney's Extradition and Prosecution Expenses Account from the current cap of \$20,000 to \$30,000, instead of to \$40,000 as proposed in the bill.

#### Enacted Law Summary

## *Joint Standing Committee on Judiciary*

Public Law 2013, chapter 566 increases the amount that may be retained in district attorneys' extradition accounts from \$20,000 to \$30,000 and expands the uses of the funds in the accounts to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

### **LD 1660     An Act Regarding Bad Faith Assertions of Patent Infringement**

**PUBLIC 543**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DECHANT	OTP-AM OTP-AM	S-442

This bill authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act.

#### **Committee Amendment "B" (S-443)**

This amendment is the minority report of the committee and incorporates a fiscal note.

#### **Committee Amendment "A" (S-442)**

This amendment is the majority report of the committee and adds an exemption for demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e) (2) or Title 42 of the United States Code, Section 262.

#### **Enacted Law Summary**

Public Law 2013, chapter 543 authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act. Chapter 543 exempts demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e)(2) or Title 42 of the United States Code, Section 262.

### **LD 1688     An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation**

**PUBLIC 479  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL VALENTINO	OTP-AM	H-639

This bill authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living.

#### **Committee Amendment "A" (H-639)**

This amendment provides that an appeal of the Secretary of State's suspension of an operator's license must be filed in Superior Court, not the Penobscot Nation Tribal Court.

#### **Enacted Law Summary**

Public Law 2013, chapter 479 authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the

*Joint Standing Committee on Judiciary*

parent with whom the child is living.

Public Law 2013, chapter 479 was enacted as an emergency measure effective March 16, 2014.

**LD 1697 An Act To Provide Funding for the Veterans Treatment Courts**

**PUBLIC 584**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE BOYLE	OTP-AM	H-649 S-538 HILL

This bill provides a General Fund appropriation of \$1,158,797 in fiscal year 2014-15 for the Judicial Department to expand access to veterans treatment courts statewide.

**Committee Amendment "A" (H-649)**

This amendment replaces the bill. It provides funding for one half-time Assistant District Attorney to participate in veterans treatment courts.

**Senate Amendment "A" To Committee Amendment "A" (S-538)**

This amendment reduces the General Fund cost of the bill by \$42,045 in fiscal year 2014-15 by paying for the one-half Assistant District Attorney position through savings from managing vacancies within the Department of Defense, Veterans and Emergency Management.

**Enacted Law Summary**

Public Law 2013, chapter 584 provides funding for one half-time Assistant District Attorney to work in the Veterans Treatment Court by recognizing Personal Services savings in the Department of Defense, Veterans and Emergency Management.

**LD 1720 An Act To Improve the Operations of the Office of the Attorney General**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN VALENTINO	OTP-AM	H-707

This bill funds a litigation support position within the Office of the Attorney General as well as a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator. Additionally, this bill appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners, reimbursement to funeral homes and funds for contracted forensic pathologist services necessary for the operation of the office.

**Committee Amendment "A" (H-707)**

This amendment deletes from the bill the proposed funding for a trial preparation assistant in the Criminal Division within the Office of the Attorney General and a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator.

The amendment increases the proposed funding to the Office of the Chief Medical Examiner within the Office of the Attorney General by \$10,000 in fiscal year 2014 and \$20,000 in fiscal year 2015 to cover the anticipated costs of preparing histological slides.

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The amendment provides funding for one half-time Assistant District Attorney position to handle domestic violence prosecutions that will be funded through a grant secured by Prosecutorial District Number 4.

The amendment retains the provision in the bill that appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners and reimbursements to funeral homes.

The funding included in this amendment is included in Public Law 2013, chapter 502, Part A, Section A-1.

### **LD 1730    An Act To Assist Victims of Human Trafficking**

**PUBLIC 537  
EMERGENCY**

<u>Sponsor(s)</u> VOLK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-763
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This bill proposes to assist victims of human trafficking in three ways.

First, it establishes a defense for a person charged with engaging in prostitution if the person proves that the person was compelled to do so as set forth in the law that describes aggravated sex trafficking.

Second, it creates the Trafficking Prevention and Intervention Fund to support state and local efforts to reduce human trafficking offenses, including sex trafficking. At least half the funds must be spent on prevention, including education programs for offenders and rehabilitation services, such as mental health and substance abuse counseling, parenting skills training, housing relief, education, vocational training, drop-in centers and employment counseling to help individuals transition out of the commercial sex industry. The Department of the Attorney General, Victims' Compensation Board is required to administer the fund, which is funded through an assessment imposed on persons convicted of certain sex crimes and may receive private donations and federal and state funds.

Third, it authorizes a person to file a petition seeking a pardon immediately upon the imposition of a sentence for a crime if the person engaged in the conduct constituting the crime did so as a direct result of being a victim of a human trafficking offense.

#### **Committee Amendment "A" (H-763)**

This amendment replaces the bill. It establishes an affirmative defense to the crime of prostitution.

This amendment amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It assesses \$1,000 on any person convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person.

#### **Enacted Law Summary**

Public Law 2013, chapter 537 establishes an affirmative defense to the crime of engaging in prostitution. The person charged with engaging in prostitution may raise the affirmative defense that the person engaged in prostitution because the person was compelled to do so as described in the provisions regarding the crime of aggravated sex trafficking.

Public Law 2013, chapter 537 amends the victims' compensation laws to include two additional crimes for which a victim may seek compensation, as well as providing additional funding sources. It allows a victim of aggravated sex

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trafficking or sex trafficking to seek compensation from the Victims' Compensation Fund for medical and other costs. It assesses \$1,000 on any person convicted of aggravated sex trafficking, \$500 on any person convicted of sex trafficking, \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging in prostitution and \$500 on a person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person. Public Law 2013, chapter 607 corrects the assessments to provide that the additional assessment is on those convicted of engaging a prostitute, as described in Title 17-A, section 853-B, rather than engaging in prostitution, as described in Title 17-A, section 853-A.

Public Law 2013, chapter 537 was enacted as an emergency measure effective April 10, 2014.

**LD 1734 An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General**

**PUBLIC 585**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY JACKSON T	OTP-AM	H-708 S-535 HILL

This bill directs the Attorney General in collaboration with the Commissioner of Public Safety to establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State.

**Committee Amendment "A" (H-708)**

This amendment adds an appropriations and allocations section to the bill.

**Senate Amendment "A" To Committee Amendment "A" (S-535)**

This amendment removes the appropriations and allocations section. It directs the Commissioner of Public Safety and the Attorney General to pursue federal funding for the cost of the cold case homicide unit. The amendment provides that the statutory changes do not take effect unless sufficient funding is available.

**Enacted Law Summary**

Public Law 2013, chapter 585 directs the Attorney General in collaboration with the Commissioner of Public Safety to establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State. It directs the Commissioner of Public Safety and the Attorney General to pursue federal funding for the cost of the cold case homicide unit. The statutory changes do not take effect unless sufficient funding is available.

**LD 1737 Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals**

**RESOLVE 83**

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

This bill was acted upon without reference to committee.

This resolve extends the date for the Family Law Advisory Commission to issue its final report on the Uniform Parentage Act to December 15, 2014. Resolve 2013, chapter 12 established the commission's duty to conduct a comprehensive study and set a reporting date of December 1, 2013. The Family Law Advisory Commission

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submitted an interim report before the report was originally due.

### Enacted Law Summary

Resolve 2013, chapter 83 amends Resolve 2013, chapter 12 to extend the date for the Family Law Advisory Commission to issue its final report on the Uniform Parentage Act to December 15, 2014. Chapter 83 applies retroactively to December 1, 2013.

**LD 1738      Resolve, Concerning Maine's Involuntary Treatment and Involuntary  
Commitment Processes**

**RESOLVE 106  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-764

This bill amends the laws governing involuntary hospitalization and involuntary treatment in hospital emergency departments and psychiatric hospitals and judicial process for involuntary commitment and treatment.

### Committee Amendment "A" (H-764)

This amendment replaces the bill with a resolve which responds to the offer of the Chief Justice of the Supreme Judicial Court to convene a working group to review involuntary commitment and involuntary treatment processes, including holding and commitment periods, involuntary treatment during those periods, the lack of medical professionals for evaluations and any other ways to improve involuntary commitment and involuntary treatment processes. The Chief Justice or the Chief Justice's designee may invite representatives from interested parties to participate.

### Enacted Law Summary

Resolve 2013, chapter 106 responds to the offer of the Chief Justice of the Supreme Judicial Court to convene a working group to review involuntary commitment and involuntary treatment processes, including holding and commitment periods, involuntary treatment during those periods, the lack of medical professionals for evaluations and any other ways to improve involuntary commitment and involuntary treatment processes. The Chief Justice or the Chief Justice's designee may invite representatives from interested parties to participate. The working group is required to submit its report by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters and the committee may report out legislation to the First Regular Session of the 127th Legislature.

Resolve 2013, chapter 106 was finally passed as an emergency measure effective April 15, 2014.

**LD 1741      Resolve, Extending the Date by Which the Probate and Trust Law  
Advisory Commission Must Report on Its Work on Maine's Probate  
Code and the Uniform Probate Code**

**RESOLVE 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill was acted upon without reference to committee.

This resolve extends the date for the Probate and Trust Law Advisory Commission to issue its final report on its work on the Uniform Probate Code to December 15, 2014. Resolve 2013, chapter 5 established the commission's duty to conduct a review and set a reporting date of December 1, 2013.

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**Enacted Law Summary**

Resolve 2013, chapter 82 amends Resolve 2013, chapter 5 to extend the date for the Probate and Trust Law Advisory Commission to issue its final report on its work on the Uniform Probate Code to December 15, 2014. Chapter 82 applies retroactively to December 1, 2013.

**LD 1742      Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets      RESOLVE 81**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Resolve 2013, Chapter 27, Section 2.

This bill extends the date for the Probate and Trust Law Advisory Commission to issue its final report on the inheritance of digital assets to December 15, 2014. Resolve 2013, chapter 27 established the commission's duty to conduct a review and set a reporting date of December 1, 2013.

**Enacted Law Summary**

Resolve 2013, chapter 81 amends Resolve 2013, chapter 27 to extend the date for the Probate and Trust Law Advisory Commission to issue its final report on the inheritance of digital assets to December 15, 2014. Chapter 81 applies retroactively to December 1, 2013.

**LD 1778      An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment      PUBLIC 510 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER JOHNSON C	OTP-AM	H-709

This bill changes the description of commercial fishing boats exempt from attachment under the civil judgment and bankruptcy laws from those not exceeding five tons burden to those not exceeding 45 feet in length.

**Committee Amendment "A" (H-709)**

This amendment changes the maximum length of a fishing boat subject to the exemption to 46 feet.

**Enacted Law Summary**

Public Law 2013, chapter 510 changes the description of commercial fishing boats exempt from attachment under the civil judgment and bankruptcy laws from those not exceeding five tons burden to those not exceeding 46 feet in length.

Public Law 2013, chapter 510 was enacted as an emergency measure effective April 2, 2014.

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**LD 1789     An Act To Modernize and Improve the Efficiency of Maine's Courts**

**PUBLIC 571**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE HASKELL	OTP-AM	H-765

This bill authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount not to exceed \$15,000,000 to fund the planning, purchasing, customizing and implementing of a case management, data storage, and electronic filing system for the judicial branch in order to increase court efficiency and improve public service and safety. The bill requires the Chief Justice of the Supreme Judicial Court to provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding this system.

**Committee Amendment "A" (H-765)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 571 authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount not to exceed \$15,000,000 to fund the planning, purchasing, customizing and implementing of a case management, data storage and electronic filing system for the judicial branch in order to increase court efficiency and improve public service and safety. It requires the Chief Justice of the Supreme Judicial Court to provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding this system.

**LD 1809     An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-798 H-812    WILLETTE

This bill prohibits the use of telephonic, video, electronic or other similar means of communication to conduct public proceedings of elected public bodies of municipalities, quasi-municipal entities and school administrative units. It allows nonelected public bodies of municipalities, quasi-municipalities and school administrative units to do so only if specific requirements are met. Subject to the listed requirements, a body may conduct a public proceeding during which a member of the body participates in the discussion or transaction of public or governmental business through telephonic, video, electronic or other similar means of communication.

**Committee Amendment "A" (H-798)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment limits the application of the bill to the governing bodies of quasi-municipal corporations and districts, as defined in the Maine Revised Statutes, Title 30-A, section 2351, subsection 4, that provide water, sewer or sanitary services if the governing bodies adopt policies that meet specified requirements.

**House Amendment "A" To Committee Amendment "A" (H-812)**

This amendment expressly allows a member of the Loring Development Authority of Maine, or the Midcoast Regional Redevelopment Authority who is not physically present at a meeting but who is participating through combined audio and video means of communication to be considered present for purposes of establishing a quorum, and to participate and vote in all proceedings of the respective authority.

*Joint Standing Committee on Judiciary*

**LD 1818 An Act To Facilitate Public Records Requests to State Agencies**

**ONTP**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

This bill implements recommendations of the Public Access Ombudsman pursuant to Public Law 2013, chapter 229, section 3 related to the feasibility of developing a centralized system for coordinating the receipt of and response to requests to state agencies for public records in accordance with the Freedom of Access Act.

The bill requires state agencies' public access officers to include their contact information on their agency websites. It also requires the Department of Administrative and Financial Services, Office of Information Technology, in consultation with state agencies, to develop a standardized link to Freedom of Access Act pages and requires state agencies to use executive branch resources to create a keyword match for "FOAA" in their websites.

The bill requires the Public Access Ombudsman and the Office of Information Technology to work with InforME to develop and implement a system of consistent tracking and reporting of public records requests under the Freedom of Access Act.

**LD 1821 An Act To Implement Recommendations of the Right To Know Advisory Committee**

**Veto Sustained**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-811

This bill implements recommendations from the Right To Know Advisory Committee.

Part A implements the recommendations of the Right To Know Advisory Committee relating to existing public records exceptions in the Maine Revised Statutes, Titles 22, 26, 29-A, 35-A and 38.

Part B adds one additional member to the Right To Know Advisory Committee, appointed by the Governor. The new position will bring information technology expertise to the committee.

Current law requires the Public Access Ombudsman to submit an annual report to the Right To Know Advisory Committee and the Legislature by March 15th of each year. Part C changes the reporting date to January 15th of each year, which is the same date by which the Right To Know Advisory Committee is required to submit its annual report.

Part D amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the body, agency or official. Current law requires a body, agency or official to provide, within five days of the receipt of a request to inspect or copy a public record, a written notice that the request is denied. Part D clarifies that refusing to allow inspection or copying is considered a denial, as is the failure, within ten days of the receipt of a request, to provide a written notice that the request is denied.

Part D amends the Freedom of Access Act with regard to appeals of denials of requests to inspect or copy public records. Under current law, a person whose request has been denied may appeal the denial to any Superior Court within 30 calendar days of receipt of the written notice of denial. The bill provides that if no written notice of denial is provided, the requester may file an appeal within 40 calendar days of the request in the Superior Court for the

**Joint Standing Committee on Judiciary**

county where the requester resides or where the body, agency or official maintains an office to which the request was made. Current law requires the agency or official to file an answer within 14 calendar days. This bill clarifies that the body, agency or official must file an answer within 14 calendar days of service of the appeal. This bill provides that the court does not have to convene a trial, but must conduct a de novo review and take testimony and other evidence it determines necessary, and if it determines that the denial was not for just and proper cause, the court is required to enter an order for disclosure.

**Committee Amendment "A" (H-811)**

This amendment provides that the reports of the State Board of Arbitration and Conciliation in a labor dispute must be released 30 days after its receipt by the Governor and the Executive Director of the Maine Labor Relations Board if the conciliation process is not successful.

This amendment deletes changes proposed in the bill to identify when access to a record is denied and when an appeal of that denial may be made.

**LD 1828     An Act To Limit Consent Regarding Land Transfers to the Federal Government**

**Accepted Majority  
(ONTP) Report**

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

This bill amends the blanket consent that is statutorily given by the State to the Federal Government to acquire lands required for various government purposes. The bill limits the consent to the acquisition of land not exceeding five square miles.

**Committee Amendment "A" (S-496)**

This amendment is the minority report. It changes the bill to state that the Legislature's consent is not provided when the Federal Government acquires a tract or contiguous tracts of land the total of which exceeds 40 acres for any purpose other than the specific purposes listed in the current law. An affirmative vote of a majority of the members of each house of the Legislature is required to consent to such an acquisition. The amendment provides that the changes do not limit the Legislature's consent to acquisition by the Federal Government of land to be held in trust for the benefit of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Aroostook Band of Micmacs pursuant to applicable state or federal law.

**LD 1841     An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 588  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-841

This bill corrects errors and inconsistencies in the laws of Maine.

Part A makes technical corrections.

Part B makes technical changes to the law to reflect the reorganization of the administration of the liquor laws made by Public Law 2013, chapter 368, Part V.

## *Joint Standing Committee on Judiciary*

Part C corrects cross-references pursuant to Public Law 2013, chapter 228, section 3. Public Law 2013, chapter 228 repealed Title 10, chapter 210, the Fair Credit Reporting Act, and enacted a new Fair Credit Reporting Act as Title 10, chapter 209-B. Public Law 2013, chapter 228, section 3 directs the Revisor of Statutes to include in the errors and inconsistencies bill any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed by the chapter.

### **Committee Amendment "A" (H-841)**

This amendment makes additional corrections to the laws of Maine.

Part D further amends sections contained in the original bill.

Part E contains corrections not included in the bill.

Section E-1 amends the scheduling of reviews under the State Government Evaluation Act to make the reviews of the Department of Professional and Financial Regulation be conducted by two different joint standing committees of the Legislature in 2015. Public Law 2013, chapter 505 enacted different years for review. Section E-2 makes the changes in section 1 take effect the same time as chapter 505 will take effect, which is 90 days after the adjournment of the Second Regular Session of the 126th Legislature. Sections E-1 and E-2 make a substantive change that is supported by the Joint Standing Committee on State and Local Government.

Section E-3 corrects a clerical error in Public Law 2013, chapter 391 by deleting the word "retirement" and inserting the word "retired" to maintain consistency with other retirement statutes. This is a technical change.

Section E-4 corrects the wording to clearly state that the different scenarios under which a member qualifies for a service retirement benefit apply when the member is first covered under the participating local district consolidated plan under the Maine Revised 10 Statutes, Title 5, chapter 427 after June 30, 2014. This is a technical change.

Section E-5 amends the language proposed in the bill as Part A, section 16 pertaining to the issuance of elver licenses by the Penobscot Nation. Public Law 2013, chapter 604 provided for eight licenses to authorize the use of two pieces of gear, specifically an elver fyke net and a dip net. Section E-5 codifies the current practice of allowing the holders of the licenses to use two fyke nets. This is a substantive change supported by the Joint Standing Committee on Marine Resources.

Section E-6 corrects an error that occurred when an existing sunset repealed the Maine Revised Statutes, Title 12, section 13104, subsection 15 on October 1, 2013, before Public Law 2013, chapter 386, enacted during the First Regular Session of the 126th Legislature, which repealed the sunset provision regarding weekend snowmobile registration reciprocity, took effect on October 9, 2013. Section E-6 restores, in accordance with the intent of the Legislature, the reciprocal agreement between Maine and other states regarding a snowmobile weekend registration and to make that provision permanent as intended in chapter 386. Section E-7 makes section E-6 take effect retroactively to the date the sunset took effect. Sections E-6 and E-7 make a substantive change that is supported by the Joint Standing Committee on Inland Fisheries and Wildlife.

Sections E-8 and E-9 correct inadvertent omissions in the Committee Amendment of the Joint Standing Committee on Criminal Justice and Public Safety to LD 1656, An Act to Increase Safety for Victims of Domestic Violence, which is now Public Law 2013, chapter 478. LD 1656 allowed law enforcement agencies to share confidential criminal history record information with family violence advocates for the sole purpose of planning for the safety of a victim of domestic violence. The committee amended the bill to also authorize the sharing of that information with sexual assault counselors for the sole purpose of planning for the safety of a victim of sexual assault. Sections E-8 and E-9 enact the language that was inadvertently omitted. Section E-10 deletes from the family violence advocates' statute the unnecessary reference to sexual assault victims. These changes are substantive changes, supported by the Joint Standing Committee on Criminal Justice and Public Safety.

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Section E-11 corrects a conflict in the sales tax laws when Part M and Part N of Public Law 2013, chapter 368 amended the same section without reference to each other. Part M increased the general sales tax temporarily. Part N clarified that the general sales tax applies to products transferred electronically. Section 11 corrects the conflict and expressly clarifies that the general sales tax applies to products transferred electronically. This is a technical change.

### Enacted Law Summary

Public Law 2013, chapter 588 corrects errors and inconsistencies in the laws of Maine. It also makes a few substantive corrections as requested by the committees of jurisdiction.

Public Law 2013, chapter 588 was enacted as an emergency measure effective April 30, 2014.

### LD 1863     **An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking**

**PUBLIC 607  
EMERGENCY**

Sponsor(s)

DION  
BOYLE

Committee Report

Amendments Adopted

This bill was acted upon without reference to committee.

This bill corrects an inadvertent error made in the committee amendment to LD 1730, which was enacted as Public Law 2013, chapter 537. The intent was to impose an additional assessment to be paid to the Victims' Compensation Fund on persons convicted of engaging a prostitute, which is described in the Maine Revised Statutes, Title 17-A, section 853-B. The committee amendment was erroneously printed and adopted with the assessment being imposed on persons convicted of a violation of Title 17-A, section 853-A, which is engaging in prostitution. This bill corrects who is subject to the additional Victims' Compensation Fund assessment.

### Enacted Law Summary

Public Law 2013, chapter 607 corrects an inadvertent error made in Public Law 2013, chapter 537 concerning Victims' Compensation Fund assessments imposed on crimes related to prostitution. Public Law 2013, chapter 607 corrects who is subject to the additional Victims' Compensation Fund assessment by deleting the crime of engaging in prostitution and including the crime of engaging a prostitute.

Public Law 2013, Chapter 607 was enacted as an emergency measure effective May 12, 2014.

# *Joint Standing Committee on Judiciary*

## SUBJECT INDEX

### *Attorney General & District Attorneys*

#### Enacted

LD 1601	An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs	PUBLIC 566
LD 1734	An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General	PUBLIC 585

#### Not Enacted

LD 1720	An Act To Improve the Operations of the Office of the Attorney General	Died On Adjournment
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### *Courts*

#### Enacted

LD 725	An Act To Implement the Recommendations of the Judicial Compensation Commission	PUBLIC 563 EMERGENCY
LD 1697	An Act To Provide Funding for the Veterans Treatment Courts	PUBLIC 584
LD 1789	An Act To Modernize and Improve the Efficiency of Maine's Courts	PUBLIC 571

### *Criminal Law and Procedure*

#### Enacted

LD 1730	An Act To Assist Victims of Human Trafficking	PUBLIC 537 EMERGENCY
LD 1863	An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking	PUBLIC 607 EMERGENCY

### *Family Law*

#### Enacted

LD 1688	An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation	PUBLIC 479 EMERGENCY
LD 1737	Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals	RESOLVE 83

### *Foreclosure*

#### Enacted

LD 1389	An Act To Expedite the Foreclosure Process	PUBLIC 521
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### *Freedom of Access/Confidentiality/Privacy*

#### Enacted

LD 1194	Resolve, Directing a Study of Social Media Privacy in School and in the Workplace	RESOLVE 112 EMERGENCY
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**Not Enacted**

LD 1809	An Act Concerning Meetings of Boards of Trustees and Governing Bodies of Quasi-municipal Corporations and Districts That Provide Water, Sewer and Sanitary Services	Veto Sustained
LD 1818	An Act To Facilitate Public Records Requests to State Agencies	ONTP
LD 1821	An Act To Implement Recommendations of the Right To Know Advisory Committee	Veto Sustained

**Human Rights and Medical Rights**

**Enacted**

LD 1738	Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes	RESOLVE 106 EMERGENCY
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**Not Enacted**

LD 1428	An Act To Protect Religious Freedom	Majority (ONTP) Report
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**Miscellaneous**

**Enacted**

LD 1660	An Act Regarding Bad Faith Assertions of Patent Infringement	PUBLIC 543
LD 1778	An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment	PUBLIC 510 EMERGENCY

**Probate Code and Trust Code**

**Enacted**

LD 1741	Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code	RESOLVE 82
LD 1742	Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets	RESOLVE 81

**Real Property, Property Rights and Eminent Domain**

**Not Enacted**

LD 1828	An Act To Limit Consent Regarding Land Transfers to the Federal Government	Majority (ONTP) Report
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**Statutes and the Constitution**

**Enacted**

LD 1841	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 588 EMERGENCY
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*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 314      An Act To Create the Office of Marketing      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides for the creation of a centralized Office of Marketing within the Department of Economic and Community Development, responsible for the coordination of all marketing efforts throughout State Government. The office will coordinate requests for proposals, contracts and participation in conferences and exhibits to create a centralized state marketing effort. This office is responsible for the coordination, development, approval and implementation of the state marketing strategy.

**LD 449      An Act To Ensure Consumer Choice in the Purchase of Prescription  
Drugs      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill clarifies and affirms the ability of Maine consumers to purchase mail order prescription drugs from licensed pharmacies that are located in certain nations specified under federal law.

**LD 690      An Act To Ensure Efficiency in the Unemployment Insurance System      ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

During the First Regular Session, the bill was reported out by the committee with an amendment and placed on the Appropriations Table and carried over pursuant to Joint Order, H.P. 1145. The bill was referred back to the Labor, Commerce, Research and Economic Development Committee in the Second Regular Session.

This bill requires that determinations on all nonmonetary issues related to a claim for unemployment compensation be made within specified time frames.

**LD 788      An Act To Provide Vehicle Owners and Repair Facilities Access to  
Vehicle Diagnostic and Repair Information and Equipment      ONTP**

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

## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

This bill was carried over from the First Regular Session of the 126th Legislature.

It requires motor vehicle manufacturers to make available to owners of the manufacturer's motor vehicles and independent motor vehicle repair facilities, diagnostic and repair information and equipment at no more than fair market value and in a way that does not unfairly favor the manufacturer's dealers and authorized repair facilities.

### **LD 1154 An Act To Establish the Maine Length of Service Award Program**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKER DUTREMBLE	OTP-AM ONTP	H-644 S-545 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes the framework for a statewide pension-type program under which "bona fide volunteers" as defined in the United States Internal Revenue Code are paid length of service awards for performing qualified services. "Qualified services" is defined under the United States Internal Revenue Code, Section 457(e)(11) to mean "firefighting and prevention services, emergency medical services, and ambulance services." Under the program, volunteers have a program account that would be credited with an annual contribution deposited no later than the following July 1st for each year during which the volunteer participated in a minimum required level of volunteer activities set forth by the Maine Length of Service Award Program Board of Trustees. Upon the attainment of 60 years of age or after having earned 20 years of service credit before 60 years of age, a volunteer who had attained a vested status in the program by having earned 5 years of service credit would be paid the contributions credited to that volunteer's program account plus the net investment income earned on those contributions. The vested portion of the program account award of a participating volunteer must be paid before 60 years of age after the volunteer ceases to perform qualified services for 36 consecutive months. The program account balance of a participating volunteer is also payable before 60 years of age upon death or total and permanent disablement.

This bill authorizes the State, political subdivisions and emergency services providers within the State as well as emergency services volunteers to participate in the funding of this program. Participation in the program funding is optional for any prospective contributor, and the amount contributed may vary from year to year by a contributor based on available funds. If federal funds become available for the program, the program must accept those funds as well.

This bill raises the sales tax on consumer fireworks from 5% to 10% and dedicates the revenue from the increase to the program.

Under this bill, the Maine Length of Service Award Program Board of Trustees contracts with private sector firms to provide administration and investment services for the program.

Until the United States Internal Revenue Code is amended to provide that programs under which length of service awards are paid to emergency services volunteers may be treated as United States Internal Revenue Code, Section 457 plans of deferred compensation, the program in this bill must comply with the current applicable sections of the Internal Revenue Code.

#### **Committee Amendment "B" (H-644)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, eliminates the 10% sales tax on consumer fireworks proposed in the bill. The program

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established in the bill will receive dedicated funding from the State equivalent to 50% of the revenue received from the general sales tax currently imposed on the sale of consumer fireworks as set out in the bill, but the amendment limits this funding to two years.

This amendment adds an appropriations and allocations section to the bill.

### **Senate Amendment "A" To Committee Amendment "B" (S-545)**

This amendment removes the provision that dedicates a portion of the sales tax imposed on the sale of consumer fireworks. It allows the Maine Length of Service Award Program to accept donations and provides a base Other Special Revenue Funds allocation of \$500 in fiscal year 2014-15.

### **LD 1230 An Act To Improve Access to Oral Health Care**

**PUBLIC 575**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES BURNS	OTP-AM ONTP	H-589 H-658 SANDERSON

This bill was carried over from the First Regular Session of the 126th Legislature.

It establishes a licensure process and scope of practice for dental hygiene therapists. It requires a dental hygiene therapist to be supervised by a dentist licensed in this State. The bill also requires a written practice agreement between the supervising dentist and the dental hygiene therapist and provides rulemaking authority for the Board of Dental Examiners.

### **Committee Amendment "C" (H-589)**

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by dental hygiene therapists authorized to practice under the provisions of the bill.
2. It limits the time frame for a provisional dental hygiene therapy license to three years.
3. It increases the number of supervised clinical practice hours required in order to obtain a dental hygiene therapy license from 500 to 1,000.
4. It adds language to allow for the provisions regarding dental coverage and reimbursement to be enacted without review by the Department of Professional and Financial Regulation, Bureau of Insurance.
5. It adds an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in the State.
6. It makes changes to the sections of the bill relating to scope of practice of dental hygiene therapists by removing minor surgical care, replacing the authority to prescribe medication with authority to provide, dispense and administer certain medications within the parameters of the written practice agreement and adding the authority to perform nonsurgical extractions of diseased permanent teeth if authorized in advance by the supervising dentist.
7. It adds public schools, residential care facilities and nursing facilities to the list of health settings where dental hygiene therapists may provide services within their scope of practice.

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8. The bill allows a dental hygiene therapist to provide certain services while under the general supervision of a dentist in certain health settings, including a setting in a county designated as a dental shortage area by the federal Department of Health and Human Services and in a private dental practice that serves a population that is at least 25% patients who are covered by the MaineCare program or are underserved adults. This amendment removes a designated dental shortage area as an eligible setting and increases the threshold for eligibility for private dental practices to those serving a population that is at least 50% patients who are covered by the MaineCare program or are underserved adults.

9. The bill allows a dental hygiene therapist to provide, dispense and administer certain medications, including analgesics. This amendment specifies that the analgesics are limited to nonprescription analgesics.

### **House Amendment "B" To Committee Amendment "C" (H-658)**

This amendment makes the following changes to Committee Amendment "C".

1. It requires an applicant for a dental hygiene therapy license to meet specific education requirements, including obtaining an associate degree in dental hygiene prior to successfully completing at least four semesters of dental hygiene therapy training, which may be done at the same time as or consecutively with obtaining a Bachelor of Science degree in dental hygiene, which is also required.

2. It requires the dental hygiene therapy education program to be accredited by the American Dental Association Commission on Dental Accreditation. Until that accreditation is obtained, the Board of Dental Examiners may approve the dental hygiene therapy education program.

3. It increases from 1,000 to 2,000 the number of hours of supervised clinical practice required in order to obtain a dental hygiene therapy license, but allows the number of hours spent in supervised clinical practice while completing the four-semester dental hygiene therapy training to be included in the calculation.

4. It prohibits an applicant for a license as a dental hygiene therapist who fails the clinical examination twice from taking the examination again until after the applicant has received more education and training, as specified by the Board of Dental Examiners.

5. It specifies that a dental hygiene therapist may practice only while under the direct supervision of a dentist and clarifies that the supervising dentist must be licensed to practice in Maine.

6. It removes the ability of the supervising dentist to authorize a dental hygiene therapist to provide services to a patient who has not first seen the dentist.

7. It changes the category of rules adopted by the Board of Dental Examiners from major substantive rules to routine technical rules and requires the board to consult with dentists, dental hygienists and others before adopting the rules.

### **Enacted Law Summary**

Public Law 2013, chapter 575 establishes a licensure process and scope of practice for dental hygiene therapists as follows.

1. It specifies that a dental hygiene therapist may practice only under the direct supervision of a dentist that is licensed to practice in Maine and in accordance with a written practice agreement.

2. It provides the list of health settings where a dental hygiene therapist may provide services within their scope of practice. It also specifies the scope of practice for this license, which includes generally: assessments and treatments; preparations; restorations; simple extractions; crowns; space maintainers; referrals; local anesthesia and

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nitrous oxide analgesia; preventive services; management of dental trauma and suturing; medications; radiographs; and other related services and functions.

3. It requires an applicant for a dental hygiene therapy license to meet specific education requirements, including obtaining an associate degree in dental hygiene prior to successfully completing at least four semesters of dental hygiene therapy training, which may be done at the same time as or consecutively with obtaining a Bachelor of Science degree in dental hygiene.
4. It requires the dental hygiene therapy education program to be accredited by the American Dental Association Commission on Dental Accreditation. Until that accreditation is obtained, the Board of Dental Examiners may approve the dental hygiene therapy education program.
5. It requires 2,000 hours of supervised clinical practice in order to obtain a dental hygiene therapy license and allows the number of hours spent in supervised clinical practice while completing the four-semester dental hygiene therapy training to be included in the calculation.
6. It prohibits an applicant for a license as a dental hygiene therapist who fails the clinical examination twice from taking the examination again until after the applicant has received more education and training, as specified by the Board of Dental Examiners.
7. It specifies that rules adopted by the Board of Dental Examiners are routine technical rules and requires the board to consult with dentists, dental hygienists and others before adopting the rules.
8. It amends the laws governing MaineCare coverage, health insurance contracts and group and blanket health insurance to provide for dental coverage and reimbursement for services performed by licensed dental hygiene therapists.
9. It includes an application section to provide that the requirements of the bill relating to insurance reimbursement apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in this State.

**LD 1310     An Act To Improve Access to Dental Care through Empowering the  
Denturist Subcommittee of the Board of Dental Examiners**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM ONTP	S-418

This bill was carried over from the First Regular Session of the 126th Legislature.

It amends the laws governing the Board of Dental Examiners as follows.

1. It renames the board the Maine Board of Oral Health, and it reassigns the membership of the board to give equitable representation to the regulated dental professions and adds additional public members. As changed, the board has nine members: two dentists, two dental hygienists, two denturists and three public members.
2. It changes the duties, functions and responsibilities of the board. The board's major roles are to perform administrative duties as a coordinating body for the board's subcommittees and to advise the subcommittees and ratify and carry out the recommendations of the subcommittees including rules recommended by the subcommittees.
3. It amends the laws governing the board's subcommittees on denturists and dental hygienists and establishes a new subcommittee on dentists. It defines the membership for each subcommittee and its duties, functions and

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responsibilities.

**Committee Amendment "A" (S-418)**

This amendment is the majority report of the committee and replaces the bill. It changes the composition of the Board of Dental Examiners by removing the dental hygienists from the board and adding two denturists to the board. It allows the Governor to accept nominations for the positions of dentist and denturist on the board from statewide associations of dentists and denturists, as well as from other organizations and individuals. It changes the composition of the Subcommittee on Denturists by reducing from two to one the number of dentists on the subcommittee and adding a public member. It also requires that any rule adopted by the board that relates to denturist licensure, including interviews for licensing and renewal, continuing education, discipline and inactive licensure status, must be proposed by the Subcommittee on Denturists and requires the board either to proceed with the rule-making process as proposed by the subcommittee's recommendation or, by a vote of more than 2/3 of the board members present and voting, to reject that recommendation. To reject the recommendation, the board must make a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record. The amendment provides that the board must adopt the subcommittee's recommended disposition with respect to a complaint involving a denturist or an application for licensure or submission relating to continuing education unless more than 2/3 of the board members who are present and voting vote to reject the subcommittee's recommended disposition and the board makes a specific finding that the recommendation is beyond the jurisdiction of the subcommittee, places an undue financial burden upon the board or is not supported by the record.

It requires the Subcommittee on Denturists to submit its budgetary requirements to the board and requires the subcommittee's budget to be fully funded from revenue generated from denturist licensing fees. It requires the board to compensate the subcommittee for any necessary expenditures incurred by the subcommittee in performing its duties. It also eliminates the Subcommittee on Dental Hygienists. It adds an application section and staggers the terms for the two new denturist appointments to the board.

**LD 1328 An Act To License Home Building and Improvement Contractors**

**Leave to Withdraw  
Pursuant to Joint  
Rule**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

It creates the Maine Home Contractor Licensing Act to establish licensing standards of practice and continuing education requirements for home contractors and home contractor salespersons.

**LD 1458 Resolve, To Establish the Commission To Study Business Format Franchising**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG PATRICK	OTP-AM OTP-AM ONTP	H-669

This bill was carried over from the First Regular Session of the 126th Legislature.

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It enacts the Maine Small Business Investment Protection Act to protect franchisees in the sale and operation of franchise businesses.

### **Committee Amendment "A" (H-669)**

This amendment is the majority report of the committee and replaces the bill with a resolve to establish the Commission To Study Business Format Franchising. It requires the commission to study the following: the frequency of transfers of franchises in this State from a franchisee to a member of the franchisee's family, including but not limited to, cases in which the franchisee dies or becomes incapacitated; legal issues raised with state franchise laws that require contract disputes to be subject to the jurisdiction of state courts; the cancellation, termination and renewal terms of franchise agreements; the impact of the imposition of the obligation to act in good faith on parties to a franchise agreement; and the impact of the imposition of the requirement of reasonableness on terms and provisions of a franchise agreement. It requires the commission to submit a report by November 5, 2014 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

### **Committee Amendment "B" (H-670)**

This amendment is the minority report of the committee and it replaces the bill. It does the following.

1. It enacts the Maine Small Business Investment Protection Acts, establishes that violations of the Act are subject to the jurisdiction of the courts of this State and exempts from the provisions of the Act franchisors and franchisees that are subject to other statutory franchise relationship laws in the Maine Revised Statutes, Title 10, chapter 204, 204-B, 206-B, 208-B, 211-A or 214-A.
2. It establishes a standard of reasonableness and good faith for all agreements entered into under the Maine Small Business Investment Protection Act.
3. It provides standards regarding cancellation, termination and nonrenewal of a franchise to require good cause, prior notice and the opportunity to cure.
4. It includes protections for a franchisee's right to transfer or assign an interest in a franchise.
5. It provides for survivorship rights for a designated family member of a deceased or incapacitated franchisee.
6. It contains a public policy section that states that a contract or part of a contract or activity undertaken pursuant to a contract in violation of the Maine Small Business Investment Protection Act is against public policy and is void and unenforceable.
7. It adds an application section.

**LD 1482     An Act To Amend the Motor Vehicle Franchise Laws**

**PUBLIC 534**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN FREDETTE	OTP-AM ONTP	S-439

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill amends the motor vehicle dealer franchise laws. It defines "essential tool" as a tool specific to a manufacturer that is instrumental to the diagnosis or repair of a manufacturer's express warranty claim on a new motor vehicle. It amends the laws related to a manufacturer's requirement to provide a fair supply and mix of vehicles. It clarifies that when a manufacturer requires a dealer to purchase a special or essential tool a

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manufacturer may charge only its actual cost for such a tool. It establishes standards protecting dealership data from unauthorized use. It clarifies the right of a dealer to see the dealer's file regarding compliance with the franchise agreement. It also amends the warranty law to clarify that if a dealer performs warranty service and the work is done in a professional manner and the repair is otherwise completed to the benefit of the consumer, if the manufacturer objects to a technical requirement associated with the warranty submission process or to a specific aspect of the repair, those elements of the warranty claim that are not objectionable must be paid.

### **Committee Amendment "A" (S-439)**

This amendment is the majority report of the committee. It makes the following changes to the bill.

1. It changes the definition of "essential tool" to specify that an essential tool is one that is required by a motor vehicle manufacturer.
2. It changes the provisions governing the requirement that a motor vehicle manufacturer provide a fair and adequate supply and mix of vehicles to a dealer to provide that a failure by a manufacturer to do so that results in an effort to terminate a new motor vehicle dealer for, in whole or in part, poor sales performance or market penetration may be evidence that the termination was not for good cause.
3. It changes the provisions governing recovery of actual costs by the manufacturer from the dealer for special or essential tools to provide that the manufacturer may recover costs only if the tool is directly available only from the manufacturer or its wholly owned subsidiary.
4. It clarifies the provisions governing prohibited conduct by a manufacturer relating to alterations or renovations to a dealership's premises or facilities and provides that the provisions do not supersede certain other laws, including state health and safety laws or local zoning laws.
5. It expands the definition of "dealer management computer system vendor."
6. In the section relating to standards protecting dealership data from unauthorized use, it strikes the provision regarding fees and adds language to include 3rd parties in the provision prohibiting access to dealer and customer data.
7. It changes the provisions regarding exceptions to the limitations on the access or use of customer or prospect information maintained in a dealer management computer system to provide that the limitations do not apply to a customer that moves more than 60 miles away from the dealer whose data were accessed.
8. It removes the provision relating to the retroactive application of contracts in the section governing security breaches.
9. It replaces the language governing a franchisor's responsibility to pay elements of a warranty claim to provide that the franchisor is prohibited from denying those elements of a warranty claim that are based on a dealer's incidental failure to comply with a claim requirement, as long as the dealer corrects any related clerical error or other technicality according to licensee guidelines.
10. It adds a provision to amend current law to reduce from 18 to 12 the number of months a manufacturer may audit a new motor vehicle dealer to determine the validity of customer or dealer incentive payments.

### **Enacted Law Summary**

Public Law 2013 amends the motor vehicle franchise laws as follows.

1. It changes the definition of "essential tool" to specify that an essential tool is one that is required by a motor vehicle manufacturer.

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2. It changes the provisions governing the requirement that a motor vehicle manufacturer provide a fair and adequate supply and mix of vehicles to a dealer to provide that a failure by a manufacturer to do so that results in an effort to terminate a new motor vehicle dealer for, in whole or in part, poor sales performance or market penetration may be evidence that the termination was not for good cause.
3. It changes the provisions governing recovery of actual costs by the manufacturer from the dealer for special or essential tools to provide that the manufacturer may recover costs only if the tool is directly available only from the manufacturer or its wholly owned subsidiary.
4. It clarifies the provisions governing prohibited conduct by a manufacturer relating to alterations or renovations to a dealership's premises or facilities and provides that the provisions do not supersede certain other laws, including state health and safety laws or local zoning laws.
5. It expands the definition of "dealer management computer system vendor."
6. In the section relating to standards protecting dealership data from unauthorized use, it strikes the provision regarding fees and adds language to include 3rd parties in the provision prohibiting access to dealer and customer data.
7. It changes the provisions regarding exceptions to the limitations on the access or use of customer or prospect information maintained in a dealer management computer system to provide that the limitations do not apply to a customer that moves more than 60 miles away from the dealer whose data were accessed.
8. It removes the provision relating to the retroactive application of contracts in the section governing security breaches.
9. It replaces the language governing a franchisor's responsibility to pay elements of a warranty claim to provide that the franchisor is prohibited from denying those elements of a warranty claim that are based on a dealer's incidental failure to comply with a claim requirement, as long as the dealer corrects any related clerical error or other technicality according to licensee guidelines.
10. It adds a provision to amend current law to reduce from 18 to 12 the number of months a manufacturer may audit a new motor vehicle dealer to determine the validity of customer or dealer incentive payments.

**LD 1565      Resolve, Directing the Department of Economic and Community  
Development To Report on the Use of Funds Appropriated To Support  
the Code Enforcement Officer Training and Certification Program**

**Died On  
Adjournment**

Sponsor(s)

CAREY

Committee Report

OTP-AM

Amendments Adopted

H-641

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill reassigns the responsibilities for code enforcement officer training and certification from the Department of Economic and Community Development, Office of Community Development to the Department of Environmental Protection, Bureau of Land Quality Control. Current law partially funds the position from the Maine Code Enforcement Training and Certification Fund, which receives fees and surcharges imposed for the examination of plans for construction, reconstruction or repairs, plumbing inspections and training and certification of municipal building officials and code enforcement officers. Current law also provides that if insufficient funds are available to support the training and certification program, the program is discontinued. This bill removes that provision.

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**Committee Amendment "A" (H-641)**

This amendment replaces the bill with a resolve and directs the Department of Economic and Community Development, Office of Community Development to provide a report by February 15, 2015 to the joint standing committee of the Legislature having jurisdiction over economic development matters on the use of funds appropriated to support the long-term stability of the code enforcement officer training and certification program, as well as the number of code enforcement officers trained and certified by the department. It authorizes the joint standing committee of the Legislature having jurisdiction over economic development matters to report out a bill to the First Regular Session of the 127th Legislature.

**LD 1622 An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response**

**PUBLIC 477  
EMERGENCY**

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

Current law prohibits an employer from discharging or otherwise disciplining for absence an employee who is a volunteer firefighter and who responds to an emergency in that capacity. The law does not pertain to a person who belongs to a municipal fire department. This bill changes the law to also protect members of municipal fire departments.

**Enacted Law Summary**

Public Law 2013, chapter 477 prohibits an employer from discharging or otherwise disciplining for absence an employee who is a member of municipal fire department and who responds to an emergency in that capacity. Current law provides this protection only to volunteer firefighters.

Public Law 2013, chapter 477 was enacted as an emergency measure effective March 16, 2014.

**LD 1624 An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers**

**Accepted Majority  
(ONTP) Report**

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

This bill sets limits on the use of maximum allowable cost pricing by pharmacy benefits managers and requires pharmacy benefits managers to make disclosures regarding that pricing. It also transfers oversight and enforcement of the laws governing the registration of pharmacy benefits managers from the Superintendent of Insurance to the Department of Professional and Financial Regulation, Maine Board of Pharmacy.

**LD 1633 An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits**

**Accepted Majority  
(ONTP) Report**

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

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This bill extends until December 31, 2018 the ability of a business located in a tier 2 Pine Tree Development Zone to be certified to receive Pine Tree Development Zone benefits. Currently, the expiration for such certification in tier 2 is December 31, 2013 and in tier 1 is December 31, 2018.

### **Committee Amendment "A" (S-403)**

This amendment is the minority report of the committee. Beginning January 1, 2015, it establishes a new tier 3 Pine Tree Development Zone classification for all units of local government in Aroostook County and Washington County. It provides for Pine Tree Development Zone benefits and expanded employment tax increment financing benefits for businesses located in a tier 3 location. It removes the units of local government in Aroostook County and Washington County from eligibility for designation as a tier 1 location.

It extends until December 31, 2018 the ability of a qualified Pine Tree Development Zone business in any tier location to be certified to receive Pine Tree Development Zone benefits until the benefits are terminated on December 31, 2028. Currently, the expiration for certification for businesses in a tier 2 location is December 31, 2013.

### **LD 1641      An Act To Amend the Workers' Compensation Laws as They Pertain to      Veto Sustained Employee Representation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM ONTP	S-433

This bill amends the laws governing workers' compensation to provide that an injured employee is entitled to have a union representative or other representative of the employee's own selection present at an examination by an employer-selected health care provider.

### **Committee Amendment "A" (S-433)**

This amendment, which is the majority report of the committee, replaces the bill with a provision that expands the list of statements that are inadmissible in proceedings under the Maine Workers' Compensation Act of 1992, to include statements obtained after continued questioning of an employee by an investigator, employer or an employer's representative after that employee's request to have a representative of the employee's choice present has been denied.

### **LD 1643      An Act To Enable the Bureau of Labor Standards To Access Federal      PUBLIC 473 Reimbursement by Amending State Law To Conform to Federal Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-404

This bill conforms laws regarding the enforcement of workplace safety by the Department of Labor, Bureau of Labor Standards to federal law, making the bureau eligible for federal funds.

### **Committee Amendment "A" (S-404)**

This amendment changes the bill by qualifying that, in the case of a conflict between the occupational safety and health rules of the Department of Labor, Bureau of Labor Standards and the rules of another state agency, the bureau's rules supersede the other agency's rules only regarding the occupational safety and health standards of that other agency. The amendment also adds an appropriations and allocations section.



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preapprenticeship opportunities.

It proposes to expand the State's support for laid-off workers by ensuring adequate staffing in the Department of Labor, Bureau of Employment Services.

It also proposes to establish a stakeholder group to examine best practices regarding layoff aversion and to propose a comprehensive strategy to prevent layoffs. The stakeholder group would include representatives of labor, business, service providers, laid-off workers and government agencies and would examine and report on subjects including, but not limited to:

1. Best practices from other states with programs to prevent layoffs;
2. Early warning networks that identify and monitor firms, industries and communities that may be vulnerable to mass layoffs or business closures;
3. Strategies for early economic development assistance, including ways to efficiently match firms in or near distress with economic development agencies that provide grants, loans or technical assistance such as workforce training, product development or development of new assembly or production processes;
4. Buy-out options, including competitor buyout and employee buyout, and a review of existing law relating to buy-out options to determine whether changes should be made to facilitate buyouts and prevent layoffs;
5. Strategies to strengthen sectors of the economy through cooperation between stakeholders in a specific industry in areas such as workforce development; and
6. Alternatives to layoffs, including work sharing, worker training, modernization and equipment upgrades, financial restructuring, succession plans and conversion to new products.

### **LD 1659     An Act To Amend the Uniform Deceptive Trade Practices Act**

**ONTP**

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

This bill amends the Uniform Deceptive Trade Practices Act by prohibiting a person from posting online reviews that disparage or praise goods, services or a business if that person is paid or contracted to disparage or praise the goods, services or business and by prohibiting a person from paying for such reviews.

### **LD 1666     An Act To Simplify the Audit Procedures of the Maine Rural Development Authority**

**PUBLIC 465**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING HERBIG	OTP-AM	S-388

This bill allows the Maine Rural Development Authority to submit its annual audit as part of its administering agency's annual audit.

#### **Committee Amendment "A" (S-388)**

This amendment incorporates a fiscal note.

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## Enacted Law Summary

Public Law 2013, chapter 465 allows the Maine Rural Development Authority to submit its annual audit as part of its administering agency's annual audit.

**LD 1668    An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation**

**PUBLIC 474  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-407

This bill transfers original jurisdiction over training not approved by the federal Workforce Investment Act of 1998 from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation. This change allows the Unemployment Insurance Commission to serve in the appellate capacity for training waiver cases.

### Committee Amendment "A" (S-407)

This amendment changes the bill by not allowing direct appeals to the Maine Unemployment Insurance Commission. Appeals will be handled in the same manner as other unemployment compensation decisions.

This amendment also adds an emergency preamble and emergency clause to the bill.

## Enacted Law Summary

Public Law 2013, chapter 474 transfers original jurisdiction over training not approved by the federal Workforce Investment Act of 1998 from the Maine Unemployment Insurance Commission to the Department of Labor, Bureau of Unemployment Compensation.

Public Law 2013, chapter 474 was enacted as an emergency measure effective March 10, 2014.

**LD 1669    An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace**

**Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING MALABY	OTP-AM ONTP	

Current law requires employers that want to provide a drug-free workplace by testing applicants or employees for substance abuse to develop and file a policy with the Department of Labor. The Bureau of Labor Standards reviews the policies to ensure compliance with state laws and rules. This bill provides employers with a single, consistent model policy. The model policy, which must be established by the Commissioner of Labor and managed by the department, is intended to encourage greater participation by employers to reduce substance abuse in the workplace. The bill requires an employer to adopt the model policy before establishing a substance abuse testing program. It removes the requirements that employers provide an employee assistance program and pay for half of rehabilitation beyond services provided through health care benefits. Employers may offer an employee assistance program if they choose. The bill amends the definition of "probable cause" to provide that a single work-related accident is probable cause to suspect an employee is under the influence of a substance of abuse. The bill requires the

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Department of Health and Human Services and the Department of Labor to work together to adopt rules to establish the model policy by July 1, 2015.

## **Committee Amendment "A" (S-440)**

This amendment changes the bill by creating a task force to develop a statewide drug-free workplace model policy. The model policy developed by the task force must be established by the Commissioner of Labor by major substantive rule by July 1, 2015, with the Department of Labor and the Department of Health and Human Services subsequently permitted to jointly adopt further routine technical rules.

## **LD 1677 An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor**

**PUBLIC 467**

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

This bill makes minor technical corrections and clarifications to the statutes that govern the Department of Labor, including:

1. Correcting a reference to workers' compensation payments made to employees;
2. Updating the law to reflect the current disposition of federal funds received pursuant to the federal Wagner-Peyser Act;
3. Correcting references to entities within the department that were abolished or merged into another entity;
4. Correcting a conflict in the law created when two public laws amended the same section of law in different ways;
5. Renaming a standing committee of the State Workforce Investment Board the Commission on Disability and Employment;
6. Removing language specifying the appointment process and terms for members of the Program Policy Committee, a standing committee of the State Workforce Investment Board; and
7. Allowing all standing committees of the State Workforce Investment Board to receive funds and other things of value to allow the standing committees to carry out the purposes of the State Workforce Investment Board.

### **Enacted Law Summary**

Public Law 2013, chapter 467 makes minor technical corrections and clarifications to the statutes that govern the Department of Labor, including:

1. Correcting a reference to workers' compensation payments made to employees;
2. Updating the law to reflect the current disposition of federal funds received pursuant to the federal Wagner-Peyser Act;
3. Correcting references to entities within the department that were abolished or merged into another entity;
4. Correcting a conflict in the law created when two public laws amended the same section of law in different ways;
5. Renaming a standing committee of the State Workforce Investment Board the Commission on Disability and

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Employment;

- 6. Removing language specifying the appointment process and terms for members of the Program Policy Committee, a standing committee of the State Workforce Investment Board; and
- 7. Allowing all standing committees of the State Workforce Investment Board to receive funds and other things of value to allow the standing committees to carry out the purposes of the State Workforce Investment Board.

**LD 1698      An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law      Died Between Houses**

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

Current law requires that a minor start the work permitting process through the superintendent of schools of the school administrative unit in which the minor resides regardless of whether school is in session. This bill would allow a minor less than 16 years of age to obtain a work permit directly from the Department of Labor, Bureau of Labor Standards when school is not in session. The bill clarifies the roles and responsibilities of the superintendent of the school administrative unit and of the bureau as they relate to the work permitting process. The bill specifies that the bureau may issue a permit for a student who is attending summer school only after receiving certification from the superintendent that the student is enrolled in summer school, not truant, not under suspension and passing a majority of courses during the current grading period. The bill specifies that when school is not in session the bureau may issue a permit for a student only after receiving satisfactory evidence of the minor's age. The bill also authorizes the bureau to revoke a permit when there is reason to believe the permit should be revoked. Finally, the bill allows a minor less than 16 years of age to work in a bowling alley or theater, which conforms to federal law, and repeals the language dealing with triplicate permits and a master permit system.

**LD 1700      Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine      RESOLVE 90 EMERGENCY**

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

This resolve provides for legislative review of Chapter 13: Fees for Boxing Events and Authorized Participants, a major substantive rule of the Combat Sports Authority of Maine.

**Enacted Law Summary**

Resolve 2013, chapter 90 provides for legislative review of Chapter 13: Fees for Boxing Events and Authorized Participants, a major substantive rule of the Combat Sports Authority of Maine.

Resolve 2013, chapter 90 was finally passed as an emergency measure effective March 12, 2014.

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**LD 1701    An Act To Amend the Work-sharing Program To Conform with Federal Law**

**PUBLIC 448  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK VOLK	OTP-AM	S-391

This bill changes the law regarding work-sharing programs to bring it into conformity with federal provisions that govern short-time compensation programs. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states that currently administer a work-sharing program to conform their laws to the new federal provisions no later than August 22, 2014 or risk a loss of unemployment tax credits. Changes include ensuring continuing health or retirement benefits for participating employees to the same extent the benefits are provided to those employees not participating in the work-sharing program; providing details in the employer's application process about the number of layoffs averted and the employee notification process that will be used; and ensuring that work-sharing employees may participate in training to enhance their job skills while participating in the work-sharing program.

**Committee Amendment "A" (S-391)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 448 changes the law regarding work-sharing programs to bring it into conformity with federal provisions that govern short-time compensation programs. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states that currently administer a work-sharing program to conform their laws to the new federal provisions no later than August 22, 2014 or risk a loss of unemployment tax credits. Changes include ensuring continuing health or retirement benefits for participating employees to the same extent the benefits are provided to those employees not participating in the work-sharing program; providing details in the employer's application process about the number of layoffs averted and the employee notification process that will be used; and ensuring that work-sharing employees may participate in training to enhance their job skills while participating in the work-sharing program.

Public Law 2013, chapter 448 was enacted as an emergency measure effective February 20, 2014.

**LD 1710    An Act To Retain Call Centers in Maine**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T HERBIG	ONTP OTP-AM	S-420 S-501    JACKSON T

This bill requires employers that intend to relocate a call center, or a facility or operating unit handling at least 30% of call volume within a call center, from Maine to a foreign country must notify the Commissioner of Labor at least 120 days before the relocation. The commissioner is required to create a list of these employers, updated twice a year. An employer appearing on the list is ineligible for a state grant, loan or tax benefit for five years. The bill also has a clawback provision that requires an employer on the commissioner's list to pay back the unamortized value of a state grant, loan or tax benefit previously issued to such an employer. If an employer fails to notify the Commissioner of Labor of the relocation of a call center at least 120 days before the relocation, a fine of \$10,000 per day may be assessed. The bill also requires that call center work for executive branch agencies of the State be

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performed in the State.

## **Committee Amendment "A" (S-420)**

This amendment, which is the minority report of the committee, amends the bill by adding an appropriations and allocations section.

## **Senate Amendment "A" (S-501)**

This amendment requires an employer that intends to relocate a call center to notify the Commissioner of Labor at least 60 days before the relocation. The bill requires this notice to be given at least 120 days before the relocation. The amendment reduces the fine for failure to give this notice from \$10,000 per day to \$350 per day. It also reduces from five years to two years the length of time an employer who relocates a call center to a foreign country is ineligible for a state grant, loan or tax benefit.

## **LD 1724 An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law**

**PUBLIC 547**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING POULIOT	OTP-AM	S-476

This bill adopts the following changes to the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

1. It requires applicants for licensure to be fingerprinted and submit to a background check.
2. It changes the requirements that an applicant who is licensed in another jurisdiction must meet in order to be licensed in this State.
3. It provides that a licensee may not repeat for credit the same continuing education course offering within a license renewal cycle.
4. It changes the educational requirements for applicants and requires that educational and experience requirements must be met before an applicant may take the required examination.
5. It establishes the qualifications and duties of supervisory appraisers.

## **Committee Amendment "A" (S-476)**

This amendment removes the provision in the bill that requires an applicant for licensure to be fingerprinted and submit to a background check and replaces it with language that requires an applicant to submit a set of the applicant's fingerprints, commencing upon the date determined by the appraiser qualifications board, the entity charged with establishing the qualification criteria for state licensing, certification and recertification of real property appraisers. It also requires an applicant to apply for licensure within 24 months of successfully completing the examination for a certified general real property, certified residential real property or residential real property appraiser license.

## **Enacted Law Summary**

Public Law 2013, chapter 547 makes the following changes the license requirements for real estate appraisers as required by federal law effective January 1, 2015.

1. It requires applicants for licensure to be fingerprinted and submit to a background check commencing upon the date determined by the appraiser qualifications board, the entity charged with establishing the qualification criteria

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for state licensing, certification and recertification of real property appraisers.

2. It changes the requirements that an applicant who is licensed in another jurisdiction must meet in order to be licensed in this State.
3. It provides that a licensee may not repeat for credit the same continuing education course offering within a license renewal cycle.
4. It requires an applicant to apply for licensure within 24 months of successfully completing the examination for a certified general real property, certified residential real property or residential real property appraiser license.
5. It changes the educational requirements for applicants and requires that educational and experience requirements must be met before an applicant may take the required examination.
6. It establishes the qualifications and duties of supervisory appraisers.

**LD 1725     An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling  
on Private Activity Bonds**

**P & S 20  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING WILLETTE	OTP-AM	S-394

This bill establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2014 and 2015 among the state-level issuers of tax-exempt bonds.

**Committee Amendment "A" (S-394)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2013, chapter 20 establishes the allocations of the state ceiling on issuance of tax-exempt private activity bonds for calendar years 2014 and 2015 among the state-level issuers of tax-exempt bonds.

**LD 1735     An Act To Amend Forester Licensing Requirements**

**PUBLIC 527**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING FREDETTE	OTP-AM	S-448

This bill changes the laws governing the licensure of foresters to repeal the requirement for an applicant for an intern forester license or forester license to submit three references as part of the license application. The bill also makes several other changes, including allowing certain persons to engage in forestry before being licensed, allowing a holder of a forestry degree from an approved school to take the examination before meeting all qualifications for licensure, making changes in the forester licensing laws regarding reciprocal agreements and adding a new provision to permit the Board of Licensure of Foresters to waive the internship requirement for an applicant who has at least 24 months of forestry experience as an employee of the Federal Government within the six-year period prior to application.

**Committee Amendment "A" (S-448)**

## *Joint Standing Committee on Labor, Commerce, Research and Economic Development*

This amendment makes changes to the laws governing the examination requirements for applicants for a forester license by providing that an applicant with an associate degree or higher from a program that has a curriculum in forestry from a school or college approved by the board is required to pass only the examination section that tests the applicant's knowledge of the State's forestry laws, rules and practices. It also changes the effective date of the Act from June 1, 2015 to April 1, 2015 and specifies that an applicant with an intern forester license and with experience earned as a forester pursuant to rule currently in effect may not be required to meet additional forestry experience standards adopted by the board after the effective date of this Act in order to qualify for a forester license.

### **Enacted Law Summary**

Public Law 2013, chapter 527 makes changes to the laws governing the examination requirements for applicants for a forester license by providing that an applicant with an associate degree or higher from a program that has a curriculum in forestry from a school or college approved by the board is required to pass only the examination section that tests the applicant's knowledge of the State's forestry laws, rules and practices. It also changes the effective date of the law from June 1, 2015 to April 1, 2015 and specifies that an applicant with an intern forester license and with experience earned as a forester pursuant to rule currently in effect may not be required to meet additional forestry experience standards adopted by the board after the effective date of this law in order to qualify for a forester license.

### **LD 1743      **Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State**      **ONTP****

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

This resolve directs the Department of Defense, Veterans and Emergency Management, in collaboration with the Maine State Housing Authority, to work with the United States Department of Housing and Urban Development and the United States Department of Veterans Affairs to develop a portable voucher system to provide rental housing assistance in the State for veterans of the United States Armed Forces.

### **LD 1766      **An Act To Clarify and Update a Nurse's Authority To Administer Medication**      **PUBLIC 540****

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C GRAHAM	OTP-AM ONTP	S-459 S-465    JOHNSON C

Current law allows a nurse to execute a medical regimen ordered by a licensed physician, podiatrist or dentist or an individual acting under the delegated authority of a physician, podiatrist or dentist. This bill aligns a nurse's authority so that it is consistent with existing law to execute a medical regimen if ordered by a licensed medical professional operating within the scope of the licensed medical professional's authority to prescribe medications, substances or devices.

### **Committee Amendment "A" (S-459)**

This amendment is the majority report of the committee. It changes the statutory definition of "professional nursing" by adding naturopathic doctors and other licensed health care practitioners operating within the scope of their authority to prescribe medications, substances or devices to the list of legally authorized individuals for whom a professional nurse may execute a medical regimen. It removes references in the bill to "medical professional" and

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instead uses the terms "naturopathic doctor" and "health care practitioner."

**Senate Amendment "A" To Committee Amendment "A" (S-465)**

This amendment makes the following changes to Committee Amendment "A."

1. It removes references to naturopathic doctors and health care practitioners in the list of legally authorized individuals for whom a professional nurse may execute a medical regimen and instead uses the term "legally authorized licensed professional."
2. It delays the effective date until January 1, 2015.

**Enacted Law Summary**

Public Law 2013, chapter 540 changes the statutory definition of "professional nursing" by adding naturopathic doctors and other licensed health care practitioners operating within the scope of their authority to prescribe medications, substances or devices to the list of legally authorized individuals for whom a professional nurse may execute a medical regimen. It removes references in the bill to "medical professional" and instead uses the terms "naturopathic doctor" and "health care practitioner."

**LD 1790      An Act To Designate Maine State Housing Authority To Receive Funds      P & S 23  
from the National Housing Trust Fund      EMERGENCY**

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

This bill designates the Maine State Housing Authority as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Recovery Act of 2008.

**Enacted Law Summary**

Private and Special Law 2013, chapter 23 designates the Maine State Housing Authority as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Recovery Act of 2008.

Private and Special Law 2013, chapter 23 was enacted as an emergency measure effective March 22, 2014.

**LD 1793      Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed      RESOLVE 103  
Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports      EMERGENCY  
Authority of Maine**

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

This resolve provides for legislative review of Chapter 12: Rules for Mixed Martial Arts, a major substantive rule of the Combat Sports Authority of Maine that was filed outside the legislative rule acceptance period.

**Enacted Law Summary**

Resolve 2013, chapter 103 provides for legislative review of Chapter 12: Rules for Mixed Martial Arts, a major substantive rule of the Combat Sports Authority of Maine that was filed outside the legislative rule acceptance period.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

Resolve 2013, chapter 103 was finally passed as an emergency measure effective April 3, 2014.

**LD 1798    An Act To Implement the Recommendations of the Task Force  
Convened by the Maine Labor Relations Board Regarding  
Compensation for the Panel of Mediators**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-702

This bill was reported out by the Joint Standing Committee on Labor, Commerce, Research and Economic Development pursuant to Resolve 2013, chapter 26, section two. As required by the resolve, the Maine Labor Relations Board submitted to the committee its report on the question of mediator compensation and its impact on the recruitment and retention of able labor mediators and the public sector collective bargaining process as a whole, with recommendations and draft implementing legislation that would provide reasonable compensation for the members of the Panel of Mediators. This bill incorporates all of the changes to law that the board recommended in its report.

The bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 for each consecutive four-hour period to \$600 per whole or partial calendar day. The bill eliminates the provisions permitting the mediators to collect reimbursement for expenses incurred and to charge for more than one dispute in the same calendar day.

**Committee Amendment "A" (H-702)**

This amendment removes the provision of the bill that disallowed the Panel of Mediators from being compensated for traveling and other expenses. This amendment more accurately reflects the recommendations in the Maine Labor Relations Board mediator compensation report.

The amendment also adds an appropriations and allocations section.

**LD 1799    An Act To Amend the Laws Governing Charitable Solicitations**

**PUBLIC 539**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE KATZ	OTP-AM	H-778 H-804 HERBIG

This bill amends the Charitable Solicitations Act to limit the scope and application of the Act to professional solicitors, which are persons or entities that solicit contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration, thus excluding from regulation those persons who solicit donations on behalf of a charitable organization without remuneration. As in current law, an employee, salaried officer, attorney, accountant or investment officer of a charitable organization is not considered a professional solicitor. This bill also changes the definition of "charitable organization" to remove the exclusion of organizations serving religious purposes; the effect of this change is that a professional solicitor is subject to regulation under the Act, regardless of the charitable organization for which donations are being solicited.

**Committee Amendment "A" (H-778)**

This amendment removes provisions in the bill that propose to repeal licensure requirements for charitable organizations. It repeals the requirement that charitable organizations annually provide a determination letter from the United States Internal Revenue Service. It clarifies the length of time that a professional solicitor's bond

## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

remains in effect.

### **House Amendment "B" To Committee Amendment "A" (H-804)**

This amendment amends Committee Amendment "A" as follows.

This amendment specifies that a charitable organization is a person or entity that holds itself out to be organized or operated for any charitable purpose and that solicits, accepts or obtains contributions for a charitable purpose.

This amendment also removes from the bill, the repeal of the law related to the maintenance and production of records.

### **Enacted Law Summary**

Public Law 2013, chapter 539 amends the Charitable Solicitations Act to limit the scope and application of the Act to professional solicitors, which are persons or entities that solicit contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration, thus excluding from regulation those persons who solicit donations on behalf of a charitable organization without remuneration. This law repeals the requirement that charitable organizations annually provide a determination letter from the United States Internal Revenue Service and it clarifies the length of time that a professional solicitor's bond remains in effect. The law changes the definition of "charitable organization" to remove the exclusion of organizations serving religious purposes; the effect of this change is that a professional solicitor is subject to regulation under the law, regardless of the charitable organization for which donations are being solicited. It specifies that a charitable organization is a person or entity that holds itself out to be organized or operated for any charitable purpose and that solicits, accepts or obtains contributions for a charitable purpose.

### **LD 1802    An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs**

**PUBLIC 511  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK HERBIG	OTP-AM	S-437

Under federal law, Reed Act funds may be used to maintain a state's unemployment and public employment system or to pay regular unemployment benefits. Maine received \$32,486,816 in Reed Act funds in 2002. Approximately \$9,760,000 was appropriated for administrative purposes in 2003, and an additional \$5,200,000 was appropriated for administrative purposes in 2007. These appropriations were made primarily to cover technological and infrastructure needs and improvements for delivering unemployment, employment and labor market information services to Maine workers and employers. Currently, approximately \$16,803,000 of the 2002 Reed Act distribution remains in the federal Unemployment Insurance Trust Fund. Additionally, in 2009 Maine received a \$28,200,000 distribution to the trust fund under the federal American Recovery and Reinvestment Act of 2009, which may be allocated to cover administrative expenses under the same conditions as Reed Act funds. This distribution remains untouched in the Unemployment Insurance Trust Fund.

This bill authorizes the use of \$17,500,000 of the funds in the Unemployment Trust Fund, requiring that all of the 2002 Reed Act funds be used first before using any of the American Recovery and Reinvestment Act of 2009 funds to meet the \$17,500,000 allocation. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program, delivering employment assistance services through the Department of Labor's career center system and providing labor market information program services for Maine workers and employers.

### **Committee Amendment "A" (S-437)**

## *Joint Standing Committee on Labor, Commerce, Research and Economic Development*

This amendment of the Joint Standing Committee on Labor, Commerce, Research and Economic Development amends the bill by adding an appropriations and allocations section, which includes allocation of funds for the costs associated with adding ten Customer Representative Specialist - Benefits positions, ten Claims Adjudicator positions and four Hearings Examiner positions to address understaffing in areas of claims processing, adjudication and appeals.

### **Enacted Law Summary**

Public Law 2013, chapter 511 authorizes the use of \$17,500,000 of the funds in the Unemployment Trust Fund, requiring that all of the 2002 Reed Act funds be used first before using any of the American Recovery and Reinvestment Act of 2009 funds to meet the \$17,500,000 allocation. The funds will be used to maintain and operate the State's unemployment and employment programs, including paying the administrative costs required to administer the unemployment insurance program, adding 24 new positions to address understaffing in areas of claims processing, adjudication and appeals, delivering employment assistance services through the Department of Labor's career center system and providing labor market information program services for Maine workers and employers.

Public Law 2013, chapter 511 was enacted as an emergency measure effective April 3, 2014.

### **LD 1832 An Act To Increase Employment Opportunities for Veterans**

**PUBLIC 576**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE LONGSTAFF	OTP-AM	S-477 S-532 HILL

This bill allows a private employer to have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce.

### **Committee Amendment "A" (S-477)**

This amendment amends the bill to include in the definition of "veteran," a person who has served in the national guard of any state or the Reserves of the United States Armed Forces.

The amendment also adds an appropriations and allocations section to provide funding for a Labor and Safety Inspector position to provide oversight and enforcement of the veteran preference employment policy.

### **Senate Amendment "A" To Committee Amendment "A" (S-532)**

This amendment removes the General Fund appropriation for a Labor and Safety Inspector position.

### **Enacted Law Summary**

Public Law 2013, chapter 576 allows a private employer to have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce.



## ***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

The purpose of this bill is to improve Maine's overall competitiveness and ability to attract major private investment to the State by creating a mechanism for competing for major business expansion and creation projects, referred to as transformational business expansion projects, which are the construction, development, rehabilitation, expansion, modernization or acquisition of any building, structure, system, machinery, equipment or facility in a military redevelopment zone that has a projected cost of \$50,000,000 or more and the operation of which is projected to result in a net gain of at least 1,500 job opportunities. An applicant who is certified by the Commissioner of Economic and Community Development as a transformational business expansion project is eligible for the following incentives and benefits:

1. A 20-year corporate income tax credit that includes a 100% credit for the first ten years that the project is in operation and a 50% credit for the next ten years that the project is in operation;
2. A sales tax exemption and reimbursement for expenditures made for the project for up to 20 years;
3. An annual reimbursement for up to five years from the Efficiency Maine Trust for electric rates that exceed the national average industrial rate as determined by the United States Energy Information Administration and certified by the Public Utilities Commission;
4. Employment tax increment financing benefits for qualified investments. The reimbursement is equal to 80% of Maine income tax withheld each year for which reimbursement is requested and attributed to qualified employees for a period of no more than ten years. For years of operation beginning after the 10th year until the 20th year, the certified applicant is eligible for a reimbursement of 50% of Maine income tax withheld each year for which reimbursement is requested. This benefit expires after December 31, 2034;
5. Access to a pool of up to \$500,000,000 in bond funding for transformational business expansion projects to provide long-term, credit-enhanced financing at taxable bond rates. Financing assistance for a single project may not exceed \$400,000,000;
6. Access to workforce development assistance, training and recruitment by the Commissioner of Economic and Community Development and the Commissioner of Labor, who are required to work with agencies across State Government involved in employment or skill training to identify and marshal financial resources to help a transformational business expansion project recruit and train workers; and
7. Access to the benefits available under the Governor's Jobs Initiative Program, including access to funds from the Competitive Skills Scholarship Program.

Additionally, this bill prohibits requiring a person, as a condition of employment or continuation of employment at a transformational business expansion project, to join a labor organization or pay any labor organization dues or fees and establishes, in a manner similar to laws governing the shipbuilding facility credit, a preference for Maine workers, companies and bidders as part of the contractual inducement for the qualified applicant to make a qualified investment and for the State to provide the incentives.

### **Committee Amendment "A" (S-516)**

This amendment is a minority report of the committee and makes the following changes to the bill.

1. It adds language restricting the amount of bond proceeds used to fund capital reserve funds for revenue obligation securities issued relating to loans for transformational business expansion projects.
2. It transfers the statutory provisions governing the certification as a qualified transformational expansion project business in a military redevelopment zone from the tax code to the section of law governing Pine Tree Development Zones.

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3. It requires that, prior to certification as a qualified transformational expansion project business, the business must first become certified as a qualified Pine Tree Development Zone business.
4. It changes the process by which the Commissioner of Economic and Community Development determines that a qualified transformational expansion project business is eligible to receive a certificate and the terms for revocation of the certificate and clarifies the term "incentives".
5. It changes the term "transformational business expansion project" to "qualified transformational expansion project business" in all the provisions of the bill except those affecting the Finance Authority of Maine Act.
6. It clarifies that if a business's certificate is revoked, the business is still responsible for fulfilling its responsibilities under any long-term, credit-enhanced financing that it received as a transformational business expansion project from the Finance Authority of Maine.
7. It clarifies the reimbursement process in the provisions governing the annual reimbursement for certain electricity supply costs for qualified transformational expansion project businesses.
8. It adds language in the provisions in the bill governing the right to refrain from joining a union in transformational expansion project businesses to clarify that the prohibitions are limited to employment in a military redevelopment zone in a qualified transformational expansion project business.
9. It adds an exemption from sales tax for tangible personal property and for the transmission and distribution of electricity to the incentives for a qualified transformational expansion project business.

**Committee Amendment "B" (S-517)**

This amendment, which is a minority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, is identical to the committee's other minority report except for two changes. It removes the "right to refrain" provisions that prohibit requiring a person, as a condition of employment or continuation of employment at a qualified transformational expansion project business, to join a labor organization or pay any labor organization dues or fees. Additionally the amendment removes the provision in the bill and Committee Amendment "A" that allows a qualified transformational expansion project business engaged in workforce training under the Governor's Jobs Initiative Program to be eligible for funds under the Competitive Skills Scholarship Program.

**LD 1836      An Act To Establish the Commission on Promoting Manufacturing in      ONTP**  
**Maine**

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

This bill establishes the Commission on Promoting Manufacturing in Maine. The commission is charged with establishing a plan to promote Maine as a more desirable place in which to develop manufacturing businesses, to provide education and training to prepare workers for new manufacturing and to make manufacturing in Maine more promotable.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 1846     An Act To Require the Licensure of Scrap Metal Recyclers and Mobile Scrap Metal Dealers     ONTP**

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

This bill requires scrap metal recyclers and mobile scrap metal dealers, as defined in the bill, to be licensed. The bill repeals the provision of law defining "scrap metal processor," but requires scrap metal recyclers and mobile scrap metal dealers to meet the same record-keeping requirements and restrictions as scrap metal processors.

This bill requires the Secretary of State to adopt routine technical rules establishing standards for scrap metal recyclers and mobile scrap metal dealers.

This bill also corrects cross-references and makes other technical changes.

**LD 1854     An Act Regarding Compensation for the Panel of Mediators     PUBLIC 553**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING		S-525 CUSHING

This bill increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 to \$300 for a four-hour period and removes the provision that allows mediators to be paid on a per-dispute-mediated basis. This bill also requires the Maine Labor Relations Board to report on the effect of these changes to payment of mediators.

This bill was acted upon without reference to committee.

**Senate Amendment "A" (S-525)**

This amendment removes a provision in the bill that proposed to repeal a law allowing mediators to be paid on a per-dispute-mediated basis. It also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2013, chapter 553 increases the payment for mediation services provided by the members of the Panel of Mediators from \$100 to \$300 for a four-hour period. This bill also requires the Maine Labor Relations Board to report on the effect of these changes to payment of mediators.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**SUBJECT INDEX**

**Business Regulation**

**Enacted**

LD 1482 An Act To Amend the Motor Vehicle Franchise Laws PUBLIC 534

**Not Enacted**

LD 1458 Resolve, To Establish the Commission To Study Business Format Franchising INDEF PP

**Consumer Protection**

**Enacted**

LD 1799 An Act To Amend the Laws Governing Charitable Solicitations PUBLIC 539

**Not Enacted**

LD 449 An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs ONTP

LD 1328 An Act To License Home Building and Improvement Contractors Leave to Withdraw Pursuant to Joint Rule 310 ONTP

LD 1648 An Act To Protect Maine Consumers from Abusive and Deceptive Debt Collection Practices

LD 1659 An Act To Amend the Uniform Deceptive Trade Practices Act ONTP

**Economic Development-Agencies**

**Enacted**

LD 1666 An Act To Simplify the Audit Procedures of the Maine Rural Development Authority PUBLIC 465

LD 1725 An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds P & S 20 EMERGENCY

**Not Enacted**

LD 314 An Act To Create the Office of Marketing ONTP

LD 1565 Resolve, Directing the Department of Economic and Community Development To Report on the Use of Funds Appropriated To Support the Code Enforcement Officer Training and Certification Program Died On Adjournment

**Economic Development-Programs**

**Not Enacted**

LD 1633 An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits Majority (ONTP) Report

LD 1835 An Act To Improve Maine's Ability To Attract Major Private Investments Report A (ONTP)

LD 1836 An Act To Establish the Commission on Promoting Manufacturing in Maine ONTP

**Employment Practices**

**Enacted**

LD 1622 An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response PUBLIC 477 EMERGENCY

LD 1832 An Act To Increase Employment Opportunities for Veterans PUBLIC 576

**Not Enacted**

LD 1669	An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace	Died Between Houses
LD 1698	An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law	Died Between Houses

**Housing**

**Enacted**

LD 1790	An Act To Designate Maine State Housing Authority To Receive Funds from the National Housing Trust Fund	P & S 23 EMERGENCY
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**Not Enacted**

LD 1743	Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State	ONTP
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**Labor Department**

**Enacted**

LD 1677	An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor	PUBLIC 467
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**Labor Relations**

**Enacted**

LD 1854	An Act Regarding Compensation for the Panel of Mediators	PUBLIC 553
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**Not Enacted**

LD 1798	An Act To Implement the Recommendations of the Task Force Convened by the Maine Labor Relations Board Regarding Compensation for the Panel of Mediators	Veto Sustained
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**Miscellaneous**

**Not Enacted**

LD 1710	An Act To Retain Call Centers in Maine	Died On Adjournment
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**Occupational and Professional Regulation**

**Enacted**

LD 1230	An Act To Improve Access to Oral Health Care	PUBLIC 575
LD 1700	Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine	RESOLVE 90 EMERGENCY
LD 1724	An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law	PUBLIC 547
LD 1735	An Act To Amend Forester Licensing Requirements	PUBLIC 527
LD 1766	An Act To Clarify and Update a Nurse's Authority To Administer Medication	PUBLIC 540
LD 1793	Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports Authority of Maine	RESOLVE 103 EMERGENCY

**Not Enacted**

LD 788	An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment	ONTP
LD 1310	An Act To Improve Access to Dental Care through Empowering the Denturist Subcommittee of the Board of Dental Examiners	Veto Sustained
LD 1624	An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers	Majority (ONTP) Report
LD 1846	An Act To Require the Licensure of Scrap Metal Recyclers and Mobile Scrap Metal Dealers	ONTP

**Occupational Safety**

**Enacted**

LD 1643	An Act To Enable the Bureau of Labor Standards To Access Federal Reimbursement by Amending State Law To Conform to Federal Law	PUBLIC 473
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**Retirement**

**Not Enacted**

LD 1154	An Act To Establish the Maine Length of Service Award Program	Veto Sustained
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**Unemployment Compensation**

**Enacted**

LD 1668	An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation	PUBLIC 474 EMERGENCY
LD 1701	An Act To Amend the Work-sharing Program To Conform with Federal Law	PUBLIC 448 EMERGENCY
LD 1802	An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs	PUBLIC 511 EMERGENCY

**Not Enacted**

LD 690	An Act To Ensure Efficiency in the Unemployment Insurance System	ONTP
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**Workers' Compensation**

**Not Enacted**

LD 1641	An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation	Veto Sustained
LD 1833	Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance	Veto Sustained

**Workforce Investment**

**Not Enacted**

LD 1650	An Act To Create a Program To Provide Training for Unemployed Workers	ONTP
LD 1658	An Act To Expand and Improve Employment Opportunities in the State	ONTP

## *Joint Standing Committee on Marine Resources*

**LD 832      An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

The purpose of the bill is to enable persons involved in the sea urchin fishery to increase economic return of sea urchin resources through resource enhancement and harvest control in designated areas.

**LD 1397      An Act To Create Equity and Fairness in the Elver Industry      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to improve the fairness of the elver licensing process by making the process more comparable to the licensing processes for other similar industries within the Department of Marine Resources.

See LD's 1625 and 1723.

**LD 1452      An Act To Protect Areas in Which Shellfish Conservation Gear Has Been Placed for Predator Control and Habitat Enhancement Purposes and Establish a Municipal Predator Control Pilot Program      PUBLIC 517 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFISKY PRIEST	OTP-AM	S-434

This bill allows a municipality with a shellfish conservation ordinance to apply to the Department of Marine Resources to request a prohibition on marine worm harvesting. It also makes it a civil violation to harvest marine worms from areas closed to the harvest and possession of marine worms.

### **Committee Amendment "A" (S-434)**

This amendment replaces the bill. The amendment makes it a civil violation to disturb or molest predator protection gear that has been placed in the intertidal zone as part of a municipal shellfish conservation program. This amendment also establishes a municipal predator control pilot project within the Department of Marine Resources to evaluate the effectiveness of predator control strategies in increasing the survival rate of soft shell clams and marine worms. The amendment establishes that harvesting marine organisms from within pilot project predator control areas, except for municipal removal of green crabs, is prohibited and is a civil violation. The amendment adds an emergency preamble and an emergency clause.

### **Enacted Law Summary**

Public Law 2013, chapter 517 makes it a civil violation to disturb or molest predator protection gear that has been

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placed in the intertidal zone as part of a municipal shellfish conservation program. This law also establishes a municipal predator control pilot project within the Department of Marine Resources to evaluate the effectiveness of predator control strategies in increasing the survival rate of soft shell clams and marine worms. The law prohibits and makes the harvesting of marine organisms from within pilot project predator control areas, except for municipal removal of green crabs, a civil violation. Finally, the law directs the Commissioner of the Department of Marine Resources to develop predator control strategies, which identify the needs of both the soft shell clam and marine worm industries and recognize that both industries have an economic interest in intertidal zone management to mitigate the effects of green crabs. The commissioner is required to report back to the joint standing committee having jurisdiction over marine resources matters no later than January 31, 2015. The committee is authorized to report out a bill related to the subject matter of the report to the First Regular Session of the 127th Legislature.

Public Law 2013, chapter 517 was enacted as an emergency measure effective April 5, 2014.

**LD 1602      *Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast***

**RESOLVE 110  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN SAVIELLO	OTP-AM	H-725 S-529 HASKELL

This resolve establishes the Commission to Study the Effects of Ocean Acidification and Its Potential Effects on Commercial Shellfish Harvested and Grown along the Maine Coast.

### **Committee Amendment "A" (H-725)**

This amendment replaces the resolve. Like the resolve, it establishes a commission to study ocean acidification, but changes the scope of the study to include the effects of coastal acidification. The amendment also changes the membership of the commission and its duties and reporting date.

### **Senate Amendment "A" To Committee Amendment "A" (S-529)**

This amendment requires the Commission to Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast to seek the amount of \$1,500 from outside sources for the costs of the study in this resolve. That amount must be raised by July 1, 2014 in order for the study to continue and the commission to hold meetings or to incur expenses in fiscal year 2014-15.

### **Enacted Law Summary**

Resolve 2013, chapter 110 establishes the Commission to Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast. It requires the Commission to seek the amount of \$1,500 from outside sources for the costs of the study in this resolve. That amount must be raised by July 1, 2014 in order for the study to continue and the commission to hold meetings or to incur expenses in fiscal year 2014-15.

Resolve 2013, chapter 110 was finally passed as an emergency measure effective April 30, 2014.

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**LD 1603 An Act Regarding Wet Storage Sites for Cultured Marine Organisms**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN JOHNSON C	ONTP OTP-AM	

This bill establishes a permit system to allow aquaculture leaseholders and licensees to conduct wet storage of cultured organisms. The permit system is similar to the permit system for dealers established by rule by the Department of Marine Resources.

**Committee Amendment "A" (H-768)**

This amendment, which is the minority report, replaces the bill and establishes a winter holding aquaculture lease to allow aquaculture lease and license holders to store shellstock from growing areas in order to access their product during winter months when rivers are frozen and lease sites are not accessible due to ice. The leasing process is similar to that established for standard and experimental aquaculture leases.

**LD 1604 An Act To Make Technical Changes to Marine Resources Laws**

**PUBLIC 492  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEAVER WOODBURY	OTP-AM	H-682

This bill makes technical changes to Maine's marine resources laws. It clarifies that an individual with an enhanced retail certificate may not designate a vehicle as the individual's establishment. It clarifies that rule violations are strict liability offenses. It changes the licensing year of the commercial green-crab-only license and lowers the cost of the license. Finally, it clarifies that a judgment of guilt is considered a conviction or adjudication during the pendency of appeal.

**Committee Amendment "A" (H-682)**

This amendment adds an emergency preamble and clause to the bill.

This amendment amends a provision in the bill to clarify that a conviction of a crime is considered a conviction and an adjudication of a civil violation is considered an adjudication during the pendency of appeal.

The amendment lowers the license surcharge for a nonresident lobster and crab landing permit beginning in 2014.

The amendment clarifies that licensed diving tenders may sell scallops to a wholesale seafood license holder regardless of whether the license holder holds a sea urchin buyer's or processor's permit.

The amendment adjusts the amount of shell scallops permitted in the personal use exemption in the scallop licensing laws from one bushel to one-and-a-half bushels.

The amendment allows the holder of a marine worm dealer's license and a wholesale seafood dealer's license to purchase and sell green crabs without a green crab only license. It also authorizes a holder of a Class I, Class II, Class III or student lobster and crab fishing license to fish for or take green crabs without a commercial green-crab-only license and to sell green crabs without a commercial green crab only license.

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Finally, the amendment sets February 1st as the deadline for issuing an elver dealer's license for the current licensing year. Currently, the law sets February 1st of the current year as the deadline for issuing an elver dealer's license for the following licensing year.

### **Enacted Law Summary**

Public Law 2013, chapter 492 makes the following changes to Maine's marine resources laws:

1. Clarifies that an individual with an enhanced retail certificate may not designate a vehicle as the individual's establishment;
2. Eliminates the provision of the bill that clarifies that rule violations are strict liability offenses;
3. Changes the licensing year of the commercial green-crab-only license and lowers the cost of the license;
4. Clarifies that a judgment of guilt is considered a conviction or adjudication during the pendency of appeal. Specifically, it clarifies that a conviction of a crime is considered a conviction and an adjudication of a civil violation is considered an adjudication during the pendency of appeal;
5. Lowers the license surcharge for a nonresident lobster and crab landing permit beginning in 2014;
6. Clarifies that licensed diving tenders may sell scallops to a wholesale seafood license holder regardless of whether the license holder holds a sea urchin buyer's or processor's permit;
7. Adjusts the amount of shell scallops permitted in the personal use exemption in the scallop licensing laws from one bushel to one-and-a-half bushels;
8. Allows the holder of a marine worm dealer's license and a wholesale seafood dealer's license to purchase and sell green crabs without a green-crab-only license. It also authorizes a holder of a Class I, Class II, Class III or student lobster and crab fishing license to fish for or take green crabs without a commercial green-crab-only license and to sell green crabs without a commercial green-crab-only license; and
9. Sets February 1st as the deadline for issuing an elver dealer's license for the current licensing year. Currently, the law sets February 1st of the current year as the deadline for issuing an elver dealer's license for the following licensing year.

Public Law 2013, chapter 492 was enacted as an emergency measure effective March 22, 2014.

**LD 1605      An Act To Amend Maine's Aquaculture Laws**

**PUBLIC 509**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN	OTP-AM ONTP	H-703

This bill makes a number of changes to Maine's aquaculture laws, including creating a violation provision for aquaculture leases and limited-purpose leases and clarifying that holders of limited-purpose aquaculture licenses may place marine organisms on the ocean bottom without gear and that the product associated with the license is protected. It creates a reporting requirement for limited-purpose aquaculture license holders. It provides that lease holders may sell their product from their lease sites in the retail trade. It creates an exemption from the requirement to have a cultchless American oyster growers license for those individuals who hold an aquaculture lease or limited-purpose aquaculture license.

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### **Committee Amendment "A" (H-703)**

This amendment, which is the majority report of the committee, corrects a cross-reference to the confidentiality of statistics.

This amendment clarifies that the prohibition against a person other than a marine patrol officer or a license holder taking products from an area designated by a limited-purpose aquaculture license applies only to those organisms being grown that are listed on the license.

This amendment clarifies that the exception to growing cultchless American oysters is specific to a person who holds a lease or license that authorizes the culture of American oysters.

The amendment removes the requirement in the laws concerning aquaculture leases that authorization to delete species or gear be consistent with findings made when the lease was approved and removes the requirement that notice of proposed changes in gear authorization be provided to the lessee.

Finally, the amendment removes duplicative language in the section on limited-purpose aquaculture leases regarding the commissioner's rulemaking authority regarding gear and species amendments.

### **Enacted Law Summary**

Public Law 2013, chapter 509 makes the following changes to Maine's aquaculture laws:

1. Creates a violation provision for standard and limited-purpose aquaculture leases and licenses and clarifies that holders of limited-purpose aquaculture licenses may place marine organisms on the ocean bottom without gear and that the product associated with the license is protected;
2. Creates a reporting requirement for limited-purpose aquaculture license holders;
3. Provides that lease holders may sell their product from their lease sites in the retail trade;
4. Creates an exemption from the requirement to have a cultchless American oyster growers license for an individual who holds an aquaculture lease or limited-purpose aquaculture license that is specific to the person who holds the lease or license that authorizes the culture of American oysters;
5. Corrects a cross-reference to the confidentiality of statistics;
6. Clarifies that the prohibition against a person other than a marine patrol officer or a license holder taking products from an area designated by a limited-purpose aquaculture license applies only to those organisms being grown that are listed on the license;
7. Removes the requirement in the laws concerning aquaculture leases that authorization to delete species or gear be consistent with findings made when the lease was approved and removes the requirement that notice of proposed changes in gear authorization be provided to the lessee; and
8. Removes duplicative language in the section on limited-purpose aquaculture leases regarding the commissioner's rulemaking authority regarding gear and species amendments.

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**LD 1625     An Act Concerning Maine's Elver Fishery**

**PUBLIC 485  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-686
BURNS	OTP-AM	H-700    BEAR

This bill provides that a license to take marine organisms issued to a member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians by the tribe, nation or band is not valid until it has been submitted to the Department of Marine Resources and the license holder has received written confirmation that the license is valid. It creates a separate provision of law that describes the activities in which a person who holds an elver fishing license may engage. It clarifies that individuals who hold elver fishing licenses that authorize them to fish with elver fyke nets may assist each other in handling the nets, as long as the license holder to whom the elver fyke net tag has been issued is present and assisting. This bill criminalizes the violation of assisting in the illegal harvest of elvers. It removes the provision governing supplemental licenses for vehicles for elver dealers beginning with the 2015 elver fishing season.

**Committee Amendment "A" (H-686)**

This amendment, which is the majority report of the committee and replaces the bill, authorizes the Commissioner of Marine Resources to establish by rule an elver fishing weight quota for the State and allocate elver individual fishing quotas to elver harvesters licensed by the State by a formula that may take into account previous years' landings. This amendment also directs the commissioner to set aside a share of the overall quota and divide it among the federally recognized Indian tribes in Maine unless the tribes propose by March 1st of the calendar year in which the quota is allocated an alternate division of that portion of the quota that is allocated to them. The commissioner shall allocate that portion of the quota in accordance with that proposed division. This amendment makes it a Class D strict liability crime with a mandatory \$2,000 fine to violate prohibitions on possessing or selling elvers in excess of a person's elver individual fishing quota and on fishing after a person's elver individual fishing quota has been met.

**Committee Amendment "B" (H-687)**

This amendment, which is the minority report of the committee and replaces the bill, authorizes the Commissioner of Marine Resources to establish by rule an elver fishing quota for the State and to allocate elver individual fishing quotas to elver harvesters licensed by the State and Maine's federally recognized Indian tribes by a formula that may take into account previous years' landings. The majority report allocates a portion of the State's overall elver fishing quota to the tribes and directs each of the tribes to assign elver individual fishing quotas to its members. This amendment leaves in place the statute limiting the number of elver fishing licenses that may be issued by the Passamaquoddy Tribe to tribal members to 200 licenses. This amendment makes it a Class D strict liability crime with a mandatory \$2,000 fine for violating prohibitions on possessing, fishing for or selling elvers in excess of a person's elver individual fishing quota and on fishing after a person's elver individual fishing quota has been met.

**House Amendment "B" To Committee Amendment "A" (H-700)**

This amendment requires that a buyer of elvers post, at the point of sale, the price that the buyer will pay.

**Enacted Law Summary**

Public Law 2013, chapter 485 does the following.

1. It authorizes the Commissioner of Marine Resources to establish by rule an elver fishing weight quota for the State and allocate elver individual fishing quotas to elver harvesters licensed by the State by a formula that may take into account previous years' landings. If the overall annual quota that is allocated to elver fishing license holders is collectively exceeded, the number of pounds by which the license holders exceeded the overall annual quota must

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be deducted from the following year's overall annual quota allocated to license holders. If the overage exceeds the overall annual quota allocated to license holders for the following year, the overage must be deducted from the overall annual quota allocated to license holders in subsequent years until the entire overage has been accounted for.

2. If the commissioner adopts an elver individual fishing quota system for the State, the law directs the commissioner to set aside a share of the overall quota and divide it among the federally recognized Indian tribes in Maine unless the tribes propose by March 1st of the calendar year in which the quota is allocated an alternate division of that portion of the quota that is allocated to them. The commissioner shall allocate that portion of the quota in accordance with that proposed division.
3. It stipulates that if an elver individual fishing quota system is adopted for the State, the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs and Houlton Band of Maliseet Indians shall allocate to each member of the tribe, nation or band to whom a license is issued a specific amount of the quota that is allocated to that tribe, nation or band and provide documentation to the Department of Marine Resources of that allocation for each individual license holder. The department will issue elver transaction cards to tribal members with elver fishing licenses once it has received documentation specifying the individual quota allocated to that person by the tribe, nation or band.
4. It adds a cross-reference to the section (above) establishing the elver quota for federally recognized Indian tribes in the State in the section of law enacted in Public Law 2013, chapter 468 (LD 1723) that established the elver transaction card that contains the license holder's name and license number and which must be used by elver fishing license holders to meet electronic reporting requirements.
5. It makes it a Class D strict liability crime with a mandatory \$2,000 fine to violate prohibitions on possessing or selling elvers in excess of a person's elver individual fishing quota and on fishing after a person's elver individual fishing quota has been met. A first offense is grounds for suspension and a second offense is cause for permanent revocation of one's elver fishing license.
6. It establishes an administrative procedure for assessing a penalty for pecuniary gain realized as a result of violations of the provisions of elver individual fishing quotas or for violations of the provisions governing elver dealer's licenses. Any payments for administrative penalties collected as a result of these infractions must be deposited into the existing Eel and Elver Management Fund.
7. It establishes resident and nonresident elver fishing licenses with crew, for either one or two devices.
8. It limits the Passamaquoddy Tribe to issue commercial elver fishing licenses that allow the taking of elvers with an elver fyke net to only six members of the tribe in any calendar year. A license that allows the taking of elvers with an elver dip net may be issued to any member of the tribe not authorized to use an elver fyke net.
9. It requires that a buyer of elvers post, at the point of sale, the price that the buyer will pay.

Public Law 2013, chapter 485 was enacted as an emergency measure effective March 18, 2014.

See also bill summary for LD 1397 and enacted law summary for LD 1723.

**LD 1687    An Act To Create Parity for Proprietary Information Submitted to the  
Department of Marine Resources**

**PUBLIC 512**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAVERS LANGLEY	OTP-AM	H-715

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This bill allows certain businesses licensed under the marine resources laws to request that certain information submitted to the Department of Marine Resources be kept confidential to protect proprietary business information. It also corrects two references to confidential statistical landings information collected under aquaculture leases and licenses.

### Committee Amendment "A" (H-715)

This amendment strikes the provision in the bill that specifies that information collected by any governmental entity other than the Department of Marine Resources is not confidential.

### Enacted Law Summary

Public Law 2013, chapter 512 allows certain businesses licensed under the marine resources laws to request that certain information submitted to the Department of Marine Resources, including information that is also collected by any other governmental entity, be kept confidential to protect proprietary business information. It also corrects two references to confidential statistical landings information collected under aquaculture leases and licenses.

### LD 1689      **An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing**      **PUBLIC 518**

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

This bill provides that records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources are not subject to disclosure under the Freedom of Access Act.

### Enacted Law Summary

Public Law 2013, chapter 518 provides that records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources are not subject to disclosure under the Freedom of Access Act.

### LD 1723      **An Act To Improve Enforcement of Marine Resources Laws**      **PUBLIC 468 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOAK	OTP-AM	H-672 H-680 KUMIEGA

This bill amends the laws governing the enforcement of marine resources laws in the following ways.

1. It allows the Commissioner of Marine Resources to enter into an interstate wildlife violator compact and allows the commissioner to suspend or revoke the licenses of individuals whose licenses have been suspended or revoked for violations of marine resources law in other member states.

2. It increases the limit on the value of items seized by a marine patrol officer that need not be subject to judicial process for the disposition of property seized by the government from \$75 to \$200. It provides for the notice of judicial process for the disposition of property seized by the government to be mailed to the individual from whom the items were seized, in addition to the existing requirement to post notice in the municipality or place where the items were seized. It specifies the process for the sale or disposition of marine organisms prior to judicial process for the disposition of property seized by the government.

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3. It provides that the commissioner may suspend a license or certificate for up to the maximum time allowable for a criminal conviction or civil adjudication of the same violation.
4. It allows the commissioner to permanently revoke any license of a habitual violator who is convicted or adjudicated of six or more violations of marine resources laws.
5. It allows a court to suspend fines imposed for violations of lobster laws.
6. It creates a temporary exemption from owner-operator requirements for an individual who holds a lobster and crab fishing license, has sold one vessel and is purchasing another.
7. It lowers the fines for harvesting shellfish without a municipal shellfish license, harvesting shellfish in violation of a license restriction and violating the laws related to lobster processor licenses. It also provides that violation of certain laws governing crayfish dealers is a civil violation rather than a Class D crime, as in current law.

### **Committee Amendment "A" (H-672)**

This amendment adds an emergency preamble and emergency clause to the bill. This amendment also:

1. Creates the Marine Science, Management and Enforcement Fund for the deposit of funds received from the proceeds of the sale of seized items that have been forfeited to the State;
2. Creates an administrative process for assessing a penalty for pecuniary gain realized from the unlawful purchase, sale or fishing of elvers;
3. Establishes an elver transaction card to be issued by the Department of Marine Resources to the holders of elver fishing licenses issued by the Department of Marine Resources and the federally recognized Indian tribes in the State and requires the holder of an elver fishing license to present the card issued to that person, which includes that person's name and license number, in order to sell or transfer elvers the license holder has taken to a dealer;
4. Requires every individual fishing for elvers to possess on that individual's actual person an elver fishing license, government-issued photo identification card and elver transaction card. Failure to present the elver fishing license and elver transaction card if required constitutes prima facie evidence of a violation;
5. Clarifies for revocation purposes that a habitual violator is a license holder and, notwithstanding other specific penalties that may be applied, the Commissioner of Marine Resources is authorized to suspend licenses for violating marine resources laws;
6. Provides a process for suspending an elver dealer's license for failure to comply with daily reporting requirements that includes telephone notification or, after 24 hours, mailing or providing the notice in hand to the license holder. The amendment stipulates that the notice must describe the information that is sought by the department and state that, if the information is not provided or a hearing requested within 12 hours, the license suspension is in effect. Current law allows a license holder three days to provide the missing information or to request a hearing;
7. Requires unlicensed crew to sell lobsters or crabs only under the direct supervision of the Class II or Class III license holder under whose authority the lobster or crabs were taken;
8. Establishes for the 2015 season an elver fishing license for a resident with crew for a fee of \$305 and a nonresident with crew for a fee of \$1,326 and allocates \$200 of each license fee to the Eel and Elver Management Fund;

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9. Allows, for the 2014 elver fishing season only, elver fishing license holders to assist each other under the direct supervision of another license holder, as long as each person sells only elvers that person has taken and the person issued the tag attached to the elver fyke net is the only person to empty the cod end of the elver fyke net. Whoever is licensed to fish with an elver fyke net may not fish with an elver dip net and anyone licensed to fish for elvers with an elver dip net may not continue to fish for or take elvers with an elver dip net once that person has met that person's quota;
10. Provides an exception for a person other than the license holder identified on the tag for an elver fyke net or a Sheldon eel trap to empty that net or trap if a license holder is temporarily disabled or has a personal or family medical condition for two weeks only and with written permission from a marine patrol officer. That person may tend the license holder's net or trap only for the purpose of releasing captured elvers into the waters of the State. The license holder issued the tag for the elver fyke net or Sheldon eel trap must be present and assisting in setting, tending or removing the net or trap;
11. Prohibits fishing for or taking elvers from noon Friday to noon Sunday. Current law prohibits fishing for or taking elvers from noon Tuesday to noon Wednesday and from noon Saturday to noon Sunday;
12. Restricts elver fishing to the use of elver dip nets only and prohibits the use of elver fyke nets to fish for or take elvers in the St. Croix River;
13. Clarifies that payment for elvers, which already must be by check or cashier's check and must identify both the seller and the buyer, must indicate the buyer under whose license the landings will be reported;
14. Makes assisting in the illegal harvest of elvers a Class D strict liability crime with a \$2,000 mandatory fine. This offense is a civil violation under current law;
15. Clarifies that a retail seafood license is required to sell shellstock, crayfish, lobsters and any marine organism that is purchased directly from a harvester; and
16. Authorizes the commissioner to delay the start to the 2014 elver fishing season if necessary in order to establish, implement and administer the elver transaction card system.

### **House Amendment "A" To Committee Amendment "A" (H-680)**

This amendment removes the provision of Committee Amendment "A" making it a Class D strict liability crime with a mandatory \$2,000 fine to assist in the illegal harvest of elvers and repeals the law that makes it a civil violation with a \$2,000 mandatory fine to assist in the illegal harvest of elvers.

### **Enacted Law Summary**

Public Law 2013, chapter 468 amends the laws governing the enforcement of marine resources laws in the following ways.

1. It allows the Commissioner of Marine Resources to enter into an interstate wildlife violator compact and allows the commissioner to suspend or revoke the licenses of individuals whose licenses have been suspended or revoked for violations of marine resources law in other member states.
2. It increases the limit on the value of items seized by a marine patrol officer that need not be subject to judicial process for the disposition of property seized by the government from \$75 to \$200. It provides for the notice of judicial process for the disposition of property seized by the government to be mailed to the individual from whom the items were seized, in addition to the existing requirement to post notice in the municipality or place where the items were seized. It specifies the process for the sale or disposition of marine organisms prior to judicial process for the disposition of property seized by the government.

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3. It provides that the commissioner may suspend a license or certificate for up to the maximum time allowable for a criminal conviction or civil adjudication of the same violation.
4. It allows the commissioner to permanently revoke any license or certificate of a license holder or certificate holder who is convicted or adjudicated of six or more violations of marine resources laws.
5. It allows a court to suspend fines imposed for violations of lobster laws.
6. It creates the Marine Science, Management and Enforcement Fund for the deposit of funds received from the proceeds of the sale of seized items that have been forfeited to the State.
7. It creates an administrative process for assessing a penalty for pecuniary gain realized from the unlawful purchase, sale or fishing of elvers.
8. It establishes an elver transaction card to be issued by the Department of Marine Resources to the holders of elver fishing licenses issued by the Department of Marine Resources and the federally recognized Indian tribes in the State and requires the holder of an elver fishing license to present the card issued to that person, which includes that person's name and license number, in order to sell or transfer elvers the license holder has taken to a dealer.
9. It requires every individual fishing for elvers to possess on that individual's actual person an elver fishing license, government-issued photo identification card and elver transaction card. Failure to present the elver fishing license and elver transaction card if required constitutes prima facie evidence of a violation.
10. It clarifies for revocation purposes that a habitual violator is a license holder and, notwithstanding other specific penalties that may be applied, the Commissioner of Marine Resources is authorized to suspend licenses for violating marine resources laws.
11. It provides a process for suspending an elver dealer's license for failure to comply with daily reporting requirements that includes telephone notification or, after 24 hours, mailing or providing the notice in hand to the license holder. It also stipulates that the notice must describe the information that is sought by the department and state that, if the information is not provided or a hearing requested within 12 hours, the license suspension is in effect. Current law allows a license holder three days to provide the missing information or to request a hearing.
12. It requires unlicensed crew to sell lobsters or crabs only under the direct supervision of the Class II or Class III license holder under whose authority the lobster or crabs were taken.
13. It establishes for the 2015 season an elver fishing license for a resident with crew for a fee of \$305 and a nonresident with crew for a fee of \$1,326 and allocates \$200 of each license fee to the Eel and Elver Management Fund.
14. It allows, for the 2014 elver fishing season only, elver fishing license holders to assist each other under the direct supervision of another license holder, as long as each person sells only elvers that person has taken and the person issued the tag attached to the elver fyke net is the only person to empty the cod end of the elver fyke net. Whoever is licensed to fish with an elver fyke net may not fish with an elver dip net and anyone licensed to fish for elvers with an elver dip net may not continue to fish for or take elvers with an elver dip net once that person has met that person's quota.
15. It provides an exception for a person other than the license holder identified on the tag for an elver fyke net or a Sheldon eel trap to empty that net or trap if a license holder is temporarily disabled or has a personal or family medical condition for two weeks only and with written permission from a marine patrol officer. That person may tend the license holder's net or trap only for the purpose of releasing captured elvers into the waters of the State. The license holder issued the tag for the elver fyke net or Sheldon eel trap must be present and assisting in setting,

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tending or removing the net or trap.

16. It prohibits fishing for or taking elvers from noon Friday to noon Sunday. Current law prohibits fishing for or taking elvers from noon Tuesday to noon Wednesday and from noon Saturday to noon Sunday.

17. It restricts elver fishing to the use of elver dip nets only and prohibits the use of elver fyke nets to fish for or take elvers in the St. Croix River.

18. It clarifies that payment for elvers, which already must be by check or cashier's check and must identify both the seller and the buyer, must indicate the buyer under whose license the landings will be reported.

19. It clarifies that a retail seafood license is required to sell shellstock, crayfish, lobsters and any marine organism that is purchased directly from a harvester.

20. It authorizes the commissioner to delay the start to the 2014 elver fishing season if necessary in order to establish, implement and administer the elver transaction card system.

21. It repeals the law that makes it a civil violation with a \$2,000 mandatory fine to assist in the illegal harvest of elvers, in order to make it a strict liability offense. It also removes the provision in Committee Amendment "A" that proposes to criminalize this action. It is a Class D strict liability offense under the existing law. In accordance with Title 12, section 6204, the general penalty for violating any provision of marine resources' laws, including assisting in the illegal harvest of elvers, is a Class D strict liability crime. The Department of Marine Resources may also enforce the prohibition against assisting in the illegal harvest of elvers based on liability accomplice in Title 17, section 57.

Public Law 2013, chapter 468 was enacted as an emergency measure effective March 13, 2014.

See also bill summary for LD 1397 and enacted law summary for LD 1625.

**LD 1830 An Act To Further the Implementation of the Rockweed Fishery Management Plan**

**PUBLIC 558**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-807

This bill changes the existing law for seaweed harvesting rules to make the rules for the allocation to sectors major substantive and not routine technical rules, as is currently the case. This bill also directs the Commissioner of Marine Resources to convene a working group that will identify criteria for the designation of no-harvest areas for conservation and to identify specific areas that are to be closed to rockweed harvesting, except for research purposes, on a seasonal or permanent basis according to the criteria identified by the working group. The commissioner is required to complete and present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015 a statewide management plan for rockweed. The committee is authorized to report out legislation to the First Regular Session of the 127th Legislature related to the plan.

**Committee Amendment "A" (H-807)**

This amendment, which is the majority report and replaces section 2 of the bill, requires the Commissioner of Marine Resources to provide an update to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015, on the implementation of the Rockweed Fishery Management Plan.

The bill requires submission of a statewide management plan for rockweed and contains specific parameters for

## *Joint Standing Committee on Marine Resources*

convening a working group to develop criteria to be used for designating areas closed to harvest or that are seasonally closed to harvest and to propose specific areas for those designations. The amendment leaves the working group's composition to the commissioner and clarifies that its purpose is to complete the work on developing criteria for areas that are to be seasonally or permanently closed to harvest as recommended by the Rockweed Fishery Management Plan and to determine a process for maintaining and adjusting those designations as necessary.

The amendment requires that the working group include scientists and experts with expertise relevant to this fishery and that each criterion adopted be supported by scientific or legal reasoning.

The amendment requires the update to identify:

1. The membership of the working group that is convened pursuant to the fisheries management plan;
2. The criteria and recommended process to define and designate areas closed to harvest or areas that are seasonally closed to harvest; and
3. The working group's progress in identifying areas closed to harvest or areas that are seasonally closed to harvest.

The amendment authorizes the joint standing committee of the Legislature having jurisdiction over marine resources matters to report out a bill related to the implementation of the Rockweed Fishery Management Plan.

### **Committee Amendment "B" (H-808)**

This amendment, which is the minority report, replaces the bill and differs from the majority report in that it makes major substantive the rules establishing areas closed to harvesting rockweed or areas that are seasonally closed to harvesting rockweed.

### **Enacted Law Summary**

Public Law 2013, chapter 558 designates seaweed harvesting rules for the allocation to sectors as major substantive rules. It also requires the Commissioner of Marine Resources to provide an update to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015, on the implementation of the Rockweed Fishery Management Plan. As recommended in the Rockweed Fishery Management Plan, the commissioner is tasked with convening a working group whose purpose is to develop criteria to be used to designate areas that are to be seasonally or permanently closed to harvest and recommend a process for maintaining and adjusting those designations as necessary. The working group must include scientists and other experts in this fishery. Each criterion adopted by the working group must be supported by scientific or legal reasoning.

The commissioner's update on the plan must identify:

1. The membership of the working group that is convened pursuant to the fisheries management plan;
2. The criteria and recommended process to define and designate areas closed to harvest or areas that are seasonally closed to harvest; and,
3. The working group's progress in identifying areas closed to harvest or areas that are seasonally closed to harvest.

The joint standing committee of the Legislature having jurisdiction over marine resources matters is authorized to report out a bill related to the implementation of the Rockweed Fishery Management Plan.

# *Joint Standing Committee on Marine Resources*

## SUBJECT INDEX

### *Aquaculture*

#### Enacted

LD 1605 An Act To Amend Maine's Aquaculture Laws PUBLIC 509

#### Not Enacted

LD 1603 An Act Regarding Wet Storage Sites for Cultured Marine Organisms Died Between Houses

### *Department of Marine Resources*

#### Enacted

LD 1604 An Act To Make Technical Changes to Marine Resources Laws PUBLIC 492  
EMERGENCY

LD 1687 An Act To Create Parity for Proprietary Information Submitted to the Department of Marine Resources PUBLIC 512

### *Elvers*

#### Enacted

LD 1625 An Act Concerning Maine's Elver Fishery PUBLIC 485  
EMERGENCY

#### Not Enacted

LD 1397 An Act To Create Equity and Fairness in the Elver Industry ONTP

### *Elvers and Enforcement of Marine Resources Laws*

#### Enacted

LD 1723 An Act To Improve Enforcement of Marine Resources Laws PUBLIC 468  
EMERGENCY

### *Ocean Acidification*

#### Enacted

LD 1602 Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast RESOLVE 110  
EMERGENCY

### *Protecting Innovation in Fisheries, Aquaculture and Seafood Processing*

#### Enacted

LD 1689 An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing PUBLIC 518

### *Rockweed Fishery Management Plan*

#### Enacted

LD 1830 An Act To Further the Implementation of the Rockweed Fishery Management Plan PUBLIC 558

### *Sea Urchins and Sea Cucumbers*

#### Not Enacted

LD 832 An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources ONTP

**Soft Shell Clams, Green Crabs and Marine Worms**

**Enacted**

**LD 1452**

**An Act To Protect Areas in Which Shellfish Conservation Gear Has Been  
Placed for Predator Control and Habitat Enhancement Purposes and  
Establish a Municipal Predator Control Pilot Program**

**PUBLIC 517  
EMERGENCY**

*Joint Select Committee on Maine's Workforce and Economic Future*

**LD 1172 An Act To Support the Maine Downtown Center**

**PUBLIC 440**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL DECHANT	OTP-AM ONTP	S-59 S-352 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill provides ongoing support for the Maine Downtown Center.

**Committee Amendment "A" (S-59)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" To Committee Amendment "A" (S-352)**

This amendment reduces the appropriation to the Maine Downtown Center to \$25,000, which is for fiscal year 2013-14 only.

**Enacted Law Summary**

Public Law 2013, chapter 440 provides a \$25,000 appropriation to the Maine Downtown Center for fiscal year 2013-14.

**LD 1393 An Act To Encourage Entrepreneurial Investment in Maine**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to encourage entrepreneurial investment in Maine in a manner that emphasizes Maine's strengths, focuses on the dynamics of the future economy, envisions Maine's role in a global economy, expands access in Maine to cutting-edge technology, recognizes the importance of small businesses and research organizations as entrepreneurial incubators and emphasizes the advantages of Maine as a healthy and clean environment for families as well as for businesses.

The bill proposes to bring together groups of individuals on the cutting edge of entrepreneurship, innovation and economic philanthropy for the following purposes:

1. To identify innovative business models and financing options;
2. To bring together leaders in all aspects of business, social and cultural sectors in the State to serve as a guiding force for the State's economic future. The groups will marshal stakeholders in the State's future and draw on expertise and vision in the fields of business, education, science, technology, culture and the environment;

*Joint Select Committee on Maine's Workforce and Economic Future*

3. To identify Maine's strengths as the location of education and research institutions with worldwide reputations and significant natural resources and as the home of a working population with significant potential and a reputation for problem solving and hard work;
4. To identify areas where education and government resources can be reallocated to support the development of an entrepreneurial environment that will attract investment from outside as well as from inside the State by focusing on business sectors that have the best opportunity to grow by taking advantage of the State's strengths; and
5. To develop both a short-term and a long-term strategy for enhancing and increasing awareness of the State's advantages and opportunities for the creation of new businesses and the expansion of existing businesses. A short-term strategy will identify the areas of greatest need for infrastructure and services to support the development of the immediate resources needed for entrepreneurial development and the social and cultural resources that enhance the attractiveness of the State and develop a plan for meeting those needs. A long-term strategy will develop long-term goals and develop a plan and action steps for continuing growth and implementation of a methodology for maintaining the State's activities on the forefront of global opportunities.

**LD 1489 An Act To Address Maine's Immediate Workforce Needs**

**PUBLIC 443**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY GRANT	OTP-AM	S-194 S-364 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill creates the Maine Skills Gap Program to address the immediate hiring needs of Maine employers. Its goal is to encourage students and qualified experienced workers to take positions with Maine companies representing industries with significant unmet demand for skilled labor by reimbursing a portion of an employee's student debt or, in the absence of student debt, reimbursing a portion of an employee's housing expense during the employee's employment. The reimbursement is not subject to Maine income tax. A qualified employer will be considered eligible for reimbursement by the State under the Maine Employment Tax Increment Financing Program and will be reimbursed 50% of the qualified employer's employment, payroll and state income tax withholding taxes paid by the qualified employer for each qualified employee. The Maine Skills Gap Program is repealed March 31, 2021.

**Committee Amendment "A" (S-194)**

This amendment replaces the bill and does the following.

1. It changes the name of the program created under the bill to the Maine Workforce Opportunities Program;
2. It requires the Department of Economic and Community Development, in coordination with the Department of Labor, to create and maintain qualified employee and employer registries;
3. It charges the Department of Economic and Community Development with leading the marketing efforts to employers and employees of the Job Creation Through Educational Opportunity Program, as well as all other existing incentive programs that are aimed at attracting new employees to Maine businesses;
4. It requires the Commissioner of Economic and Community Development to report to the Joint Select Committee on Maine's Workforce and Economic Future and the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the results of the marketing effort no later than January 15, 2014. It also requires the commissioner to study what the effect would be of including reimbursement of a qualified employee's housing costs as an incentive; and

## *Joint Select Committee on Maine's Workforce and Economic Future*

5. It adds an appropriations and allocations section.

### **Senate Amendment "A" To Committee Amendment "A" (S-364)**

This amendment delays the implementation of the Maine Workforce Opportunities Program until July 1, 2014 and delays the reporting date of the Commissioner of Economic and Community Development until December 1, 2014. The amendment also removes the funding in fiscal year 2013-14 due to the delay of the implementation of the program.

### **Enacted Law Summary**

Public Law 2013, chapter 443 creates the Maine Workforce Opportunities Program to address the immediate hiring needs of Maine employers. Its goal is to encourage students and qualified experienced workers to take positions with Maine companies representing industries with significant unmet demand for skilled labor by promoting incentives, including a tax credit for an employee's education costs, through the Job Creation Through Educational Opportunity Program and other programs or initiatives operated by the State that seek to attract new employees to businesses in the State. It requires the Department of Economic and Community Development, in coordination with the Department of Labor, to create and maintain qualified employee and employer registries. It charges the Department of Economic and Community Development with leading the marketing efforts to employers and employees of the Job Creation Through Educational Opportunity Program, as well as all other existing incentive programs that are aimed at attracting new employees to Maine businesses. It requires the Commissioner of Economic and Community Development to report to the Joint Select Committee on Maine's Workforce and Economic Future and the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the results of the marketing effort no later than December 1, 2014. It also requires the commissioner to study what the effect would be of including reimbursement of a qualified employee's housing costs as an incentive.

### **LD 1746 An Act To Facilitate Informed Planning for Higher Education and Careers**

**PUBLIC 593**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY	OTP-AM	H-743 S-537 HILL

This bill establishes the State Education and Employment Outcomes Commission to develop procedures to maintain and disseminate information and data on education results, program completion, graduation, credentials earned, loans and loan defaults and costs as well as employment and earnings for graduates of postsecondary educational institutions in the State. The bill also establishes the Education and Employment Outcomes Technical and Data Working Group to make recommendations to the commission regarding the operation and use of the Department of Labor's educational outcome database and the information the database contains, the duties of the commission regarding a website jointly hosted by the Department of Labor and the Department of Education and integration of the information on the website into the State's secondary schools, funding methods for the database, additional data for inclusion in the database and any question or issue on which the commission has charged the group with making recommendations.

### **Committee Amendment "A" (H-743)**

This amendment strikes and replaces the bill. It changes the name of the State Education and Employment Outcomes Commission to the State Education and Employment Outcomes Task Force. It also makes changes to the membership of the group, including reducing the membership to 15. It restricts the number of meetings the task force may have to four per year. It changes the responsibility for staffing the task force from the Department of Labor and Department of Education to the Legislative Council; under the amendment, the departments must provide information and assistance to the task force consistent with federal grant requirements and department resources. It eliminates the annual work plan duty of the task force and replaces it with a duty to explore the feasibility of

## *Joint Select Committee on Maine's Workforce and Economic Future*

incorporating licensure and other workforce certification data into the database. It also adds a reporting duty for the task force to the joint select or joint standing committee of the Legislature having jurisdiction over workforce training matters with an annual reporting date of November 1st. The task force is required to recommend in its report whether the task force should continue and, if so, to include any suggested changes in the membership or size of the task force. Further, the amendment eliminates the Education and Employment Outcomes Technical and Data Working Group in the bill and also eliminates the provision providing for staggered terms for the membership of the task force.

### **Senate Amendment "A" To Committee Amendment "A" (S-537)**

This amendment offsets the General Fund appropriation of \$2,500 to the Legislature in fiscal year 2014-15 with the requirement that \$2,500 lapses from the Legislature, General Fund account to the unappropriated surplus in fiscal year 2014-15.

### **Enacted Law Summary**

Public Law 2013, chapter 593 establishes the State Education and Employment Outcomes Task Force to develop procedures to maintain and disseminate information and data from the Department of Labor's educational outcomes database. The task force is directed to report to the joint standing committees having jurisdiction over labor and workforce training matters by November 1st of each year on the status of the database. The task force is required to recommend in its report whether the task force should continue and, if so, to include any suggested changes in the membership or size of the task force. The law offsets the General Fund appropriation of \$2,500 to the Legislature to pay for the costs of the task force in fiscal year 2014-15 with the requirement that \$2,500 lapses from the Legislature, General Fund account to the unappropriated surplus in fiscal year 2014-15.

*Joint Select Committee on Maine's Workforce and Economic Future*

SUBJECT INDEX

***Downtown Development***

**Enacted**

LD 1172      An Act To Support the Maine Downtown Center      PUBLIC 440

***Entrepreneurial Development***

**Not Enacted**

LD 1393      An Act To Encourage Entrepreneurial Investment in Maine      ONTP

***Postsecondary Education***

**Enacted**

LD 1746      An Act To Facilitate Informed Planning for Higher Education and Careers      PUBLIC 593

***Workforce Development***

**Enacted**

LD 1489      An Act To Address Maine's Immediate Workforce Needs      PUBLIC 443

*Joint Standing Committee on State and Local Government*

**LD 211      An Act To Amend the Laws Governing the Limitation on County Assessments**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill changes the definition of "property growth factor," which is integral in the calculation of a county's annual assessment limitation, in the laws governing the limitation on county assessments. The revised definition uses state valuation data in determining the property growth factor rather than relying on municipal reporting of data based on the assessed valuation of real and personal property.

**LD 1152      Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell**

**Accepted Majority (ONTP) Report**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Current law authorizes the State to sell or lease certain real property in the City of Hallowell and establishes conditions on the sale or transfer of the property. This resolve directs the State to enter into a lease to extend the current terms of School Administrative District 16 or any successor school administrative unit that includes the City of Hallowell as a tenant at the site through June 30, 2017. This resolve also specifies that a subgroup of stakeholders must be invited to participate in interviews of qualified developers and to participate in interviews with developers prior to the transfer of any portion of the site to a developer. This resolve also directs the Commissioner of Administrative and Financial Services to provide a written report to the Joint Standing Committee on State and Local Government on the status of all efforts toward the sale or transfer of the property.

**Committee Amendment "A" (H-679)**

This amendment is the minority report of the committee. It changes the title and strikes and replaces the resolve to clarify legislation regarding the sale or lease by the State of real estate located in the City of Hallowell.

Part A repeals all prior legislation governing the sale or lease of the Stevens School property located in the City of Hallowell.

It repeals the following:

1. Resolve 2003, chapter 92, Part A, which authorized the sale or lease of the Stevens School property located in the City of Hallowell and was repealed under its own terms on September 13, 2011;
2. Resolve 2009, chapter 102, which imposed conditions on the sale or transfer of property authorized by Resolve 2003, chapter 92, Part A;
3. Resolve 2011, chapter 70, Part B, which authorized the sale or lease of the Stevens School property located in the City of Hallowell, without mention of conditions, and which is to be repealed under its own terms on September

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13, 2016;

- 4. Resolve 2011, chapter 99, which amended Resolve 2009, chapter 102 to remove reference to the authority for sale and to impose the conditions on the sale of the property regardless of the authority for sale; and
- 5. Resolve 2013, chapter 53, section 6, which required that any proceeds from sales of the Stevens School property located in the City of Hallowell be deposited in the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements as designated by the Commissioner of Administrative and Financial Services.

Part B of the amendment:

- 1. Authorizes the sale or lease of the Stevens School property located in the City of Hallowell as authorized in Resolve 2011, chapter 70;
- 2. Includes conditions from Resolve 2009, chapter 102; and
- 3. Incorporates the provisions from Resolve 2013, chapter 53 regarding the proceeds from the sales of the Stevens School property.

**LD 1177      An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group      Died Between Houses**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill implements the recommendations of the stakeholder group established by the Department of Agriculture, Conservation and Forestry pursuant to Resolve 2011, chapter 120 to review discontinued and abandoned roads.

This bill provides that if a municipality decides to retain a public easement after the municipality discontinues a town way, the municipality must vote in the affirmative to retain the public easement and that if the municipality fails to maintain the public easement for two years, the public easement is discontinued and the public's interest in the easement is abolished.

The bill requires that a municipality give an easement to a property owner that requires access to the property owner's property if the municipality discontinues a town way. Current law allows a municipality to discontinue a town way by giving notice to all abutting property owners and the municipal planning board and filing an order of discontinuance with the municipal clerk.

The bill, beginning on January 1, 2016, requires that a municipality must vote in order to discontinue a town way.

The bill also requires that by January 1, 2016, every municipality prepare a list of all municipal town ways that the municipality intends to keep in repair with public funds pursuant to the Maine Revised Statutes, Title 23, chapter 304 and to publish the list on its publicly accessible website. If a town way has not been included on the list by January 1, 2016, the town way is discontinued with no public easement and the abutters of the town way have two years to file a claim against the municipality pursuant to Title 23, section 3027-A, subsection 2.

**Committee Amendment "A" (S-435)**

## *Joint Standing Committee on State and Local Government*

This amendment, which is the majority report of the committee, changes the laws governing discontinued and abandoned roads.

It specifies five steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners and municipal planning board; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance specifying whether or not there will be a public easement and any public use restrictions or municipal maintenance and liability responsibilities for the public easement; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds, with the Department of Transportation and with the municipality.

The amendment also changes the law to require a municipality to go through the discontinuance procedure again in the 21st year after the discontinuance certificate was originally filed. If no vote is held, then the discontinuance continues until an abutting property owner petitions the municipality to reconsider the discontinuance or pursuant to other municipal action.

It requires that a public easement must be retained in a discontinued road if abutting property owners need to use it to access their property. It also provides that a public utility easement will be in place whenever a road is discontinued, regardless of whether a public easement is retained.

The amendment provides that the statutory presumption of abandonment applies only to ways that have met the statutory requirements as of January 1, 2015. For all other public ways, the new discontinuance process will be the only means to cease the maintenance obligations of the municipality or county for the public way. Going forward, if the municipal officers have determined that a town way is presumptively abandoned pursuant to statute, the municipal clerk must file a record of this determination with the county registry of deeds, the Department of Transportation and the municipality. A way that is presumptively abandoned retains a public easement, as is the default position under current law. The amendment does not modify common law abandonment.

The amendment also gives a property owner abutting a discontinued or abandoned road in which a public easement exists the ability to bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the road.

The amendment provides that, by January 1, 2016, a municipality must prepare a list of all town ways in that municipality that are currently maintained with public funds; a list of all town ways that have been discontinued since 1965 and whether or not a public easement was retained, if known; and a list of all town ways that have been abandoned since 1965 and whether or not a public easement was retained, if known. The municipality must publish the list on its publicly accessible website or make copies available at the municipal office. The municipality must record the list at the county registry of deeds and with the Department of Transportation.

### **Committee Amendment "B" (S-436)**

This amendment, which is the minority report of the committee, changes the laws governing discontinued and abandoned roads.

It specifies five steps a municipality must follow to discontinue a road: the notification of proposed discontinuance to the abutting property owners and municipal planning board; a meeting of municipal officers to discuss the proposed discontinuance and the filing of an order of discontinuance specifying whether or not there will be a public easement and any public use restrictions or municipal maintenance and liability responsibilities for the public easement; a public hearing on the discontinuance; approval of the order of discontinuance by the municipal legislative body; and the filing of the certificate of discontinuance by the municipal clerk in the registry of deeds, with the Department of Transportation and with the municipality.

The amendment also changes the law to require a municipality to go through the discontinuance procedure again in

## *Joint Standing Committee on State and Local Government*

the 21st year after the discontinuance certificate was originally filed. If no vote is held, then the discontinuance continues until an abutting property owner petitions the municipality to reconsider the discontinuance or pursuant to other municipal action.

It requires that a public easement must be retained in a discontinued road if abutting property owners need to use it to access their property. It also provides that a public utility easement will be in place whenever a road is discontinued, regardless of whether a public easement is retained.

The amendment provides that the statutory presumption of abandonment applies only to ways that have met the statutory requirements as of January 1, 2015. For all other public ways, the new discontinuance process will be the only means to cease the maintenance obligations of the municipality or county for the public way. Going forward, if the municipal officers have determined that a town way is presumptively abandoned pursuant to statute, the municipal clerk must file a record of this determination with the county registry of deeds, the Department of Transportation and the municipality. A way that is presumptively abandoned retains a public easement, as is the default position under current law. The amendment does not modify common law abandonment.

The amendment also gives a property owner abutting a discontinued or abandoned road in which a public easement exists the ability to bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the road.

The amendment provides that, during the first fiscal year when state-municipal revenue sharing is fully funded at 5 percent of the taxes imposed under the Maine Revised Statutes, Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, a municipality must prepare a list of all town ways in that municipality that are currently maintained with public funds; a list of all town ways that have been discontinued since 1965 and whether or not a public easement was retained, if known; and a list of all town ways that have been abandoned since 1965 and whether or not a public easement was retained, if known. The municipality must publish the list on its publicly accessible website or make copies available at the municipal office. The municipality must record the list at the county registry of deeds and with the Department of Transportation.

### **House Amendment "A" To Committee Amendment "A" (H-710)**

This amendment amends Committee Amendment "A". The amendment:

1. Provides that a public easement in a discontinued or abandoned road has been retained if, as of January 1, 2016, there is no evidence of approval of an order of discontinuance by the municipal legislative body;
2. Provides that a person who causes damage to a discontinued or abandoned road in which a public easement exists commits a Class E crime; and
3. Clarifies the provision in the committee amendment that requires a public easement to be retained if the existing legal rights of abutting property owners to access their property will be eliminated. It provides that the access to the property must be in the same manner as prior to the discontinuance.

### **House Amendment "B" To Committee Amendment "A" (H-759)**

This amendment amends Committee Amendment "A." The amendment:

1. Removes the mandate preamble;
2. Removes the requirement that the clerk of a municipality file a record of a certificate of discontinuance with the registry of deeds, the Department of Transportation and the municipality;
3. Removes the requirement that a municipality, 21 years after a certificate of discontinuance has been filed, reconsider and vote on the discontinuance;

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4. Removes the requirement that those town ways that have not met the statutory presumption of abandonment by January 1, 2015 may only be discontinued by complying with the new discontinuance process proposed in the committee amendment. It also removes the requirement that the clerk of a municipality who determines that a town way has been determined abandoned under the old process file notice of that determination with the registry of deeds, the Department of Transportation and the municipality;
5. Removes the requirement that a municipality develop lists of all town ways that are currently maintained with public funds and that have been discontinued and abandoned since 1965, publish the lists and record the lists at the appropriate county registry of deeds and the Department of Transportation;
6. Provides that a public easement in a discontinued or abandoned road has been retained if, as of January 1, 2016, there is no evidence of approval of an order of discontinuance by the municipal legislative body;
7. Provides that a person who causes damage to a discontinued or abandoned road in which a public easement exists commits a Class E crime; and
8. Clarifies the provision in the committee amendment that requires a public easement to be retained if the existing legal rights of abutting property owners to access their property will be eliminated. It provides that the access to the property must be in the same manner as prior to the discontinuance.

### **Senate Amendment "A" To Committee Amendment "A" (S-463)**

This amendment amends Committee Amendment "A." The amendment:

1. Strikes the provision in the committee amendment that requires a municipality to go through a discontinuance procedure in the 21st year after a discontinuance certificate was originally filed;
2. Removes the provision in the committee amendment that as of January 1, 2015 the new discontinuance process will be the only means to terminate any interests held by a municipality for highway purposes;
3. Requires determinations by municipal officers or a court that a town way has been abandoned to be recorded with the registry of deeds, the Department of Transportation and the municipality. The committee amendment requires recordation of determinations only by the municipal officers;
4. Strikes the provision in the committee amendment that required municipalities to develop lists of town ways by January 1, 2016. This amendment instead authorizes municipalities to work collaboratively with the Department of Transportation to develop comprehensive road inventories; and
5. Provides that a person who causes damage to a discontinued or abandoned road in which a public easement exists commits a Class E crime.

### **Senate Amendment "B" To Committee Amendment "A" (S-488)**

This amendment amends Committee Amendment "A." The amendment:

1. Amends the time frames in which a municipal legislative body must vote on an order of discontinuance based on the type of municipal legislative body;
2. Adds a time limit to the requirement that the municipal clerk record a certificate of discontinuance;
3. Removes the requirement that a municipality, 21 years after a certificate of discontinuance has been filed, reconsider and vote on the discontinuance; and

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4. Changes the requirement that a municipality develop lists of all town ways that have been discontinued or abandoned since 1965 if known to a requirement that a municipality develop those lists if the information can be provided without research.

**LD 1254     An Act To Increase Consumption of Maine Foods in All State Institutions**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN	OTP-AM	H-510
LACHOWICZ	OTP-AM	S-355    HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

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 from food brokers. This bill establishes a minimum percentage of Maine foodstuffs that must be purchased, requiring at least 15% for the ten years beginning January 1, 2014, at least 25% for the next ten years and at least 35% beginning in 2034.

**Committee Amendment "A" (H-510)**

This amendment is the majority report of the committee and changes the implementation dates and minimum percentages regarding Maine foodstuffs that state and school purchasers must purchase directly from Maine food producers or food brokers. It changes the implementation schedule for Maine foodstuffs from at least 15% for the ten years beginning January 1, 2014, at least 25% for the next ten years and at least 35% beginning in 2034, to at least 15% by December 31, 2020, 20% by December 31, 2024, 25% by December 31, 2034 and 35% by December 31, 2035.

The amendment exempts from the requirements school purchasers at schools participating in the National School Lunch Program.

**Committee Amendment "B" (H-511)**

This amendment is the minority report of the committee and changes the implementation dates and minimum percentages regarding Maine foodstuffs that state and school purchasers must purchase directly from Maine food producers or food brokers. It changes the implementation schedule for Maine foodstuffs from at least 15% for the ten years beginning January 1, 2014, at least 25% for the next ten years and at least 35% beginning in 2034 to at least 15% by December 31, 2020, 20% by December 31, 2024, 25% by December 31, 2034, and 35% by December 31, 2035.

The amendment also removes from current law the exclusion of milk and eggs from foodstuffs that must be purchased by a state or school purchaser and the exclusion of milk and eggs from products for which quality standards must be established.

The amendment exempts from the requirements school purchasers at schools participating in the National School Lunch Program.

**Senate Amendment "A" To Committee Amendment "A" (S-355)**

This amendment adds a mandate preamble.

***Joint Standing Committee on State and Local Government***

**LD 1312     An Act To Create a Succession and Knowledge Transfer Plan for State Government     ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill directs the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services to establish a plan to develop a pool of qualified internal candidates to fill vacancies at the managerial and senior staff levels within state agencies.

**LD 1541     An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown     Died In Concurrence**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires the salary of all Legislators to be reduced by an amount that is proportional to the length of a shutdown that occurs due to a biennial budget's not being enacted into law by July 1st of an odd-numbered year.

**Committee Amendment "A" (H-633)**

This amendment incorporates a fiscal note.

**LD 1606     Resolve, To Assist Veterans by Authorizing the Bureau of General Services To Sell Certain Property To Be Used for Transitional Housing for Veterans     RESOLVE 98**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILSON LANGLEY	OTP-AM	H-678

This resolve gives the Commissioner of Administrative and Financial Services authority to sell the property located at 6 and 10 Arsenal Heights Drive and 7 and 11 Independence Drive on the campus of the land comprising the site of what is now or was formerly known as the Augusta Mental Health Institute to a nonprofit organization that provides services and shelter to homeless veterans for use as a homeless shelter exclusively for veterans.

**Committee Amendment "A" (H-678)**

This amendment specifies that the property to be sold is for transitional housing for veterans, and not a homeless veterans' shelter. It also specifies that the properties at 6 and 10 Arsenal Heights Drive may be sold only if the Commissioner of Health and Human Services has certified to the Commissioner of Administrative and Financial Services that the Department of Health and Human Services has no need for the properties for forensic psychiatric patients. The amendment corrects the address of one of the buildings from 7 to 17 Independence Drive. It also increases the time before the resolve is repealed from three to five years.

## Joint Standing Committee on State and Local Government

### Enacted Law Summary

Resolve 2013, chapter 98 gives the Commissioner of Administrative and Financial Services authority to sell the property located at 6 and 10 Arsenal Heights Drive and 17 and 11 Independence Drive on the campus of the land comprising the site of what is now or was formerly known as the Augusta Mental Health Institute to a nonprofit organization that provides services and shelter to homeless veterans for use as transitional housing exclusively for veterans. The properties at 6 and 10 Arsenal Heights Drive may be sold only if the Commissioner of Health and Human Services has certified to the Commissioner of Administrative and Financial Services that the Department of Health and Human Services has no need for the properties for forensic psychiatric patients.

#### LD 1662     **An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites**

**PUBLIC 524**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C LONGSTAFF	OTP-AM	S-469

This bill:

1. Clarifies that the municipality in which an ancient burying ground is located is responsible for keeping in good condition only the graves, headstones, monuments and markers of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States;
2. Specifies that municipalities may collaborate with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons in maintaining the grave sites of veterans; and
3. Repeals specific statutory guidelines regarding the maintenance of veterans' grave sites in public burying grounds and instead provides that each municipality in which a public burying ground is located must adopt standards of good condition and repair to which grave sites of veterans must be kept.

#### **Committee Amendment "A" (S-469)**

This amendment:

1. Provides that a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, must keep the grass, weeds and brush suitably cut and trimmed on veterans' grave sites in ancient burying grounds to the best of its ability from May 1st to September 30th of each year;
2. Provides that a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, may keep the grass, weeds and brush suitably cut and trimmed on grave sites of persons who are not designated as veterans in ancient burying grounds to the best of its ability from May 1st to September 30th of each year;
3. Allows a municipality to designate a caretaker to whom it delegates the municipality's functions regarding care of grave sites of persons who are not veterans in an ancient burying ground;
4. Requires a municipality, cemetery corporation or cemetery association, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other persons, to keep grave sites of veterans in public burying grounds it owns and operates in good condition and repair from May 1st to September 30th unless a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, adopts standards of good condition and repair, instead of requiring a

## *Joint Standing Committee on State and Local Government*

municipality to adopt standards as required in the bill. The standards that must be met include: ensuring that grass is suitably cut and trimmed; keeping a flat grave marker free of grass and debris; and keeping the burial place free of fallen trees, branches, vines and weeds;

5. Adds a definition of "public burying ground"; and
6. Specifies that a municipality or its designated caretaker must have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained properly, and if the ancient burying ground is not maintained properly, it gives the municipality the authority to take over the care or appoint a caretaker.

### **Enacted Law Summary**

Public Law 2013, chapter 524:

1. Specifies that municipalities may collaborate with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons in maintaining the grave sites of veterans;
2. Provides that a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, must keep the grass, weeds and brush suitably cut and trimmed on veterans' grave sites in ancient burying grounds to the best of its ability from May 1st to September 30th of each year;
3. Provides that a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, may keep the grass, weeds and brush suitably cut and trimmed on grave sites of persons who are not designated as veterans in ancient burying grounds to the best of its ability from May 1st to September 30th of each year;
4. Allows a municipality to designate a caretaker to whom it delegates the municipality's functions regarding care of grave sites of persons who are not veterans in an ancient burying ground;
5. Requires a municipality, cemetery corporation or cemetery association, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other persons, to keep grave sites of veterans in public burying grounds it owns and operates in good condition and repair from May 1st to September 30th unless a municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, adopts standards of good condition and repair. The standards that must be met include: ensuring that grass is suitably cut and trimmed; keeping a flat grave marker free of grass and debris; and keeping the burial place free of fallen trees, branches, vines and weeds;
6. Adds a definition of "public burying ground"; and
7. Specifies that a municipality or its designated caretaker must have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained properly, and if the ancient burying ground is not maintained properly, it gives the municipality the authority to take over the care or appoint a caretaker.

**LD 1711 An Act To Amend the Territory of the Bayville Village Corporation**

**P & S 19**

Sponsor(s)

KATZ

Committee Report

OTP

Amendments Adopted

## Joint Standing Committee on State and Local Government

This bill amends the territory of the Bayville Village Corporation.

### Enacted Law Summary

Private and Special Law 2013, chapter 19 amends the territory of the Bayville Village Corporation.

#### LD 1753 An Act To Redistrict the Knox County Budget Committee Districts

**PUBLIC 481  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-636

This bill implements the redistricting plan for the Knox County budget committee districts as adopted by the Knox County Commissioners.

#### Committee Amendment "A" (H-636)

This amendment changes the date by which the Knox County Commissioners must prepare a ten-year redistricting plan for county budget committee seats from June 1, 1993 to June 1, 2021 to align it with the date the plan for reapportionment of county commissioner districts is submitted.

### Enacted Law Summary

Public Law 2013, chapter 481 implements the redistricting plan for the Knox County budget committee districts as adopted by the Knox County Commissioners. It also changes the date by which the Knox County Commissioners must prepare a ten-year redistricting plan for county budget committee seats from June 1, 1993 to June 1, 2021 to align it with the date the plan for reapportionment of county commissioner districts is submitted.

Public Law 2013, chapter 481 was enacted as an emergency measure effective March 16, 2014.

#### LD 1800 An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies

**PUBLIC 505**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-681

This bill updates statutory dates for the State Government Evaluation Act review of agencies under the jurisdiction of joint standing committees pursuant to Public Law 2013, chapter 307, section 9. It also updates the date by which the joint standing committee of the Legislature having jurisdiction over state and local government matters must review the provisions and effects of the State Government Evaluation Act.

#### Committee Amendment "A" (H-681)

This amendment clarifies that the joint standing committee of the Legislature having jurisdiction over state and local government matters must review State Government Evaluation Act provisions and effects by June 30, 2022, and at least once every ten years after that date, instead of by June 30, 2012, and at least once every ten years after June 30, 2012.

### Enacted Law Summary

Public Law 2013, chapter 505 updates statutory dates in statute for the State Government Evaluation Act review of agencies under the jurisdiction of joint standing committees pursuant to Public Law 2013, chapter 307, section 9. It also updates the date by which the joint standing committee of the Legislature having jurisdiction over state and

## Joint Standing Committee on State and Local Government

local government matters must review the provisions and effects of the State Government Evaluation Act.

### LD 1801 An Act To Eliminate Inactive Boards and Commissions

PUBLIC 533

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-742

This bill is reported out by the Joint Standing Committee on State and Local Government pursuant to Title 5, section 12006, subsection 2. As authorized by the law, and based on the Secretary of State's submission of boards and commissions to eliminate, the bill eliminates boards and commissions that have not reported on their activities to the Secretary of State for the last two calendar years or have been inactive during the preceding 24 months.

This bill eliminates boards and commissions that have failed to file an annual report as required by the Maine Revised Statutes, Title 5, section 12005-A for both 2012 and 2013 and those that have reported inactivity during 2012 and 2013.

1. The board eliminated for failing to file an annual report is:
  - A. The Advisory Board of the Maine Learning Technology Fund.
2. The boards and commissions eliminated for inactivity are:
  - A. The ATV Trail Advisory Council;
  - B. The Blaine House Commission;
  - C. The Legislative Youth Advisory Council;
  - D. The Maine Wild Mushroom Harvesting Advisory Committee;
  - E. The State Court Library Committee; and
  - F. The State Sentencing and Corrections Practices Coordinating Council.

#### Committee Amendment "A" (H-742)

This amendment removes the following boards and commissions from elimination for inactivity during 2012 and 2013:

1. The ATV Trail Advisory Council;
2. The Blaine House Commission; and
3. The Legislative Youth Advisory Council.

The amendment also adds the Blaine House Commission to the list of boards and commissions that are excluded from the Secretary of State's report for legislative repeal of boards and commissions that have not reported on their activities for the prior two calendar years or have been inactive for the 24 months preceding the report.

#### Enacted Law Summary

Public Law 2013, chapter 533 eliminates boards and commissions that have failed to file an annual report as

## *Joint Standing Committee on State and Local Government*

required by the Maine Revised Statutes, Title 5, section 12005-A for both 2012 and 2013 and those that have reported inactivity during 2012 and 2013.

1. The board eliminated for failing to file an annual report is:
  - A. The Advisory Board of the Maine Learning Technology Fund.
2. The boards and commissions eliminated for inactivity are:
  - A. The Maine Wild Mushroom Harvesting Advisory Committee;
  - B. The State Court Library Committee; and
  - C. The State Sentencing and Corrections Practices Coordinating Council.

Public Law 2013, chapter 533 also adds the Blaine House Commission to the list of boards and commissions that are excluded from the Secretary of State's report for legislative repeal of boards and commissions that have not reported on their activities for the prior two calendar years or have been inactive for the 24 months preceding the report.

# *Joint Standing Committee on State and Local Government*

## SUBJECT INDEX

### *Boards and Commissions*

#### Enacted

LD 1801 An Act To Eliminate Inactive Boards and Commissions PUBLIC 533

### *County Budget Process*

#### Enacted

LD 1753 An Act To Redistrict the Knox County Budget Committee Districts PUBLIC 481  
EMERGENCY

### *County Government*

#### Not Enacted

LD 211 An Act To Amend the Laws Governing the Limitation on County Assessments ONTP

### *Departments and Agencies of State Government*

#### Enacted

LD 1800 An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies PUBLIC 505

#### Not Enacted

LD 1312 An Act To Create a Succession and Knowledge Transfer Plan for State Government ONTP

### *Miscellaneous*

#### Not Enacted

LD 1177 An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group Died Between Houses

### *Municipalities and Quasi-Municipalities*

#### Enacted

LD 1662 An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites PUBLIC 524

LD 1711 An Act To Amend the Territory of the Bayville Village Corporation P & S 19

### *State Government - General*

#### Not Enacted

LD 1254 An Act To Increase Consumption of Maine Foods in All State Institutions Veto Sustained

LD 1541 An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown Died In Concurrence

### *State Property*

#### Enacted

LD 1606 Resolve, To Assist Veterans by Authorizing the Bureau of General Services To Sell Certain Property To Be Used for Transitional Housing for Veterans RESOLVE 98

#### Not Enacted

LD 1152 Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell Majority (ONTP) Report

*Joint Standing Committee on Taxation*

**LD 369 An Act To Redesign Maine's School Funding Model**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature by the Joint Standing Committee on Education and referred to the Joint Standing Committee on Taxation.

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes a redesign of Maine's school funding formula to achieve equal educational opportunity for Maine students and statewide equity in property tax burden. When rereferring this bill, the Joint Standing Committee on Education asked the Joint Standing Committee on Taxation to address the impact of the school funding formula on property tax burden through amendments to the property tax fairness credit under the income tax.

See also LD 1751.

**LD 743 An Act To Extend and Improve the Maine Seed Capital Tax Credit Program**

**PUBLIC 438**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO HOBBINS	OTP-AM	S-213 S-341 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th Legislature and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill extends the Maine Seed Capital Tax Credit Program, which is approaching the statutory cap on credits that can be authorized, and makes a number of changes. The bill makes the amount of the tax credit the same for individual investors and venture capital funds, clarifies that producers of value-added natural resource products are eligible, removes the ambiguous eligibility for businesses that "bring capital into the State" and specifies that eligible businesses must certify that the investment is necessary to allow the business to create or retain jobs in the State. The bill increases the maximum annual sales limit of \$3,000,000, which has been in effect since 1997, to \$5,000,000 for investments made in 2014 or after. The bill authorizes additional tax credits of \$2,000,000 for investments made between June 1, 2013 and December 31, 2013, \$4,000,000 for investments made in calendar year 2014 and \$5,000,000 each year for investments made in each subsequent year.

**Committee Amendment "A" (S-213)**

This amendment clarifies that investors other than private venture capital funds are eligible for a tax credit certificate. It requires businesses applying under the Maine Seed Capital Tax Credit Program to certify that the amount of the credit is necessary to allow the business to create or retain jobs in the State. It adds a definition of "value-added" and applies it to the term "natural resource enterprise," which is a defined term. It changes the limits on the amount of investment by a private venture capital fund eligible for a credit from \$500,000 per entity to \$500,000 multiplied by the number of investors in the private venture capital fund or \$4,000,000, whichever is less.

**Senate Amendment "A" To Committee Amendment "A" (S-341)**

This amendment limits the amount of additional seed capital tax credit certificates that may be issued to \$675,000 between January 1, 2014 and December 31, 2014, to \$4,000,000 for investments made in calendar year 2015 and to

## *Joint Standing Committee on Taxation*

\$5,000,000 each year for investments made in calendar years beginning with 2016.

### **Enacted Law Summary**

Public Law 2013, chapter 438 extends the Maine Seed Capital Tax Credit Program, which is approaching the statutory cap on credits that can be authorized, and makes the following changes.

1. It makes the amount of the tax credit the same for individual investors and venture capital funds.
2. It clarifies that investments in value-added natural resource enterprises may be eligible for the credit.
3. It removes the eligibility requirement for businesses that "bring capital into the State" and specifies instead that eligible businesses must certify that the amount of the credit is necessary to allow the business to create or retain jobs in the State.
4. It increases the maximum annual sales limit of an eligible business for which a qualifying investment may be made from \$3,000,000 to \$5,000,000 beginning in 2014.
5. It changes the limits on the amount of investment by a private venture capital fund eligible for a credit from \$500,000 per entity to \$500,000 multiplied by the number of investors in the private venture capital fund or \$4,000,000, whichever is less.
6. It limits the value of additional seed capital tax credit certificates that may be issued to \$675,000 between January 1, 2014 and December 31, 2014, to \$4,000,000 for investments made in calendar year 2015 and to \$5,000,000 each year for investments made in calendar years beginning with 2016.

### **LD 816      An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program**

**ONTP**

Sponsor(s)

POWERS  
HASKELL

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft that proposes to improve the Circuitbreaker Program by simplifying the determination of eligibility, transitioning the application period to the income tax filing period, permitting application to be made through the Department of Health and Human Services' integrated eligibility system and ensuring an adequate source of funding.

Certain proposals in this bill were enacted as part of the FY 2013-14 biennial budget bill during the First Regular Session, Public Law 368, Part L.

### **LD 916      An Act To Promote Investment in Maine's Communications Network and Natural Gas Network**

**ONTP**

Sponsor(s)

BROOKS  
HASKELL

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 126th Legislature.

## *Joint Standing Committee on Taxation*

This bill provides sales tax exemptions for telecommunications equipment sold to a provider of telecommunications services and natural gas heating equipment sold to a business or residential consumer.

**LD 936      An Act To Authorize Municipalities To Impose Service Charges on  
Tax-exempt Property Owned by Certain Nonprofit Organizations**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE THIBODEAU	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill expands municipal authority to impose service charges on the owner of certain property that is currently exempt from property tax by vote at a special or general election.

**Committee Amendment "A" (H-622)**

This amendment, which is the minority report of the committee, provides that a municipality may impose service charges on property that is exempt from taxation because it is owned or used by entities in the following categories: benevolent and charitable institutions; literary and scientific institutions; chambers of commerce and boards of trade; fraternal organizations operating under a lodge system; and property jointly owned or used by those entities. Service charges may not be imposed on property exempt as a house of worship or parsonage or a veterans organization.

Service charges must meet the following conditions:

1. The property must be owned by an entity that owns exempt property in the municipality that would have a total assessed value of at least \$1,000,000 if assessed for property tax purposes. The property must be owned by, rented to, or otherwise occupied by a person or entity that provides any employee or independent contractor engaged to provide professional management services with compensation, exclusive of health benefits, in excess of four times the median household income for the county in which the property is located;
2. The municipality must adopt an ordinance imposing service charges approved by the voters through a referendum process;
3. The municipality may not impose a service charge on individual properties without imposing service charges on all other property in that municipality that is within the same category of exempt property;
4. The calculation of service charges imposed by municipalities must be based on the square footage of building space that is exempt from taxation, unless the municipality determines that a different measure more accurately represents the cost of services for which the service charges are imposed; and
5. Service charges must be reduced by any payments made or services provided to the municipality by the exempt entity in lieu of taxes.

The amendment provides that municipal ordinances adopted before the effective date of the legislation remain valid even if they do not comply with the new requirements. The amendment retains the requirement in current law that service charges may not exceed 2% of the entity's gross annual revenue.

## *Joint Standing Committee on Taxation*

**LD 996      An Act To Improve the Accuracy of Fuel Tax Reporting**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU VOLK	OTP-AM	S-381

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill changes the method of measuring gallons of fuel for fuel tax purposes to include an adjustment for temperature based on net gallons. Currently, taxes are based on gross fuel amounts without specific adjustments for temperature or barometric pressure. This bill requires that fuel be measured in gallons after it is adjusted to a temperature of 60 degrees Fahrenheit and a barometric pressure of 14.7 pounds per square inch or in gross gallons if elected by the licensed supplier or licensed distributor.

### **Committee Amendment "B" (S-381)**

This amendment replaces the bill and provides that, for tax returns filed beginning with calendar year 2015, a licensed distributor that accounts for taxes on internal combustion engine fuel, or a licensed supplier of special fuel that accounts for taxes on special fuel, on a net gallons basis that takes temperature into account is not allowed to use the allowance for shrinkage caused by temperature variation. An allowance may still be used for evaporation and handling losses.

This bill was placed on the Special Highway Table and died on adjournment.

**LD 1120      An Act To Improve Maine's Tax Laws**

**Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE HASKELL	OTP-AM ONTP	H-749

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 and proposes to amend the tax laws by:

1. Amending the law to reduce the use of so-called off-shore tax havens, thus reducing the loss of revenue to the State; and
2. Establishing a task force to undertake a comprehensive analysis of the biennial report of tax expenditures prepared by the Department of Administrative and Financial Services, Bureau of Revenue Services and identify any tax expenditures that may be reduced or eliminated with the goal of achieving a targeted savings of \$30,000,000 in fiscal year 2014-15.

### **Committee Amendment "A" (H-749)**

This amendment replaces the bill. The amendment strikes provisions relating to the review of tax expenditures and requires corporations that file unitary income tax returns in Maine to include income from certain jurisdictions outside the United States in net income when apportioning income among tax jurisdictions. Under this amendment the State Tax Assessor is required to adopt major substantive rules to determine the income or loss attributable to such corporations and to prevent double taxation or deduction of income.

*Joint Standing Committee on Taxation*

**LD 1370    An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To  
Make a Vehicle Handicapped Accessible**

**PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAUCIER JACKSON T	OTP-AM	H-192 S-361 HILL

This bill was enacted by the Legislature during the First Regular Session of the 126th Legislature and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This bill exempts from sales tax the sales of adaptive equipment to a person with a disability or a family member of a person with a disability for installation in or on a motor vehicle to make the vehicle accessible by a person with a disability.

**Committee Amendment "A" (H-192)**

This amendment provides that the sales tax exemption applies to sales of such equipment to a person with a disability or a person at the request of a person with a disability for installation in or on a motor vehicle to make the vehicle operable or accessible by a person with a disability who is issued a disability plate or placard by the Secretary of State. The amendment also provides an effective date of October 1, 2013.

**Senate Amendment "A" To Committee Amendment "A" (S-361)**

This amendment changes the effective date from October 1, 2013 to July 1, 2014.

**Enacted Law Summary**

Public Law 2013, chapter 442 provides a sales tax exemption for sales to a person with a disability or to a person at the request of a person with a disability of adaptive equipment for installation in or on a motor vehicle to make that vehicle operable or accessible by a person with a disability who is issued a disability plate or placard by the Secretary of State.

**LD 1402    An Act To Amend the Taxes Imposed on Alcohol and Lodging**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

The bill makes the following changes to sales and excise taxes imposed on alcoholic beverages and the sales tax on lodging.

Part A repeals the excise taxes and premiums imposed on spirits, wine and malt liquor and the requirements regarding those excise taxes and premiums.

Part B increases the sales and use tax imposed on lodging from 7% to 9% and on liquor sold for consumption on or off the premises of licensed establishments from 7% to 9%. Part B also amends the exemption of casual rentals of living quarters to decrease the exempt period from fewer than 15 days to fewer than 8 days.

Changes to the taxes addressed in this bill were enacted in other bills during the First Regular Session of the 125th

## *Joint Standing Committee on Taxation*

Legislature. Please see Public Law 2013, chapter 368, Parts N and XXXX.

<b>LD 1421</b>	<b>An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program</b>	<b>Died On Adjournment</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NADEAU C THIBODEAU	OTP-AM	H-596

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that an individual whose associate degree or bachelor's degree was obtained from an accredited non-Maine institution may participate in the Job Creation Through Educational Opportunity Program if the degree obtained was not available from an accredited Maine institution.

### **Committee Amendment "A" (H-596)**

This amendment clarifies that students eligible for the bill's expansion of the income tax credit for student loan repayment are those that received a degree in a course of study available only at a public institution outside the State as part of the New England regional student program offered by the New England Board of Higher Education and provides that those students may claim the credit in tax years beginning on or after January 1, 2015.

This bill was placed on the Special Appropriations Table and died on adjournment.

<b>LD 1463</b>	<b>Resolve, To Develop a Process for Tax Expenditure Review</b>	<b>RESOLVE 115</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO KNIGHT	OTP-AM ONTP	H-800

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208, which proposes to direct the Joint Standing Committee on Taxation to examine best practices relating to tax expenditures and examine various approaches to tax expenditures, including but not limited, to placing a cap on tax expenditures and developing expenditure budgets in order to determine the best way to achieve the goals of tax expenditures in the most effective and efficient manner possible and to ensure transparency and accountability.

### **Committee Amendment "A" (H-800)**

This amendment replaces the bill with a resolve that directs the Office of Program Evaluation and Government Accountability to develop a proposal for implementation of a process for ongoing review of tax expenditures by the Legislature. The office is required to submit the proposal by March 1, 2015 to the Government Oversight Committee and the joint standing committee of the Legislature having jurisdiction over taxation matters. The joint standing committee may submit legislation related to the proposal to the First Regular Session of the 127th Legislature.

### **Enacted Law Summary**

## *Joint Standing Committee on Taxation*

Resolve 2013, chapter 115 directs the Office of Program Evaluation and Government Accountability to develop a proposal for implementation of a process for ongoing review of tax expenditures by the Legislature. The office is required to submit the proposal by March 1, 2015 to the Government Oversight Committee and the joint standing committee of the Legislature having jurisdiction over taxation matters. The joint standing committee may submit legislation related to the proposal to the First Regular Session of the 127th Legislature.

**LD 1535     An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products** **ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill requires the State Tax Assessor to reimburse a qualified licensed cigarette retailer for the value of cigarette tax stamps destroyed or stolen.

**LD 1547     An Act To Support Municipal Volunteers** **ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature by the Joint Standing Committee on State and Local Government and referred to the Joint Standing Committee on Taxation.

This bill authorizes municipalities to provide benefits of up to \$750 for persons who serve as volunteer firefighters or volunteer emergency medical services' personnel.

**LD 1607     An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs** **PUBLIC 455  
EMERGENCY**

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

Public Law 2013, chapter 368, Part L, discontinued the statutory authority for municipal property tax relief programs for applications filed on or after August 1, 2013. This bill restores statutory authority for municipal property tax relief programs retroactive to the effective date of Public Law 2013, chapter 368 to June 26, 2013, and repeals language linking the municipal program to the state Circuitbreaker Program which was terminated on August 1, 2013.

### **Enacted Law Summary**

Public Law 2013, chapter 455 restores statutory authority for municipal property tax relief programs and repeals language linking the municipal program to the state Circuitbreaker Program which was terminated on August 1, 2013.

Public Law 2013, chapter 455 was enacted as an emergency measure effective March 9, 2014 and applies the restoration of municipal authority retroactively to June 26, 2013.

***Joint Standing Committee on Taxation***

**LD 1608      An Act To Amend the Law Governing the Collection of Minor Amounts of Property Taxes      ONTP**

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

This bill permits municipal officers to discharge tax collectors from any obligation to collect unpaid property taxes on real property that the municipal officers determines to be too small or too burdensome to collect economically.

**LD 1609      An Act To Establish an Education and Skills Training Tax Credit for Veterans      ONTP**

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

This bill provides an income tax credit to veterans to cover the costs of education and skills training necessary to obtain, retain or improve employment if the costs are not reimbursable by the Federal Government or are not reimbursed by any other source. The credit may not exceed \$1,200 annually or \$2,400 over the veterans's lifetime.

**LD 1610      An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER WOODBURY	ONTP OTP-AM	

This bill allows municipal assessors, or the State Tax Assessor, for property in the unorganized territory, to abate the property taxes of residential real property that, due to destruction by fire, explosion or natural disaster, suffers at least a 50% decrease in just value to improvements on that residential real property.

**LD 1627      An Act To Amend the Reporting Requirements for the Business Equipment Tax Exemption      PUBLIC 544 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	S-462

This bill amends the reporting requirements for the business equipment tax exemption program in the following ways:

1. It eliminates the requirement that a taxpayer seeking an exemption on property exceeding two percent of the total taxable valuation of the municipality provide annually to the municipality income and expense information that is sufficient for the municipal assessor to determine the value of all property owned by the taxpayer located in the municipality as well as the property for which exemption is sought;
2. It eliminates a restriction in current law that specifies a taxpayer applying for an exemption who fails to provide

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sufficient information to the assessor is ineligible for the exemption;

3. It repeals a provision of law regarding confidential information and enacts a new provision to specify that proprietary information, such as trade secrets or otherwise not publicly available information, that is part of a taxpayer's application for the exemption is confidential information, exempt from the Freedom of Access Act;
4. It eliminates the requirement that the municipal assessor certify to the State Tax Assessor that the municipal assessor has received the taxpayer's income and expense information and has considered that information in the valuation and exemption determination; and
5. It specifies that the changes apply to property tax years beginning on or after April 1, 2014.

### **Committee Amendment "A" (S-462)**

This amendment replaces the bill and removes changes to the reporting requirements under the business equipment tax exemption enacted by Public Law 2013, chapter 368, Part O. This amendment also specifies the information that an assessor or the State Tax Assessor may request pursuant to the Maine Revised Statutes, Title 36, section 706 regarding property subject to the property tax exemption for business equipment and adds confidentiality provisions applicable to proprietary information provided pursuant to that section.

### **Enacted Law Summary**

Public Law 2013, chapter 544 repeals changes to the reporting requirements under the business equipment tax exemption enacted by Public Law 2013, chapter 368, Part O. It also specifies the information that an assessor or the State Tax Assessor may request pursuant to the Maine Revised Statutes, Title 36, section 706 regarding property subject to the property tax exemption for business equipment and adds confidentiality provisions applicable to proprietary information provided pursuant to that section.

Public Law 2013, chapter 544, was enacted as an emergency measure effective April 15, 2014 and applies to property tax years beginning on or after April 1, 2014.

### **LD 1646     An Act To Provide Property Tax Relief to Seniors Residing in Maine**

**ONTP**

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

This bill requires municipalities to "abate" property taxes if the owner is at least 65 years of age, is a permanent resident of this State, has household income of no more than \$65,000, has resided in the household for which the abatement is sought for at least 5 years prior to application and has been retired for at least 5 years. The amount of the tax reduction is equal to the difference between the property taxes imposed on the residence the year of the initial application and the property taxes imposed each year following the year of the initial application. The bill requires the State to reimburse a municipality 50% of the property tax revenue loss suffered by the municipality due to the property tax reduction.

### **LD 1649     An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States**

**Died Between Houses**

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

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This bill provides a complete exemption from property tax for land enrolled under the Maine Tree Growth Tax Law when the forest products harvested from that land are processed solely at mills located in the United States.

### **Committee Amendment "A" (S-397)**

This amendment, which is the minority report of the committee, changes the date of application of the Act from property tax years beginning on or after April 1, 2014 to property tax years beginning on or after April 1, 2015. The amendment also adds an appropriations and allocations section.

<b>LD 1654</b>	<b>An Act To Amend the Municipal Hardship or Poverty Tax Abatement Law To Reflect the Replacement of the Circuitbreaker Program</b>	<b>ONTP</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO BEAVERS	ONTP	

This bill allows municipal officers when considering a request for a property tax abatement based on hardship or poverty to take into account any property tax fairness credit received by that the applicant when determining the ability of the applicant to pay the assessed property taxes.

<b>LD 1661</b>	<b>An Act To Clarify the Provisions of a Historic Preservation Tax Credit</b>	<b>PUBLIC 550</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN GOODE	OTP-AM	S-493

Under current law a person is entitled to an income tax credit of not more than \$5,000,000 for each certified rehabilitation project engaged in by that person. This bill provides that certified rehabilitation projects include rehabilitation projects involving only a portion of a certified historic structure or complex of certified historic structures when undertaken in phases or by different entities.

### **Committee Amendment "A" (S-493)**

This amendment provides that the \$5,000,000 cap on the tax credit applies with respect to each certified rehabilitation or to each building that is a component of a certified historic structure, whichever is greater. The amendment also provides that a certified rehabilitation that is placed in service over multiple taxable years is allowed up to \$5,000,000 in credit for the portion of the certified rehabilitation placed in service for each taxable year. This change allows a portion of a building or a single building in a complex to qualify for the \$5,000,000 cap. The change applies to credits for which the first credit installment is claimed on a return filed for a tax year beginning on or after January 1, 2014.

### **Enacted Law Summary**

Public Law 2013, chapter 550 provides that the \$5,000,000 cap on the historic rehabilitation tax credit applies with respect to each certified rehabilitation or to each building that is a component of a certified historic structure, whichever is greater. The law also provides that a certified rehabilitation that is placed in service over multiple taxable years is allowed up to \$5,000,000 in credit for the portion of the certified rehabilitation placed in service for each taxable year. This change allows a portion of a building or a single building in a complex to qualify for the \$5,000,000 cap. The change applies to credits for which the first credit installment is claimed on a return filed for a tax year beginning on or after January 1, 2014.

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**LD 1664    An Act To Encourage Charitable Contributions to Nonprofit Organizations**

**PUBLIC 590**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOYLE NELSON	OTP-AM	S-492 S-542    HILL

This bill removes from the \$27,500 cap on itemized deductions donations made to a nonprofit organization and applies the change retroactively to tax years beginning on or after January 1, 2013.

**Committee Amendment "A" (S-492)**

This amendment replaces the bill. The amendment provides that, for tax years beginning on or after January 1, 2015, certain charitable contributions included in federal itemized deductions that exceed the \$27,500 limitation on Maine itemized deductions may be claimed on a Maine return. The amount of charitable contributions that may be claimed in excess of the limitation on itemized deductions is \$10,000 for tax years beginning in 2015 and \$18,000 for tax years beginning in 2016. For tax years beginning on or after January 1, 2017, any charitable contributions in excess of the limitation may be claimed on a Maine return.

**Senate Amendment "A" To Committee Amendment "A" (S-542)**

This amendment removes the provision in the committee amendment that, for tax years beginning in 2015, allows charitable contributions included in federal itemized deductions that exceed the limit on Maine itemized deductions by \$10,000 to be claimed on a Maine income tax return.

**Enacted Law Summary**

Public Law 2013, chapter 590 provides that, for tax years beginning on or after January 1, 2016, certain charitable contributions included in federal itemized deductions that exceed the \$27,500 limitation on Maine itemized deductions may be claimed on a Maine return. The amount of charitable contributions that may be claimed in excess of the limitation on itemized deductions is \$18,000 for tax years beginning in 2016. For tax years beginning on or after January 1, 2017, any charitable contributions in excess of the limitation may be claimed on a Maine return.

**LD 1696    An Act To Clarify That Veterans Who Served in Iraq and Afghanistan Qualify for the Veterans' Property Tax Exemption**

**PUBLIC 471**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE PATRICK	OTP-AM	H-623

This bill specifies that property tax exemptions for veterans of federally-recognized war periods apply to veterans of Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn.

**Committee Amendment "A" (H-623)**

This amendment changes the title of the bill to more accurately describe its effect and incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 471 specifies that property tax exemptions for veterans of federally-recognized war periods apply to veterans of Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn.

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**LD 1705     An Act To Conform the Maine Tax Laws to the United States Internal Revenue Code**

**PUBLIC 472  
EMERGENCY**

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

This bill updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2013, for tax years beginning on or after January 1, 2013 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This bill primarily affects the State's income tax laws.

**Enacted Law Summary**

Public Law 2013, chapter 472 updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through December 31, 2013, for tax years beginning on or after January 1, 2013 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended.

Public Law 2013, chapter 472 was enacted as an emergency measure effective March 6, 2014.

**LD 1706     Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**

**RESOLVE 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	S-406

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory acquired for nonpayment of property taxes.

**Committee Amendment "A" (S-406)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2014, chapter 92 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory acquired for nonpayment of property taxes.

**LD 1707     An Act To Amend the State's Tax Laws**

**PUBLIC 546**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL	OTP-AM	S-472

This bill was submitted by the Department of Administrative and Financial Services and makes the following changes to the tax laws.

1. It clarifies that the State Tax Assessor is allowed to review veterans' property tax exemption applications on file at the municipal assessor's office in order to determine that exemptions have been properly allowed and to be able to determine the amount of reimbursement a municipality is entitled to receive.

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2. It clarifies that the term "tangible personal property" includes any product transferred electronically as that term is defined in Maine sales and use tax law.
3. It clarifies sales and use tax seller registration law as it relates to persons presumptively required to register.
4. It clarifies that the updated allocation rates for the fire investigation and prevention tax apply for 5 years following the year of determination.
5. It corrects an erroneous reference to the United States Internal Revenue Code of 1986, as amended and an erroneous date reference.
6. It clarifies that benefits paid under a military retirement plan are retirement plan benefits for purposes of modifying federal adjusted gross income.
7. It corrects an oversight relating to the recapture of bonus depreciation add-back modifications by shareholders of electing S corporations.
8. It authorizes the State Tax Assessor to establish an alternative due date for an information statement with respect to tax withholding as long as the date established by the assessor is consistent with the due date of the related federal statement to provide consistency with federal reporting due dates.
9. It clarifies that the payments other than wages that qualify for the visual media production reimbursement do not need to be subject to withholding in order to qualify for the reimbursement.

### **Committee Amendment "A" (S-472)**

This amendment requires the State Tax Assessor to obtain state and national criminal history record information from the Federal Bureau of Investigation and the State Bureau of Identification for any person not already employed with Maine Revenue Services who is applying for employment on or after January 1, 2015 as part of the process of evaluating applicants for employment with Maine Revenue Services and includes changes in the laws relating to the Department of Public Safety, State Bureau of Identification to facilitate the fingerprinting process.

### **Enacted Law Summary**

Public Law 2013, chapter 546 makes the following changes to the tax laws.

1. It clarifies that the State Tax Assessor is allowed to review veterans' property tax exemption applications on file at the municipal assessor's office in order to determine that exemptions have been properly allowed and to be able to determine the amount of reimbursement a municipality is entitled to receive.
2. It clarifies that the term "tangible personal property" includes any product transferred electronically as that term is defined in Maine sales and use tax law.
3. It clarifies sales and use tax seller registration law as it relates to persons presumptively required to register.
4. It clarifies that the updated allocation rates for the fire investigation and prevention tax apply for 5 years following the year of determination.
5. It corrects an erroneous reference to the United States Internal Revenue Code of 1986, as amended and an erroneous date reference.
6. It clarifies that benefits paid under a military retirement plan are retirement plan benefits for purposes of modifying federal adjusted gross income.

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7. It corrects an oversight relating to the recapture of bonus depreciation add-back modifications by shareholders of electing S corporations.

8. It authorizes the State Tax Assessor to establish an alternative due date for an information statement with respect to tax withholding as long as the date established by the assessor is consistent with the due date of the related federal statement to provide consistency with federal reporting due dates.

9. It clarifies that the payments other than wages that qualify for the visual media production reimbursement do not need to be subject to withholding in order to qualify for the reimbursement.

10. It requires the State Tax Assessor to obtain state and national criminal history record information from the Federal Bureau of Investigation and the State Bureau of Identification for any person not already employed with Maine Revenue Services who is applying for employment on or after January 1, 2015 as part of the process of evaluating applicants for employment with Maine Revenue Services and includes changes in the laws relating to the Department of Public Safety, State Bureau of Identification to facilitate the fingerprinting process.

**LD 1715      An Act To Provide Property Tax Relief to Persons Receiving Long-term Care      ONTP**

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

This bill provides a property tax exemption for an owner of residential property in this State who is receiving long-term care under the following circumstances.

1. If the person is in a nursing home with no reasonable expectation that the person will return to that person's residence and the residence is owned in joint tenancy with another person who is occupying the residence, the property tax exemption is 100%.

2. If the person is receiving home health care services, the amount of the property tax exemption is obtained by dividing the actual costs of the home health care services incurred by the person applying for the exemption by the average cost of nursing home care in the county in which the residential real estate is located and multiplying the result by the property taxes assessed on that residential real estate. The exemption may not exceed 100%.

**LD 1718      An Act To Improve the Job Creation Through Educational Opportunity Program      PUBLIC 525**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE	OTP-AM	H-746

This bill was submitted by the Department of Administrative and Financial Services and consolidates under the tax laws the provisions of statute that govern the determination of the income tax credit for educational opportunity for the purpose of clarifying eligibility for the credit and, without changing the amount of the credit, the method by which the credit is calculated. The bill also makes the following changes to the credit.

1. The bill extends the refundable portion of the credit available to individuals receiving all associate degrees obtained from accredited Maine community colleges, colleges or universities for tax years beginning, and individuals graduating, on or after January 1, 2015.

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2. The bill requires that, in order to qualify for the credit, an individual may work in Maine after graduation in order to qualify for the credit, except that an individual may work outside Maine for up to three months and still qualify and removes the requirement that an individual work for an employer located in Maine.
3. The bill clarifies that self-employed individuals who are not employers may participate in the program.

### **Committee Amendment "A" (H-746)**

1. This amendment clarifies that only loan payments paid directly to a lender by an employer qualify for an employer tax credit, consistent with current law.
2. The amendment clarifies the proper calculation of the principal cap for individuals obtaining an associate degree.
3. The amendment clarifies that an employee may claim the deduction for loan payments made by an employer only if the employer pays the education loan payments directly to a lender.
4. The amendment clarifies that eliminating the requirement that a qualified individual work for an employer located in Maine and extending the credit to self-employed individuals apply to tax years beginning on or after January 1, 2015.
5. The amendment clarifies that only loan payments made directly to lenders qualify for the credit and provides that certain changes apply to tax years beginning on or after January 1, 2015: the requirement that loan payments must be made during that part of the tax year during which the qualified individual worked in Maine; the exception that allows an individual to work in Maine for only part of a month to be considered to have worked in Maine for the whole month; and the exception that allows an individual to work outside Maine for up to three months and still be considered to have worked in Maine during those months.
6. The amendment removes the provision in the bill that made the credit refundable for all associate degrees rather than just those in science, technology, engineering and mathematics disciplines.

### **Enacted Law Summary**

Public Law 2013, chapter 525 consolidates under the tax laws the provisions of statute that govern the determination of the income tax credit for educational opportunity for the purpose of clarifying eligibility for the credit and, without changing the amount of the credit, the method by which the credit is calculated. Chapter 525 also makes the following changes to the credit.

1. It requires, beginning with 2015 tax years, that an individual work in Maine after graduation in order to qualify for the credit, except that an individual may work outside Maine for up to 3 months and still qualify and removes the requirement that an individual work for an employer located in Maine.
2. It clarifies that self-employed individuals who are not employers may participate in the program.
3. It clarifies the application of the credit calculation to loan payments made by employers.

**LD 1722      An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications**

**PUBLIC 564  
EMERGENCY**

Sponsor(s)

BERRY  
MASON G

Committee Report

OTP-AM

Amendments Adopted

H-609  
S-536 HILL

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This bill enacts a sales and use tax exemption for certain printed free publications and for printed materials purchased for inclusion in a publication.

### **Committee Amendment "A" (H-609)**

This amendment incorporates a fiscal note.

### **Senate Amendment "A" To Committee Amendment "A" (S-536)**

This amendment provides funding to the Department of Administrative and Financial Services, Bureau of Revenue Services to contract with the Kennebec County Sheriff's office for a contractor-provided audit selection system and for one Revenue Agent position to aid the bureau in tax collections.

### **Enacted Law Summary**

Public Law 2013, chapter 564, enacts a sales and use tax exemption for certain printed free publications and for printed materials purchased for inclusion in a publication and provides funding to the Department of Administrative and Financial Services, Bureau of Revenue Services to contract with the Kennebec County Sheriff's office for a contractor-provided audit selection system and for one Revenue Agent position to aid the bureau in tax collections.

Public Law 2013, chapter 564 was enacted as an emergency measure effective April 24, 2014 and applies retroactively to sales occurring on or after October 1, 2013.

**LD 1733      An Act Regarding the Registration of Motor Vehicles of Deployed  
Members of the National Guard or Reserves of the United States Armed  
Forces**

**PUBLIC 532**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-747

This bill extends the motor vehicle excise tax exemption for persons on active duty serving in the Armed Forces of the United States to members of the National Guard or Reserves of the United States Armed Forces if that member is under an order to active duty for more than 30 days. This bill also specifies that a vehicle jointly owned with a spouse of a member of the Armed Forces of the United States who is on active duty is eligible for the exemption.

### **Committee Amendment "A" (H-747)**

This amendment replaces the bill and specifies that a vehicle jointly owned by a member of the Armed Forces of the United States who is on active duty and the member's spouse is eligible for the motor vehicle excise tax exemption whether registered by the service member or the service member's spouse as long as the joint ownership is indicated in the motor vehicle's title documentation. The amendment removes provisions from the bill that propose to extend the exemption to motor vehicles owned by members of the National Guard or Reserves of the Armed Forces.

### **Enacted Law Summary**

Public Law 2013, chapter 532 provides that a vehicle jointly owned by a member of the Armed Forces of the United States who is on active duty and the member's spouse is eligible for the motor vehicle excise tax exemption whether registered by the service member or the service member's spouse as long as the joint ownership is indicated in the motor vehicle's title documentation.

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**LD 1751 An Act To Provide Property Tax Relief to Maine Residents**

**PUBLIC 551**

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

This bill creates the Property Tax Fairness Fund to create a mechanism for increasing the cap on the tax credit available under the property tax fairness credit. Currently, the cap on the credit is \$300 for eligible residents under 70 years of age and \$400 for eligible residents 70 years of age and older.

This bill requires 10% of the unappropriated General Fund surplus after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and 20% of the amount by which General Fund budgeted revenue for that fiscal year exceeds the General Fund appropriation limitation calculated for that fiscal year to be transferred to the Property Tax Fairness Fund. The bill also decreases the amount of the unappropriated surplus transferred to the Tax Relief Fund for Maine Residents for income tax rate reductions from 20% to 10% and the amount of the excess General Fund budgeted revenue from 40% to 20%.

Annually, the State Controller is required to notify the State Tax Assessor of the amount available in the Property Tax Fairness Fund. Based on that amount, the State Tax Assessor is required to increase the maximum credit available under the property tax fairness credit in equal amounts for residents under 70 years of age and 70 years of age and older. The higher caps apply to the income tax year immediately following the increase.

**Committee Amendment "A" (H-785)**

This amendment strikes the bill and makes the following changes to the Maine resident property tax fairness credit for tax years beginning on or after January 1, 2014.

1. It changes the definition of "income" that is considered in determining eligibility for the credit by starting with an adjustment to federal adjusted gross income, corresponding to federal total income as reported on the individual's federal income tax return, increased by nontaxable social security and railroad retirement benefits, tax exempt interest, certain deductions and certain business and capital losses.
2. It changes the formula for calculating the amount of the credit by providing that benefits are equal to 50% of the amount by which the benefit base exceeds 6% of the individual's income up to a maximum benefit of \$600 for filers under 65 years of age and \$900 for filers 65 years of age and older. The benefit base is the amount of property taxes or rent constituting property taxes up to a maximum of \$2,000 for single filers, \$2,600 for joint filers and head of household filers claiming no more than two personal exemptions, \$3,200 for joint filers and head of household filers claiming three or more personal exemptions and, for married individuals filing separately, 1/2 of the benefit base limitation amount applicable to married individuals filing jointly.
3. It changes the portion of rent constituting property taxes from 25% to 15% and removes the exclusion of persons whose rent is subsidized by government programs.
4. It provides that the benefit base maximum amounts will be adjusted annually for inflation for tax years beginning after 2015.
5. It provides funding to cover administrative costs to implement the changes to the property tax fairness credit.

**Enacted Law Summary**

Public Law 2013, chapter 551 makes the following changes to the Maine resident property tax fairness credit for tax

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years beginning on or after January 1, 2014.

1. It changes the definition of "income" that is considered in determining eligibility for the credit by starting with an adjustment to federal adjusted gross income, corresponding to federal total income as reported on the individual's federal income tax return, increased by nontaxable social security and railroad retirement benefits, tax exempt interest, certain deductions and certain business and capital losses.
2. It changes the formula for calculating the amount of the credit by providing that benefits are equal to 50% of the amount by which the benefit base exceeds 6% of the individual's income up to a maximum benefit of \$600 for filers under 65 years of age and \$900 for filers 65 years of age and older. The benefit base is the amount of property taxes or rent constituting property taxes up to a maximum of \$2,000 for single filers, \$2,600 for joint filers and head of household filers claiming no more than two personal exemptions, \$3,200 for joint filers and head of household filers claiming three or more personal exemptions and, for married individuals filing separately, 1/2 of the benefit base limitation amount applicable to married individuals filing jointly.
3. It changes the portion of rent constituting property taxes from 25% to 15% and removes the exclusion of persons whose rent is subsidized by government programs.
4. It provides that the benefit base maximum amounts will be adjusted annually for inflation for tax years beginning after 2015.
5. It provides funding to cover administrative costs to implement the changes to the property tax fairness credit.

**LD 1754      *Resolve, To Require a Study of the Payment of Motor Vehicle Excise Tax by Public Utilities*      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM OTP-AM	H-774

This bill treats public utilities like other corporations and partnerships by requiring the payment of excise tax to the place where the owner has a permanent location where its motor vehicles are kept rather than the place in which the public utility's main office is located.

**Committee Amendment "A" (H-774)**

This resolve, which is the majority report of the committee, establishes the Study Group to Evaluate the Payment of Motor Vehicle Excise Tax by Public Utilities to study and analyze current law regarding the location of payment of motor vehicle excise tax by public utilities as compared to other corporations. The study group is required to report the results of its study and analysis to the Joint Standing Committee on Taxation for presentation to the joint standing committee of the Legislature having jurisdiction over taxation matters of the First Regular Session of the 127th Legislature. The committee is authorized to submit legislation related to the report pursuant to the joint rules.

This bill, as amended by Committee Amendment "A," was placed on the Special Study Table pending enactment, removed from the table and indefinitely postponed.

**LD 1785      *An Act To Make Consistent the Sales and Use Tax Imposed on Various Fuels Used To Heat Buildings for Human Habitation*      ONTP**

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

## *Joint Standing Committee on Taxation*

This bill permits hotels to be eligible for the sales tax exemption for gas used for cooking and heating buildings designed and used for both human habitation and sleeping.

**LD 1795     An Act To Remove Medical and Dental Expenses from the Itemized Deduction Cap**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT BURNS	OTP-AM	H-767

This bill removes medical and dental expenses included in an individual's federal itemized income tax deductions from the \$27,500 cap on state itemized deductions for tax years beginning on or after January 1, 2014.

**Committee Amendment "A" (H-767)**

This amendment provides allocations to the Department of Administrative and Financial Services, Bureau of Revenue Services to increase contingent-fee funding for contracted tax collection services to hire 8 additional collectors and improve automated collection functions.

This bill was placed on the Special Appropriations Table and died on adjournment. The substance of this bill was enacted in a supplemental budget bill, Public Law 2013, chapter 595, Part T. (See LD 1858.)

**LD 1803     An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2014-15**

**PUBLIC 522  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-748

This bill establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

**Committee Amendment "A" (H-748)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2013, chapter 522 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Public Law 2013, chapter 522, was enacted as an emergency measure effective April 5, 2014.

*Joint Standing Committee on Taxation*

**LD 1813     An Act To Hold an Advisory Referendum on Tax Reform**

**Accepted Majority  
(ONTP) Report**

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

This bill directs the Secretary of State to hold an advisory referendum at a statewide election in June to determine whether the voters of the State favor lowering income tax rates, implementing alternative taxes and reducing overall tax revenues and government spending by at least \$100,000,000 in order to make Maine more economically competitive and improve the job creation environment. If the voters approve the advisory referendum question, the Governor is required to direct the Commissioner of Administrative and Financial Services to include in the biennial budget for fiscal years 2015-16 and 2016-17 submitted to the First Regular Session of the 127th Legislature proposals to lower the income tax rates, implement alternative taxes and reduce overall tax revenues and government spending by at least \$100,000,000.

**LD 1839     An Act To Increase the Deduction for Pension Income**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	ONTP OTP-AM	H-801

This bill increases the maximum Maine individual income tax pension deduction amount from \$10,000 to \$30,000 for tax years beginning on or after January 1, 2014.

**Committee Amendment "A" (H-801)**

This amendment, which is the minority report of the committee, increases the maximum Maine individual income tax pension deduction amount from \$10,000 to \$15,000 beginning in 2015, \$20,000 beginning in 2017, \$25,000 beginning in 2019 and \$30,000 beginning in 2021.

This bill was placed on the Special Appropriations Table and died on adjournment.

# *Joint Standing Committee on Taxation*

## SUBJECT INDEX

### *Administration of Tax Laws*

#### Enacted

LD 1707 An Act To Amend the State's Tax Laws PUBLIC 546

### *Cigarette and Tobacco Taxes*

#### Not Enacted

LD 1535 An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products ONTP

### *Fuel Tax*

#### Not Enacted

LD 996 An Act To Improve the Accuracy of Fuel Tax Reporting Died On Adjournment

### *Income Tax - General*

#### Enacted

LD 1705 An Act To Conform the Maine Tax Laws to the United States Internal Revenue Code PUBLIC 472 EMERGENCY

#### Not Enacted

LD 1120 An Act To Improve Maine's Tax Laws Veto Sustained

### *Income Tax Credits, Exemptions, Deductions and Incentives*

#### Enacted

LD 743 An Act To Extend and Improve the Maine Seed Capital Tax Credit Program PUBLIC 438

LD 1661 An Act To Clarify the Provisions of a Historic Preservation Tax Credit PUBLIC 550

LD 1664 An Act To Encourage Charitable Contributions to Nonprofit Organizations PUBLIC 590

LD 1718 An Act To Improve the Job Creation Through Educational Opportunity Program PUBLIC 525

#### Not Enacted

LD 1421 An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program Died On Adjournment

LD 1609 An Act To Establish an Education and Skills Training Tax Credit for Veterans ONTP

LD 1795 An Act To Remove Medical and Dental Expenses from the Itemized Deduction Cap Died On Adjournment

LD 1839 An Act To Increase the Deduction for Pension Income Died On Adjournment

### *Miscellaneous Taxes*

#### Not Enacted

LD 1402 An Act To Amend the Taxes Imposed on Alcohol and Lodging ONTP

### *Motor Vehicle Excise Tax*

**Enacted**

LD 1733 An Act Regarding the Registration of Motor Vehicles of Deployed Members of the National Guard or Reserves of the United States Armed Forces PUBLIC 532

**Not Enacted**

LD 1754 Resolve, To Require a Study of the Payment of Motor Vehicle Excise Tax by Public Utilities INDEF PP

**Property Tax - Exemptions**

**Enacted**

LD 1696 An Act To Clarify That Veterans Who Served in Iraq and Afghanistan Qualify for the Veterans' Property Tax Exemption PUBLIC 471

**Not Enacted**

LD 936 An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations Majority (ONTP) Report

LD 1649 An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States Died Between Houses

LD 1715 An Act To Provide Property Tax Relief to Persons Receiving Long-term Care ONTP

**Property Tax - General**

**Not Enacted**

LD 1608 An Act To Amend the Law Governing the Collection of Minor Amounts of Property Taxes ONTP

LD 1610 An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed Majority (ONTP) Report

LD 1654 An Act To Amend the Municipal Hardship or Poverty Tax Abatement Law To Reflect the Replacement of the Circuitbreaker Program ONTP

**Property Tax - Personal Property and Business Equipment**

**Enacted**

LD 1627 An Act To Amend the Reporting Requirements for the Business Equipment Tax Exemption PUBLIC 544 EMERGENCY

**Property Tax Relief Programs**

**Enacted**

LD 1607 An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs PUBLIC 455 EMERGENCY

LD 1751 An Act To Provide Property Tax Relief to Maine Residents PUBLIC 551

**Not Enacted**

LD 369 An Act To Redesign Maine's School Funding Model ONTP

LD 816 An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program ONTP

LD 1547 An Act To Support Municipal Volunteers ONTP

LD 1646 An Act To Provide Property Tax Relief to Seniors Residing in Maine ONTP

**Sales Tax Exemptions, Exclusions or Refunds**

**Enacted**

LD 1370 An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible PUBLIC 442

LD 1722 An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications PUBLIC 564 EMERGENCY

**Not Enacted**

- |         |  |      |
|---------|--|------|
| LD 916  | An Act To Promote Investment in Maine's Communications Network and Natural Gas Network                               | ONTP |
| LD 1785 | An Act To Make Consistent the Sales and Use Tax Imposed on Various Fuels Used To Heat Buildings for Human Habitation | ONTP |

**Tax Expenditure Review**

**Enacted**

- |         |  |             |
|---------|--|-------------|
| LD 1463 | Resolve, To Develop a Process for Tax Expenditure Review | RESOLVE 115 |
|---------|--|-------------|

**Tax Reform - Tax and Spending**

**Not Enacted**

- |         |   |                           |
|---------|---|---------------------------|
| LD 1813 | An Act To Hold an Advisory Referendum on Tax Reform | Majority (ONTP)<br>Report |
|---------|---|---------------------------|

**Unorganized Territory**

**Enacted**

- |         |   |                         |
|---------|---|-------------------------|
| LD 1706 | Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory | RESOLVE 92              |
| LD 1803 | An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2014-15              | PUBLIC 522<br>EMERGENCY |

*Joint Standing Committee on Transportation*

**LD 108      An Act To Rename Big Moose Mountain as Red Eagle Mountain**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill directs the Piscataquis County commissioners to change the name of Big Moose Mountain to Red Eagle Mountain, in honor of Chief Henry Red Eagle, a Maliseet from the Moosehead region. In addition, the bill requires that the Piscataquis County commissioners notify appropriate state and federal entities of the name change to ensure that the proper name appears on maps and other documents.

This bill requires that the existing sign mandated by statute on the Maine Turnpike directing people to the Moosehead Lake Region is to be replaced to reflect the name change to Red Eagle Mountain. This bill also directs the Department of Transportation and the Maine Turnpike Authority to change any other signs along the interstate highway or the Maine Turnpike that reference Big Moose Mountain no later than 30 days after the bill becomes effective.

**LD 120      An Act To Facilitate Regional Transit**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to enable the delivery of cost-effective, sustainable and customer-focused transportation services that will meet the current and future needs of the State.

**LD 566      Resolve, To Enhance and Encourage Economic Development of the  
Lower Penobscot River Basin by Improving Rail Transportation**

**ONTP**

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

This resolve was carried over from the First Regular Session of the 126th Legislature.

This resolve directs the Department of Transportation to conduct a study to determine the feasibility and cost of improving the railroad line from the City of Brewer to the Town of Bucksport and to submit a report with findings and recommendations to the Joint Standing Committee on Transportation no later than February 1, 2014. This resolve also gives the Joint Standing Committee on Transportation authority to submit a bill relating to the subject matter of the report to the Second Regular Session of the 126th Legislature.

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**LD 1076    An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety**

**PUBLIC 565**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE	OTP-AM	H-642 S-444    JACKSON T

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill establishes new authorized routes from the United States-Canada border in Van Buren, Limestone and Fort Fairfield to a value-added wood processing facility in Limestone and from the United States-Canada border in Calais to the Port of Eastport for certain commercial vehicles at Canadian gross vehicle weight limits. The bill also increases the allowable gross vehicle weight for a three-axle truck tractor with a three-axle semitrailer by 100 pounds to 109,000 pounds.

**Committee Amendment "A" (H-642)**

This amendment replaces the bill, including the title.

This amendment authorizes the Department of Transportation to adopt major substantive rules, in consultation with the Department of the Secretary of State and the Department of Public Safety, that allow certain commercial motor vehicles that exceed gross vehicle weight limits and vehicle dimension standards established in statute to travel upon designated routes.

This amendment specifies that prior to allowing the route to be traversed by a commercial motor vehicle, safety and infrastructure must first be assessed, any improvement determined necessary to guarantee that safety has been ensured completed and any infrastructure improvements needed to support increased weights have also been completed. This amendment requires that 50% of any funds needed to finance an infrastructure assessment or to make improvements are provided by the entity proposing the route. This amendment requires that rules adopted allow for local input.

Lastly, this amendment directs the Department of Transportation to provide a report to the joint standing committee of the Legislature having jurisdiction over transportation matters, initially on progress made with respect to rulemaking and biennially on the implementation of rules adopted in accordance with this amendment.

**Senate Amendment "B" To Committee Amendment "A" (S-444)**

This amendment excludes from the commercial motor vehicle configurations that may be allowed to operate on specified routes of travel by the Commissioner of Transportation, in consultation with others, truck tractor-semi-trailer-semi-trailer combination vehicles in which the two trailing units are connected with a B-train assembly.

**Enacted Law Summary**

Public Law 2013, chapter 565 authorizes the Department of Transportation to adopt major substantive rules, in consultation with the Department of the Secretary of State and the Department of Public Safety that allow certain commercial motor vehicles that exceed gross vehicle weight limits and vehicle dimension standards established in statute to travel upon designated routes. This law excludes from the commercial motor vehicle configurations that may be allowed to operate on specified routes of travel truck tractor-semi-trailer-semi-trailer combination vehicles in which the two trailing units are connected with a B-train assembly.

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This law specifies that prior to allowing the route to be traversed by a commercial motor vehicle, safety and infrastructure must first be assessed, any improvement determined necessary to guarantee that safety has been ensured completed, and any infrastructure improvements needed to support increased weights have also been completed. This law requires that 50% of any funds needed to finance an infrastructure assessment or to make improvements are provided by the entity proposing the route. This law requires that rules adopted allow for local input.

Lastly, this law directs the Department of Transportation to provide reports to the joint standing committee of the Legislature having jurisdiction over transportation matters, initially on progress made with respect to rulemaking and biennially on the implementation of rules adopted in accordance with this law.

**LD 1327     An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities**

**PUBLIC 484**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO LANGLEY	OTP-AM	H-625

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides a mechanism to transport students to and from school activities by allowing the use of a motor vehicle with a carrying capacity of 10 to 15 passengers that is operated by a driver with an appropriate driver's license endorsement for a school bus that is designed to carry 15 passengers or less including the driver, as long as the vehicle is not used to transport students to and from home and school.

### **Committee Amendment "A" (H-625)**

This amendment replaces the bill. It allows multifunction school activity buses to be used for the transportation of students for school activities other than conveying them to and from home and school, in order to provide a means of transporting students without the buses' having to adhere to certain requirements of school buses, such as a system of stop arms, the use of warning lamps and the use of national school bus yellow paint.

The amendment limits the carrying capacity of a multifunction school activity bus to 15 or fewer passengers, including the driver, requires the operator to have the appropriate school bus endorsement for the number of passengers and gross vehicle weight rating and defines the term "multifunction school activity bus."

The amendment requires a multifunction school activity bus to have markings indicating that students are aboard, the school district or administrative unit associated with the multifunction school activity bus and the location of emergency exits.

The amendment also provides that an operator of a multifunction school activity bus who is convicted of an OUI while operating a multifunction school activity bus will have that operator's school bus operator endorsement permanently revoked.

Lastly, the amendment requires that a multifunction school activity bus meet all Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571 pertaining to this subcategory of buses.

### **Enacted Law Summary**

Public Law 2013, chapter 484 creates a new category of school bus called a multifunction school activity bus. This law specifies that this type of noncommercial motor vehicle is to be used to transport students for school activities, other than conveying students to and from home and school. The law does not require a multifunction school activity bus to adhere to certain requirements of school buses, such as a system of stop arms, the use of warning

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lamps and the use of national school bus yellow paint.

The law specifies the following requirements for a multifunction school activity bus.

1. It may have a carrying capacity of only 15 or fewer passengers, including the driver.
2. It must meet all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571, that are applicable to multifunction school activity buses.
3. It must be clearly marked with the words "students aboard."
4. It must have all emergency exits clearly marked.
5. It must clearly display on the outside of the vehicle the school administrative unit or school district name.
6. It must meet all the requirements of chapter 19, subchapter 4 of Title 29-A that pertain to school buses, except section 2302, subsection 1, paragraphs A to E and G and H, section 2304, and section 2308.

The law requires that the driver of a multifunction school activity has the required school bus operator endorsement for the number of passengers and gross vehicle weight rating.

Lastly, the law requires that a person convicted of OUI who operated a multifunction school activity bus during the commission of the offense must have their school bus operator endorsement permanently revoked.

**LD 1365 An Act To Promote New Models of Mobility and Access to Transportation**

**Veto Sustained**

Sponsor(s)  
TREAT

Committee Report  
OTP-AM

Amendments Adopted  
H-664

This bill amends the Department of Transportation's biennial operations plan for transit process in order to promote and facilitate new models of mobility and service. This bill adds a declaration of policy to the public transportation administration law. This bill also provides components that must be included in the department's biennial operations plan for transit and describes how the department's plan for transit must be implemented.

This bill eliminates the Interagency Transportation Coordinating Committee and replaces it with a larger, more comprehensive Maine Public Transit Advisory Council. The role of the council is to advise the Legislature and the department regarding strategic planning for public transportation services in the State.

**Committee Amendment "A" (H-664)**

This amendment replaces the bill. It replaces the requirement in current law for biennial plans for regional transit with a requirement for quinquennial plans, which is consistent with federal requirements. Like the bill, this amendment eliminates the Interagency Transportation Coordinating Committee and replaces it with a new Public Transit Advisory Council. Like the bill, this amendment provides that the council must include, at a minimum, the Commissioner of Transportation, the Commissioner of Health and Human Services, the Commissioner of Labor and the Commissioner of Economic and Community Development. The amendment requires the other members to be appointed by the Commissioner of Transportation, instead of by the Governor as in the bill. The amendment establishes a three-year term for appointed council members, states how vacancies are to be filled, and provides that the Commissioner of Transportation decides how a chair is chosen and how long the chair is to serve. The amendment makes changes to the membership of the council and directs the commissioner to invite members from the joint standing committee of the Legislature having jurisdiction over transportation matters representing different

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political parties and at least one representative of a rail transit group to participate in council meetings. The amendment also clarifies the role of the council and changes the council's annual reporting requirement to a biennial requirement. Lastly, this amendment makes technical changes.

**LD 1575      *Resolve, Regarding Memorial Plaques Honoring Vietnam Veterans near the Vietnam Veterans Memorial Bridge between Lewiston and Auburn*      **RESOLVE 80****

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

This resolve was acted upon without reference to committee. This bill was enacted by the Legislature during the First Regular Session of the 126th and was held by the Governor; final disposition occurred at the beginning of the Second Regular Session.

This resolve requires the Department of Transportation, within existing resources, to remove existing plaques honoring Vietnam veterans on the Lewiston and Auburn approaches to the Vietnam Veterans Memorial Bridge, donate those plaques to the respective cities where they are currently located and procure and install new plaques that are similar to the existing plaques and have room for additional names. The new plaques may be maintained and updated by the respective cities where the plaques are installed.

**Enacted Law Summary**

Resolve 2013, chapter 80 requires the Department of Transportation, within existing resources, to remove existing plaques honoring Vietnam veterans on the Lewiston and Auburn approaches to the Vietnam Veterans Memorial Bridge, donate those plaques to the respective cities where they are currently located, procure and install new plaques that are similar in size and style to existing plaques and similar in location as the existing plaques, as long as the location does not present a safety concern for motorists and pedestrians and includes space for additional names. The new plaques may be maintained and updated by the respective cities where the plaques are installed.

**LD 1585      *Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police*      **RESOLVE 93  
EMERGENCY****

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

This resolve provides for legislative review of portions of Chapter 4: Maine Motor Carrier Safety Regulation, a major substantive rule of the Department of Public Safety, Bureau of State Police. This rule was amended to incorporate by reference federal regulations that include a prohibition on text messaging and using a cell phone - unless hands-free-while operating a commercial motor vehicle. In addition, the rule now subjects intrastate motor carriers operating less than 100 air miles from their regular place of business to federal regulations which prohibit the operation of a commercial motor vehicle by a person who has methadone or its metabolite in their system.

**Enacted Law Summary**

Resolve 2013, chapter 93 finally adopts portions of Chapter 4: Maine Motor Carrier Safety Regulation, a major substantive rule of the Department of Public Safety, Bureau of State Police. This amended rule incorporates by reference federal regulations in 49 Code of Federal Regulations pertaining to motor carrier safety including a prohibition on text messaging and using a cell phone, unless hands-free, while operating a commercial motor vehicle. In addition, the rule now subjects intrastate motor carriers operating less than 100 air miles from their regular place of business to federal regulations which prohibit the operation of a commercial motor vehicle by a

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person who has methadone or its metabolite in their system.

Resolve 2013, chapter 93 was finally passed as an emergency measure effective March 18, 2014.

### LD 1611 An Act Concerning Learner's Permits

PUBLIC 493

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEOPLES	OTP-AM	H-653

This bill clarifies that the Secretary of State is the only entity allowed to collect and process applications and fees for a learner's permit and the only entity that can administer any required examination for a learner's permit.

#### Committee Amendment "A" (H-653)

This amendment replaces the bill and removes the emergency preamble and emergency clause. It creates a new learner's permit issuance subsection in law that identifies the Secretary of State as the only entity allowed to collect learner's permit fees and application materials, administer an examination for a learner's permit and issue a learner's permit. This amendment contains transition language that allows the Secretary of State or an individual affiliated with an approved driver education course to collect fees and application materials until October 1, 2014 and to administer exams until January 1, 2015.

#### Enacted Law Summary

Public Law 2013, chapter 493 requires all fees and any application materials for a learner's permit are to be collected only by the Secretary of State. This law also limits the administration of any required examination for a learner's permit to the Secretary of State. Lastly, this law authorizes only the Secretary of State to issue a learner's permit.

This law allows the Secretary of State to authorize an individual affiliated with an approved driver education course to collect fees or application materials for a learner's permit until October 1, 2014 and to administer any required examination for a learner's permit until January 1, 2015.

### LD 1645 An Act To Amend the Motor Vehicle Laws

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK THERIAULT	OTP-AM	S-411

This bill makes the following changes to the motor vehicle laws.

1. It changes the definition of "bus" to be consistent with federal law.
2. It repeals the requirement that a vehicle registrant return that registrant's registration certificate to the Secretary of State upon the transfer of ownership of the vehicle.
3. It standardizes the language for vanity plates for environmental registration plates, sportsman registration plates, Purple Heart motorcycle registration plates and veterans' registration plates to be the same as other vanity plates.
4. It restructures the law relative to the issuance of disability plates and placards and provides that disability plates and placards may be issued for up to six years.

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5. It clarifies that the exemption from the requirement to establish legal presence when issuing a driver's license applies to certain citizens and legal permanent residents applying for the renewal of a driver's license.
6. It corrects an inconsistency in the laws governing the number of practice hours a person under 21 years of age must complete before applying for a driver's license.
7. It clarifies that the exemption from the requirement to establish legal presence when issuing a nondriver identification card applies to certain citizens and legal permanent residents applying for the renewal of a nondriver identification card.
8. It provides that the laws governing abandoned vehicles apply to vehicles left at a storage facility.
9. It allows for a person to be scheduled for the required road test after that person's juvenile provisional license is restored after a suspension instead of making it a requirement of restoration. All other restoration requirements must be met, and if the examination is not successfully completed within 90 days after restoration, an additional suspension for noncompliance will be imposed.

### **Committee Amendment "A" (S-411)**

This amendment removes from the laws governing registration exemptions for various types of tractors and log skidders the requirement that the equipment be operated by the owner of the farm, the woodlot or the equipment in order to qualify for the exemption. This amendment extends the exemption from the prohibition against operating a farm tractor with a revoked or suspended license that currently exists for farm tractor operation to include log skidder and converted logging tractor operation. This amendment repeals the requirement that car dealers provide notices of sale or disposition to the Secretary of State. Lastly, this amendment removes those provisions in the bill that clarify the exemption from the requirements to establish legal presence when reissuing a nondriver identification card or driver's license.

### **Enacted Law Summary**

Public Law 2013, chapter 496 makes the following changes to the motor vehicle laws.

1. It changes the definition of "bus" to be consistent with federal law.
2. It repeals the requirement that a vehicle registrant return that registrant's registration certificate to the Secretary of State upon the transfer of ownership of the vehicle.
3. It standardizes the language for vanity plates for environmental registration plates, sportsman registration plates, Purple Heart motorcycle registration plates and veterans registration plates to be the same as other vanity plates.
4. It removes from the laws governing registration exemptions for various types of tractors and log skidders, the requirement that the equipment be operated by the owner of the farm, the woodlot or the equipment in order to qualify for the exemption.
5. It extends the exemption from the prohibition against operating a farm tractor with a revoked or suspended license that currently exists for farm tractor operation to include log skidder and converted logging tractor operation.
6. It restructures the law relative to the issuance of disability plates and placards and provides that disability plates and placards may be issued for up to six years.
7. It repeals the requirement that car dealers provide notices of sale or disposition to the Secretary of State.



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This bill makes several adjustments to the Maine traveler information services laws. It clarifies the definition of "on-premises sign" and provides that the principal building or structure of an advertised business or activity includes parking lots and outbuildings. It allows farm stands and farmers' markets to erect signs without a license or permit within the public right-of-way. This bill clarifies the manner in which the Commissioner of Transportation may issue a license for on-premises signs. This bill removes the prohibition on placing on-premises signs on natural features. It provides that within compact areas of an urban compact municipality, the municipality is responsible for the administration of the law as it relates to on-premises advertisements.

This bill adjusts the changeable signs provision of the law to allow a business one changeable sign with two sides for each public way that provides direct vehicular access to the business. It removes the provision requiring the changeable portion of an on-premises changeable sign to constitute no more than 50% of the sign's surface area.

Finally, this bill clarifies the commissioner's rulemaking authority with respect to the Maine traveler information services laws.

### **Committee Amendment "A" (H-716)**

This amendment adds complying with national standards to the purpose and policy provisions of the Maine traveler information services laws. Instead of repealing the term "producer," as proposed in the bill, this amendment redefines the term to include "farm and food products" instead of "an agricultural product," which is in the current law. This amendment removes the requirement that signs for farm and food products advertise only products that are grown, produced and sold on the premises and are available for immediate purchase, and that signs for farmers' markets advertise only the farm and food products that are available for purchase at the farmers' market. This amendment requires the Commissioner of Transportation to adopt rules that are substantially compliant with the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration and other national standards. Lastly, this amendment provides that those provisions of law relating to signs on the Maine Turnpike are to be implemented and administered by the Maine Turnpike Authority.

### **Enacted Law Summary**

Public Law 2013, chapter 529 makes the following adjustments to the Maine traveler information services laws.

1. It adds complying with national standards to the purpose and policy provisions of the law.
2. It clarifies the definition of "on-premises sign" and provides that the principal building or structure of an advertised business or activity includes parking lots and outbuildings.
3. It clarifies the manner in which the Commissioner of Transportation may issue a license for on-premises signs.
4. It removes the prohibition on placing on-premises signs on natural features.
5. It provides that within compact areas of an urban compact municipality, the municipality is responsible for the administration of the law pertaining to on-premises advertisements.
6. It amends the definition of "producer" to refer to farm and food products instead of an agricultural product.
7. It allows farm stands and farmers' markets to erect signs without a license or permit within the public right-of-way.
8. It adjusts the changeable signs provision of the law to allow a business one changeable sign with two sides for each public way that provides direct vehicular access to the business.
9. It removes the provision requiring the changeable portion of an on-premises changeable sign to constitute no more than 50 percent of the sign's surface area.

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10. It clarifies the Commissioner of Transportation's rulemaking authority with respect to the Maine traveler information services laws and requires that rules adopted are substantially compliant with the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration, as well as other national standards.

11. It clarifies that those provisions of law relating to signs on the Maine Turnpike are to be implemented and administered by the Maine Turnpike Authority.

### **LD 1758    An Act To Clarify the Use of the Term "Civil Violation" in the Motor Vehicle Statutes**

**PUBLIC 482**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill clarifies that offenses designated as civil violations in the Maine Revised Statutes, Title 29-A are not traffic infractions and must be charged in a Uniform Summons and Complaint and filed in the appropriate division of the District Court as civil violations. This bill also amends provisions in Title 29-A relating to offenses involving bicycles, roller skis, toy vehicles, scooters and placement of stickers on illegally parked vehicles to clarify that these offenses are traffic infractions and not civil violations.

#### **Enacted Law Summary**

Public Law 2013, chapter 482 clarifies that offenses designated as civil violations in the Maine Revised Statutes, Title 29-A are not traffic infractions and must be charged in a Uniform Summons and Complaint and filed in the appropriate division of the District Court as civil violations. This law also amends provisions in Title 29-A relating to offenses involving bicycles, roller skis, toy vehicles, scooters and the placement of stickers on illegally parked vehicles to clarify that these offenses are traffic infractions and not civil violations.

### **LD 1787    An Act To Clarify the Enforcement Provisions Relating to Motor Carrier Registration**

**PUBLIC 530**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill makes technical and organizational changes to the penalty provisions of the laws regulating the registration of motor carriers. This bill repeals the Maine Revised Statutes, Title 29-A, section 551, subsection 6, which was unnecessary. This bill enacts Title 29-A, section 558-A, which separates crimes, traffic infractions and civil violations. This bill also amends the civil violation now in Title 29-A, section 558-A, subsection 4 by specifying that the fine imposed may not be greater than the fine amount provided in the Federal Motor Carrier Safety Administration's uniform fine assessment program. This bill also specifies the penalty for a traffic infraction instead of relying on the penalty described in Title 29-A, section 103, subsection 3.

#### **Enacted Law Summary**

Public Law 2013, chapter 530 makes technical and organizational changes to the penalty provisions of the laws regulating the registration of motor carriers by enacting new provisions in Title 29-A that separate crimes, traffic infractions and civil violations. This law repeals Title 29-A, section 551, subsection 6, as it is no longer necessary. This law amends the civil violation now in Title 29-A, section 558-A, subsection 4 by specifying that the fine imposed may not be greater than the fine amount provided in the Federal Motor Carrier Safety Administration's uniform fine assessment program. Lastly, this law also specifies the penalty for a traffic infraction instead of relying on the penalty described in Title 29-A, section 103, subsection 3.

*Joint Standing Committee on Transportation*

**LD 1788    An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015**

**PUBLIC 586  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THERIAULT MAZUREK	OTP-AM	H-830

Part A makes allocations.

Part B carries forward unexpended All Other funds as of June 30, 2014, in the Department of Secretary of State, Administration - Motor Vehicles program.

Part C renames the Suspense Receivable - Transportation program as the Receivables program. It also renames the Highway and Bridge Light Capital program as the Highway Light Capital program.

**Committee Amendment "A" (H-830)**

This amendment replaces the bill.

Part A makes allocations.

Part B carries forward unexpended All Other and Personal Services funds as of June 30, 2014 in the Department of Secretary of State, Administration - Motor Vehicles program.

Part C renames the Suspense Receivable - Transportation program as the Receivables program. It also renames the Highway and Bridge Light Capital program as the Highway Light Capital program and renames the Multimodal - Freight program as the Multimodal - Freight Rail program.

Part D transfers incremental funding provided in Public Law 2013, chapter 354, Part H for the State's contribution to state employee and retiree health insurance premiums from fiscal year 2013-14 to fiscal year 2014-15.

Part E reduces Highway Fund funding for retiree health insurance as the result of a new actuarial projection and requires the State Budget Officer to calculate the savings that apply against each account as a result of the changes in this Part and to distribute those savings by financial order upon the approval of the Governor as adjustments to appropriations and allocations.

Part F authorizes the Department of Transportation to sell, and the Maine Turnpike Authority to acquire, an approximately 1.9-mile segment of Interstate 95 in Kittery between the southerly terminus of the existing Maine Turnpike and the approach to the Piscataqua River Bridge for the sum of \$30,000,000, which is to be deposited in an Other Special Revenue Funds account to be allocated for the improvement of the Sarah Mildred Long Bridge, and makes certain changes to statutes governing the Maine Turnpike Authority to authorize actions necessary for it to comply with this Part. It also provides that the funding provided to reestablish the Maine-New Hampshire Interstate Bridge Authority must be used for the future capital repair and rehabilitation of the Piscataqua River Bridge and the planned replacement of the Sarah Mildred Long Bridge.

Part G restores merit and longevity pay in fiscal year 2014-15.

Part H requires the State Controller to lapse \$806,550 from the Department of Administrative and Financial

## *Joint Standing Committee on Transportation*

Services, Salary Plan program, Highway Fund account to the unallocated surplus of the Highway Fund no later than August 1, 2014.

Part I allows the Secretary of State, notwithstanding a current moratorium on the issuance of new decals for special veterans registration plates, to issue a Wabanaki decal to a person who has or receives a special veterans registration plate. It specifies that one set of two decals must be displayed on the front and back plates and sets the maximum price for the set at \$5.

### **Enacted Law Summary**

Public Law 2013, chapter 586 makes supplemental allocations for the fiscal years ending June 30, 2014 and June 30, 2015.

Part A makes allocations.

Part B carries forward unexpended All Other and Personal Services funds as of June 30, 2014 in the Department of Secretary of State, Administration - Motor Vehicles program.

Part C renames the Suspense Receivable - Transportation program as the Receivables program. It also renames the Highway and Bridge Light Capital program as the Highway Light Capital program and renames the Multimodal - Freight program as the Multimodal - Freight Rail program.

Part D transfers incremental funding provided in Public Law 2013, chapter 354, Part H for the State's contribution to state employee and retiree health insurance premiums from fiscal year 2013-14 to fiscal year 2014-15.

Part E reduces Highway Fund funding for retiree health insurance as the result of a new actuarial projection and requires the State Budget Officer to calculate the savings that apply against each account as a result of the changes in this Part and to distribute those savings by financial order upon the approval of the Governor as adjustments to appropriations and allocations.

Part F authorizes the Department of Transportation to sell, and the Maine Turnpike Authority to acquire, an approximately 1.9-mile segment of Interstate 95 in Kittery between the southerly terminus of the existing Maine Turnpike and the approach to the Piscataqua River Bridge for the sum of \$30,000,000, which is to be deposited in an Other Special Revenue Funds account to be allocated for the improvement of the Sarah Mildred Long Bridge, and makes certain changes to statutes governing the Maine Turnpike Authority to authorize actions necessary for it to comply with this Part. It also provides that the funding provided to reestablish the Maine-New Hampshire Interstate Bridge Authority must be used for the future capital repair and rehabilitation of the Piscataqua River Bridge and the planned replacement of the Sarah Mildred Long Bridge.

Part G restores merit and longevity pay in fiscal year 2014-15.

Part H requires the State Controller to lapse \$806,550 from the Department of Administrative and Financial Services, Salary Plan program, Highway Fund account to the unallocated surplus of the Highway Fund no later than August 1, 2014.

Part I allows the Secretary of State, notwithstanding a current moratorium on the issuance of new decals for special veterans registration plates, to issue a Wabanaki decal to a person who has or receives a special veterans registration plate. It specifies that one set of two decals must be displayed on the front and back plates and sets the maximum price for the set at \$5.

Public Law 2013, chapter 586 was enacted as an emergency measure effective April 30, 2014.

*Joint Standing Committee on Transportation*

**LD 1804    Resolve, To Require the Installation of a Fence on the Penobscot Narrows Bridge**

**ONTP**

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

This resolve directs the Department of Transportation to construct and maintain pedestrian barrier fencing on the Penobscot Narrows Bridge for the purpose of suicide prevention.

**LD 1817    An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities**

**PUBLIC 523  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-751

This bill provides the state share for the remaining Priority 3 salt and sand storage facility project sites by creating a final process to notify a municipality or county of available funds and for that entity to respond to an offer of funding from the Department of Transportation.

This bill requires that a municipality or county with a Priority 3 project respond within two months of receiving a certified letter from the Department of Transportation notifying the municipality or county of funds available to construct a facility for the storage of salt and sand. This bill requires that final plans for a Priority 3 project be reviewed with the Department of Transportation within 14 months of the notification of funds. This bill also requires that construction of a Priority 3 project be completed within 26 months of the notification of funds.

This bill changes the timeframe during which a municipality or county would be exempt from meeting groundwater classifications adopted after January 1, 1980 with respect to salt and sand storage facilities from three years to 26 months from the date of an offer of a state grant for the construction of those facilities. If a municipality or county fails to meet any of the deadlines, it is no longer exempt from licensing requirements for waste discharges.

This bill makes technical changes by removing language applying to funding priorities that are no longer applicable because they have already been funded or a new mechanism is being proposed in the bill.

**Committee Amendment "A" (H-751)**

This amendment adds an emergency preamble and emergency clause to the bill. This amendment also requires the Department of Transportation to report by January 1, 2017 to the joint standing committee of the Legislature having jurisdiction over transportation matters on the status of funding Priority 3 municipal and county salt and sand storage facility projects and reimbursing qualified Priority 5 projects. This amendment also requires the Department of Transportation, in consultation with the Department of Environmental Protection, to provide proposed legislation to repeal those laws governing project funding that are no longer necessary because all funding has been completed.

**Enacted Law Summary**

Public Law 2013, chapter 523 provides the state share for the remaining Priority 3 salt and sand storage facility project sites by creating a final process to notify a municipality or county of available funds and for that entity to respond to an offer of funding from the Department of Transportation.

This law requires that a municipality or county with a Priority 3 project respond within two months of receiving a

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certified letter from the Department of Transportation notifying the municipality or county of funds available to construct a facility for the storage of salt and sand. This law requires that final plans for a Priority 3 project be reviewed with the Department of Transportation within 14 months of the notification of funds. This law also requires that construction of a Priority 3 project be completed within 26 months of the notification of funds.

This law changes the timeframe during which a municipality or county would be exempt from meeting groundwater classifications adopted after January 1, 1980, with respect to salt and sand storage facilities, from three years to 26 months from the date of an offer of a state grant for the construction of those facilities. If a municipality or county fails to meet any of the deadlines, it is no longer exempt from licensing requirements for waste discharges.

This law makes technical changes by removing language applying to funding priorities that are no longer applicable because they have already been funded or a new mechanism is being proposed in the bill.

This law requires the Department of Transportation to report by January 1, 2017 to the joint standing committee of the Legislature having jurisdiction over transportation matters on the status of funding Priority 3 municipal and county salt and sand storage facility projects and reimbursing qualified Priority 5 projects. Lastly, this law also requires the department, in consultation with the Department of Environmental Protection, to provide proposed legislation to repeal those laws governing project funding that are no longer necessary because all funding has been completed.

Public Law 2013, chapter 523 was enacted as an emergency measure effective April 5, 2014.

### **LD 1831     An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System**

**PUBLIC 549**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-814

This bill is reported out by the Joint Standing Committee on Transportation pursuant to Resolve 2013, chapter 14, section 4.

This bill repeals the law mandating signs for specific destinations on the interstate system and enacts provisions governing the placement of interchange guide signs and supplemental guide signs directing travelers to destinations of local, regional or statewide interest. This bill directs the Department of Transportation and the Maine Turnpike Authority to remove signs from the interstate system if existing signs do not comply with the new provisions.

This bill also amends existing law to allow a third-party to operate or sponsor a safety patrol service on the Maine Turnpike.

#### **Committee Amendment "A" (H-814)**

This amendment specifies that, while the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires rules that establish a fee to be major substantive rules, rules adopted in accordance with Maine's traveler information services laws are to be routine technical rules.

This amendment removes the requirement that a college or university must be a nonprofit institution and further specifies that the institution must be accredited and authorized to confer a degree in accordance with Title 20-A, chapter 409.

This amendment clarifies that all determinations regarding compliance as it relates to interchange and supplemental guide signs are to be made by either the Maine Turnpike Authority or the Department of Transportation.

## *Joint Standing Committee on Transportation*

This amendment adds to the bill another allowance for a municipality to be included on an interchange guide sign when that municipality is within five miles of the exit, has a population of at least 2,000, has any portion of the interstate system pass through it and is accessible from the interstate via highways that are classified as arterials or major collectors. This amendment expands the distance a college or university with an enrollment of at least 300 students may be from the exit to qualify for a supplemental guide sign from five miles to 15 miles. This amendment combines the thresholds that must be met in order for a state park or federal park to qualify for a supplemental guide sign and increases the maximum distance a park may be from an exit from 100 miles to 120 miles when it has a minimum annual attendance of 75,000 recorded visitors. Additionally, this amendment allows a major municipality or destination that is already identified on an interchange guide sign to qualify for a supplemental guide sign under the standards for a major recreational area.

Lastly, this amendment expands the type of ski areas that may qualify for a supplemental guide sign by including a ski area that is within ten miles of an exit, with a minimum vertical drop of 200 feet with ten or more maintained trails and has an aerial lift servicing groomed trails.

### **Enacted Law Summary**

Public Law 2013, chapter 549 does the following.

1. It repeals the law mandating signs for specific destinations on the interstate system.
2. It enacts provisions governing the placement of interchange guide signs and supplemental guide signs directing travelers to destinations of local, regional or statewide interest.
3. It directs the Department of Transportation and the Maine Turnpike Authority to remove signs from the interstate system if existing signs do not comply with the new provisions.
4. It allows a third party to operate or sponsor a safety patrol service on the Maine Turnpike.
5. It specifies that, while the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires rules that establish a fee to be major substantive rules, rules adopted in accordance with the provisions of the bill are to be routine technical rules.
6. It specifies that all determinations regarding compliance as it relates to interchange and supplemental guide signs are to be made by either the Maine Turnpike Authority or the Department of Transportation.

**LD 1862      An Act To Enhance the Availability of Special Restricted Licenses in  
Cases of Medical Need**

**PUBLIC 606  
EMERGENCY**

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

This bill expands the Secretary of State's current authority to issue a special restricted license to a person who is 15 years of age based on educational need or employment need to include circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety. This bill also requires that an application for a special restricted license based on medical need be accompanied by a notarized statement from the parent or guardian attesting that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary under the circumstances.

### **Committee Amendment "A" (H-852)**

This amendment makes the following changes to the bill.

## *Joint Standing Committee on Transportation*

1. It clarifies that a special restricted license based on educational need, employment need or medical need may be issued only after an applicant passes an examination for operation of a motor vehicle as provided in the Maine Revised Statutes, Title 29-A, section 1301.
2. It requires that in order for a person who is 15 years of age to receive a special restricted license based on educational need or employment need the person must have completed a minimum of 70 hours of driving, including ten hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age.
3. It requires that in order for a person who is 15 years of age to receive a special restricted license based on medical need the person must have completed a minimum of 35 hours of driving, including five hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age.
4. It requires that a person issued a special restricted license based on medical need must complete a minimum of 35 additional hours of driving, including five hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age before qualifying for a provisional license without restriction.
5. It requires that an application for a special restricted license based on medical need must include a signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity.
6. It requires that, consistent with the restrictions placed on use of special restricted licenses based on educational need and employment need, a special restricted license based on medical need may be used only to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity.

### **Enacted Law Summary**

Public Law 2013, chapter 606 expands the Secretary of State's current authority to issue a special restricted license to a person who is 15 years of age based on educational need or employment need to include circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety. This law also requires that an application for a special restricted license based on medical need be accompanied by a notarized statement from the parent or guardian attesting that no readily available alternative means of transportation exists and that use of a motor vehicle is necessary under the circumstances, and a signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity.

This law clarifies that a special restricted license based on educational need, employment need or medical need may only be issued after an applicant passes an examination for operation of a motor vehicle as provided in the Maine Revised Statutes, Title 29-A, section 1301.

This law requires that in order for a person who is 15 years of age to receive a special restricted license based on educational need or employment need the person must have completed a minimum of 70 hours of driving, including ten hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. For a person who is 15 years of age to receive a special restricted license based on medical need, this law requires the person to complete a minimum of 35 hours of driving, including five hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. However, before a person issued a special restricted license based on medical need can qualify for a provisional license without restriction, this law also requires a person to complete a minimum of 35 additional hours of driving, including five hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age.

Lastly, this law requires that, consistent with the restrictions placed on use of special restricted licenses based on educational need and employment need, a special restricted license based on medical need may be used only to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances

*Joint Standing Committee on Transportation*

of medical necessity.

Public Law 2013, chapter 606 was enacted as an emergency measure effective May 12, 2014.

# *Joint Standing Committee on Transportation*

## SUBJECT INDEX

### *Bridges*

#### Not Enacted

LD 1804      Resolve, To Require the Installation of a Fence on the Penobscot Narrows Bridge      ONTP

### *General Highway Fund*

#### Enacted

LD 1788      An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015      PUBLIC 586  
EMERGENCY

### *Motor Carriers*

#### Enacted

LD 1076      An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety      PUBLIC 565

LD 1585      Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police      RESOLVE 93  
EMERGENCY

LD 1787      An Act To Clarify the Enforcement Provisions Relating to Motor Carrier Registration      PUBLIC 530

### *Motor Vehicles*

#### Enacted

LD 1645      An Act To Amend the Motor Vehicle Laws      PUBLIC 496

LD 1758      An Act To Clarify the Use of the Term "Civil Violation" in the Motor Vehicle Statutes      PUBLIC 482

### *Operator's License*

#### Enacted

LD 1611      An Act Concerning Learner's Permits      PUBLIC 493

LD 1862      An Act To Enhance the Availability of Special Restricted Licenses in Cases of Medical Need      PUBLIC 606  
EMERGENCY

### *Public Transportation*

#### Not Enacted

LD 120      An Act To Facilitate Regional Transit      ONTP

LD 1365      An Act To Promote New Models of Mobility and Access to Transportation      Veto Sustained

### *Railroads*

#### Not Enacted

LD 566      Resolve, To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Improving Rail Transportation      ONTP

### *School Buses*

**Enacted**

LD 1327      **An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities**      **PUBLIC 484**

**Signs**

**Enacted**

LD 1575      **Resolve, Regarding Memorial Plaques Honoring Vietnam Veterans near the Vietnam Veterans Memorial Bridge between Lewiston and Auburn**      **RESOLVE 80**

LD 1721      **An Act To Make Changes to and Clarify Maine Traveler Information Services Laws**      **PUBLIC 529**

LD 1831      **An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System**      **PUBLIC 549**

**Not Enacted**

LD 108      **An Act To Rename Big Moose Mountain as Red Eagle Mountain**      **ONTP**

**Transportation Department**

**Enacted**

LD 1817      **An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities**      **PUBLIC 523  
EMERGENCY**

**Not Enacted**

LD 1692      **An Act To Ensure That Local Businesses Are Notified of Construction Projects**      **ONTP**

**Turnpike Authority**

**Enacted**

LD 1708      **An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2015**      **P & S 22**

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 31      An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK BRIGGS	OTP-AM ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill permits the Gambling Control Board, beginning January 1, 2014 to issue a license to a charitable nonprofit organization that is a fraternal organization or a veterans' organization that is tax-exempt under the federal Internal Revenue Code to operate up to five slot machines on premises that are owned or leased by the organization, serve as its primary headquarters for fulfilling its charitable mission and are located in a municipality that has, by referendum of the voters, approved the operation of slot machines in that municipality. The organization must be able to demonstrate that it has a cash reserve of \$2,000 for each machine the organization intends to operate. An organization that wishes to apply prior to January 1, 2014 may file a declaration of intent to apply with the Gambling Control Board. An application must include a refundable \$5,000 deposit. The initial application fee for a slot machine operator license is \$1,000, and the annual renewal fee is \$350. A slot machine operated by a charitable nonprofit organization is subject to the same central site monitoring that applies to casinos and slot machine facilities at harness racing tracks. The total number of slot machines allowed to be operated by charitable nonprofit organizations statewide is 250. 10% of the net slot machine income is required to be deposited directly with the Gambling Control Board for administrative expenses; 8% goes directly to the General Fund; 10% goes to the host municipality; and 2% is dedicated to gambling addiction prevention and treatment. A charitable nonprofit organization that is licensed to operate slot machines is required to establish a separate account, from which the board may withdraw funds to distribute the net revenue percentages. The remaining revenue generated from the slot machines must be used to support the charitable purposes of the fraternal organization or veterans' organization.

**Committee Amendment "A" (S-399)**

This amendment, which was not adopted, is the majority report of the committee. It amends the bill to provide that charitable fraternal organizations are not included in the definition of "eligible organization." The amendment provides that an eligible organization, which under the amendment is a veterans' organization, may apply to the Department of Public Safety, Gambling Control Board to operate up to three slot machines at the organization's premises, instead of five as proposed in the bill. The total number of slot machines available to be operated by all licensed eligible organizations is reduced from 250 to 150 under this amendment. The amendment also reduces the initial license fee from \$1,000 to \$500 and the annual renewal fee from \$350 to \$175. The amendment also reduces the administrative deposit required with the application from \$5,000 to \$2,500 and the amount required to be held in segregated accounts per machine from \$2,000 to \$1,000. It also provides that the Gambling Control Board may start accepting applications on January 1, 2015, rather than January 1, 2014 as provided in the bill. The amendment also includes technical changes to the bill to reflect changes made by Public Law 2013, chapter 212.

**Committee Amendment "B" (S-400)**

This amendment, which was not adopted, is the minority report of the committee. It adds off-track betting facilities in operation as of January 1, 2013 to the definition of "eligible organization." Under the bill, an eligible organization is authorized to operate up to five slot machines. The amendment provides that an eligible organization that is a charitable nonprofit organization may operate up to five slot machines and that an eligible organization that is an off-track betting facility may operate as many as 50 slot machines. The amendment also requires a distribution of 45% of net revenues from slot machines operated by an off-track betting facility, which includes 33% to be deposited into the Coordinated Veterans Assistance Fund. The amendment also includes technical changes to the bill to reflect changes made by Public Law 2013, chapter 212.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 227      An Act Concerning High-stakes Beano**

**Died Between  
Houses**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

Current law allows the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs to operate high-stakes beano games no more than 27 weekends a year and the Passamaquoddy Tribe to operate high-stakes electronic beano games up to 100 times per year. This bill eliminates those restrictions. The bill also allows the Penobscot Nation, the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs and the Passamaquoddy Tribe to operate high-stakes electronic beano. Electronic beano simulates traditional beano and is played on individual electronic beano terminals connected to a central computer system that generates beano games. Individual electronic beano terminals may accept cash, tokens, cards or vouchers but may not dispense cash. A prize awarded for winning electronic beano must be in the form of a voucher that may be redeemed for cash or prizes.

**Committee Amendment "A" (H-627)**

This amendment, which was not adopted, is the minority report of the committee and replaces the bill. The amendment authorizes the Penobscot Nation and the Aroostook Band of Micmacs to use electronic beano terminals for the operation of high-stakes electronic beano. The amendment specifies that an electronic beano terminal is not a slot machine or an illegal gambling machine. An electronic beano terminal plays a game of chance resembling a beano game using a draw of no more than 75 letters and numbers that correspond to the game. The element of chance is determined by a central computer server system that is subject to testing by an independent testing company and to which the Chief of the State Police is provided access via the Internet for the purpose of conducting audits. An electronic beano terminal is not permitted to dispense cash or prizes. Instead, prizes for high-stakes electronic beano are awarded by voucher. The amendment also clarifies that, unlike traditional beano, beano conducted on an electronic beano terminal is not required to be a group game.

**LD 511      An Act To Implement the National Popular Vote for President**

**Died Between  
Houses**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill proposes to adopt the interstate compact that is the agreement among the states to elect the President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under this bill, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. This bill would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 519      An Act To Establish Advance Deposit Wagering for Harness Racing**

**Died In  
Concurrence**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes existing off-track betting facilities in the State to conduct advance deposit wagering for pari-mutuel horse racing either individually or in partnership with other off-track betting facilities. The bill authorizes the State Harness Racing Commission to administer the conduct of advance deposit wagering and sets out the distribution of the net commission to various uses and funds. The bill also requires any person or state department or agency who is authorized to conduct gambling activity in the State through the Internet to distribute 22% of the total commission of this Internet gambling activity to various state harness racing funds and purposes.

**Committee Amendment "A" (S-398)**

This amendment, which was not adopted, is the minority report of the committee. It replaces the bill and establishes a framework for the conduct of advance deposit wagering on harness horse racing and thoroughbred horse racing. The amendment provides that commercial tracks are eligible for a license to accept wagers made by telephone or electronic communication using advance deposit wagering. If no commercial track is licensed to conduct advance deposit wagering as of July 1, 2015, an existing off-track betting facility is eligible for an advance deposit wagering license. The amendment provides that an off-track betting facility may apply for a license individually or in partnership with another eligible off-track betting facility. Under the amendment, advance deposit wagering is a form of pari-mutuel wagering in which a bettor establishes an account from which wagers on horse races are made and into which prizes are deposited. An advance deposit wager licensee receives a percentage of each wager made using advance deposit wagering. Advance deposit wagering licenses are issued by the State Harness Racing Commission. The amendment prescribes the duties of the commission with regard to enforcement and administration of laws and rules that govern advance deposit wagering. The amendment also adds an appropriations and allocations section.

**LD 704      An Act To Improve the Availability of Mail-in Rebates in the State**

**PUBLIC 514**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM ONTP	S-460

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill allows an agency store licensee to redeem coupons on a voluntary basis. The bill removes language from current law requiring that instant redeemable coupons be inserted in the package by the manufacturer or attached to the package by the manufacturer, manufacturer's agent or manufacturer's sales representative. The bill also removes language from current law requiring that instant redeemable coupons be made available to all agency store licensees electing to offer the coupon in an amount equal to the agency store's inventory of spirits products that are subject to the coupon promotion and removes language that instant redeemable coupons are for the benefit of the on-premise retail licensee. The bill also requires the State Liquor and Lottery Commission to establish rules to implement the provisions of this bill.

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### Committee Amendment "A" (S-460)

This amendment is the majority report of the committee and replaces the bill. It provides that a manufacturer of spirits or a supplier of malt liquor, wine or low-alcohol spirits products may offer mail-in rebates through print or electronic media, attached to the package or displayed near the product where it is offered for sale for consumption off the licensed premises. Such mail-in rebates must be redeemed by the manufacturer or supplier and may not exceed the price of the product to which they are applied.

#### Enacted Law Summary

Public Law 2013, chapter 514 provides that, beginning January 1, 2015, a manufacturer of spirits or a supplier of malt liquor, wine or low-alcohol spirits products may offer mail-in rebates through print or electronic media, attached to the package or displayed near the product where it is offered for sale for consumption off the licensed premises. Such mail-in rebates must be redeemed by the manufacturer or supplier and may not exceed the price of the product to which they are applied.

**LD 766      Resolve, Directing the Bureau of Alcoholic Beverages and Lottery Operations To Adopt Rules To Define the Term "Brand" as It Applies to the Distribution of Malt Liquor and Wine      RESOLVE 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU MASON G	OTP-AM	H-599

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill defines "brand" under the liquor laws as the common name used to identify a manufacturer's line or family of liquor products comprising individual labels.

### Committee Amendment "A" (H-599)

This amendment replaces the bill with a resolve directing the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to adopt major substantive rules to define the term "brand" as it applies to the distribution of malt liquor and wine and permitting the bureau to define certain additional terms.

#### Enacted Law Summary

Resolve 2013, chapter 89 directs the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to adopt major substantive rules to define the term "brand" as it applies to the distribution of malt liquor and wine and permitting the bureau to define certain additional terms.

**LD 1111      An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming      Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIFFORD COLLINS	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill amends the eligibility requirements for slot machine operator licensing for a commercial track located

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within a three-mile radius of a commercial track that supports track and harness racing. The bill eliminates the deadline for local approval of the operation of slot machines at a commercial track facility that is currently without slot machines and requires approved slot machines to be located in a building adjacent to the harness racing oval. It increases the amount of slot machines allowed in the State from 3,000 to 4,500 and subjects the slot machines to the existing racino taxes and regulatory system.

**Committee Amendment "A" (H-628)**

This amendment, which was not adopted, replaces the bill and is the minority report of the committee. The amendment establishes a competitive bidding process for a resort casino in York County and Cumberland County that includes a minimum bid of \$50,000,000 for a license fee. The competitive bidding process is administered by the Department of Administrative and Financial Services and requires that preference be given to a bidder who has demonstrated experience in providing entertainment to residents of the State through wagering on harness races. The amendment provides that a portion of the fee paid for a casino operator license subject to the competitive bidding process must be reimbursed by the Department of Public Safety, Gambling Control Board if another casino or slot machine facility with more than five slot machines is licensed within ten years of the award of the casino operator license. The amendment provides for a \$250,000 application fee, which is to be used to defray the cost of the process and to fund a study to determine the fair market value of a resort casino license in York County and Cumberland County. The amendment provides that 1% of the gross slot machine revenue from the casino licensed pursuant to competitive bidding will be credited to the General Fund. It further provides that the Gambling Control Board must collect 39% of the net slot machine revenue and 16% of the net table game revenue and distribute it as follows: 11% to supplement harness racing purses; 4.5% to the Sire Stakes Fund; 4.5% to the Agricultural Fair Support Fund; 4.5% to the host municipality; 1.5% divided among abutting municipalities; 1% to the Fund to Stabilize Off-track Betting Facilities; and 73% to the General Fund.

**LD 1298      An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County      Died Between Houses**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes the Department of Public Safety, Gambling Control Board to accept an application for a casino operator license to operate slot machines and table games at a casino on the North Road property of the Houlton Band of Maliseet Indians in the Town of Houlton from the Houlton Band of Maliseet Indians. A casino operated by the Houlton Band of Maliseet Indians would not be required to be approved at referendum. The bill raises the limit on the number of slot machines allowed in the State to accommodate the casino operated by the Houlton Band of Maliseet Indians. A casino operated by the Houlton Band of Maliseet Indians would be subject to the oversight of the Gambling Control Board and subject to the same laws and rules as currently licensed casinos.

**Committee Amendment "A" (H-629)**

This amendment, which was not adopted, is the minority report of the committee and replaces the bill. The amendment, like the bill, authorizes the Gambling Control Board within the Department of Public Safety to license the Houlton Band of Maliseet Indians to operate a casino in Aroostook County. Unlike the bill, which exempts the authorization from approval via referendum, the amendment provides that the license is contingent upon approval by the voters of Aroostook County. The amendment also provides language that exempts the casino from being subject to competitive bidding. The amendment provides for a distribution of 35% of the net slot machine revenue and 10% of the table game revenue from the casino.



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provides that if a recipient of slot machine revenue from the casino in Oxford is authorized to conduct its own slot machine facility or casino, any slot machine revenue distribution reverts back to the Oxford Casino. The amendment provides that distributions lost to the Passamaquoddy Tribe due to authorization to operate a casino would instead be deposited to the Coordinated Veterans Assistance Fund. The bill provides that slot machine revenue distributions from a casino operated by the Passamaquoddy Tribe are the same as distributions from the casino in Bangor. The amendment provides that distributions of table game revenues from a Passamaquoddy casino also mirror the distributions from the casino in Bangor. Finally, the amendment removes any restrictions on the dates on which federally recognized Indian tribes in the State authorized to conduct high-stakes beano may operate high-stakes beano games.

**LD 1612     An Act To Amend the Veterans' Services Laws**

**PUBLIC 569**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU VALENTINO	OTP-AM	H-694 S-543    HILL

This bill requires that the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services have at least one veteran service officer who specializes in female veterans' issues.

The bill also establishes the Maine Veterans' Memorial Cemetery System Care Fund Advisory Board.

### **Committee Amendment "A" (H-694)**

This amendment adds several new sections to the bill. It requires the Adjutant General to include in the biennial report to the joint standing committee of the Legislature having jurisdiction over veterans affairs information on the status of communications with the United States Department of Veterans Affairs regarding the impact of environmental hazards on Maine National Guard veterans who were stationed in Gagetown, New Brunswick, Canada. The amendment provides that a postsecondary educational institution that provides tuition waivers to dependents of veterans may provide tuition waivers beyond 120 credit hours when a degree program requires more than 120 credit hours. The amendment also provides that, if revenues to the Coordinated Veterans Assistance Fund are insufficient to cover the full distribution for veteran service officers at Togus, the available funds will be divided equally between the veterans' service organizations. Finally, the amendment authorizes the transfer of \$15,000 from the Veterans Services program, General Fund account to the State House and Capitol Park Commission program, Other Special Revenue Funds account for design and construction of a plaque to honor veterans of the State in accordance with Resolve 2011, chapter 163.

### **Senate Amendment "A" To Committee Amendment "A" (S-543)**

This amendment replaces the provision transferring funds from the Department of Defense, Veterans and Emergency Management with a fund-raising effort by the department and veterans groups.

### **Enacted Law Summary**

Public Law 2013, chapter 569 requires that the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Service have at least one veterans service officer who specializes in issues specific to female veterans. Chapter 569 establishes the Maine Veterans' Memorial Cemetery System Care Fund Advisory Board. This law also requires the Adjutant General to include in the biennial report to the joint standing committee of the Legislature having jurisdiction over veterans affairs information on the status of communications with the United States Department of Veterans Affairs regarding the impact of environmental hazards on Maine National Guard veterans who were stationed in Gagetown, New Brunswick, Canada. Chapter 569 provides that a postsecondary educational institution that provides tuition waivers to dependents of veterans may provide tuition waivers beyond 120 credit hours when a degree program requires more than 120 credit hours. It also provides that, if revenues to the Coordinated Veterans Assistance Fund are insufficient to cover the full distribution for veteran service officers at

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Togus, the available funds will be divided equally between the veterans' service organizations. Finally, chapter 569 provides that revenues necessary to complete the design and construction of a plaque to honor veterans of the State in accordance with Resolve 2011, chapter 163 may be raised by fundraising efforts by the department and veterans groups.

### LD 1613 An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio

PUBLIC 494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI	OTP-AM	H-626

This bill defines who is an agent of a candidate or the candidate's political committee for purposes of the laws regarding limitations on campaign contributions and expenditures. The bill also defines "candidate's political committee" based on the existing definition of "political committee" in the Maine Revised Statutes, Title 21-A, section 1, subsection 30. Certain individuals in positions of responsibility within a candidate's political campaign, including the treasurer and deputy treasurer, are deemed part of the candidate's political committee. An expenditure made by or in consultation with these individuals may not be considered independent of the candidate or the candidate's political committee.

#### Committee Amendment "A" (H-626)

This amendment replaces the bill. The amendment clarifies existing law with regard to disclosures required to be included in political statements made by radio when the communication is financed by someone other than the candidate or the candidate's political committee. The disclosure requirement states that only the city and state of the person who financed the communication must be disclosed. This is the same requirement as in current law, but the amendment states the requirement in a separate sentence. The amendment also reorganizes the relevant section of statute so that all communications that under current law are exempt from the name and address disclosure requirements are listed under the same subsection, including those communications that are on items so small that the disclosure would be illegible, such as pens, swizzle sticks or matchbooks.

#### Enacted Law Summary

Public Law 2013, chapter 494 clarifies existing law with regard to disclosures required to be included in political statements made by radio when the communication is financed by someone other than the candidate or the candidate's political committee. The disclosure requirement states that only the city and state of the person who financed the communication must be disclosed. This is the same requirement as in current law, but the change made by chapter 494 states the requirement in a separate sentence. The law also reorganizes the relevant section of statute so that all communications that, under current law, are exempt from the name and address disclosure requirements are listed under the same subsection, including those communications that are on items so small that the disclosure would be illegible, such as pens, swizzle sticks or matchbooks.

### LD 1614 An Act Regarding the Laws Governing Liquor Licensing and Enforcement

PUBLIC 476  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI	OTP-AM	H-652

Part A of this bill makes several changes to the laws governing the sale of alcoholic beverages to correct errors made in Public Law 2013, chapter 368, Part V, which was enacted during the First Regular Session of the 126th Legislature. These changes include correcting cross-references to accurately refer to the section of law that allows for the State to award contracts for the wholesale distribution and administration of spirits and referring to the

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Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as the entity authorized to adopt rules regarding administration of the laws governing alcoholic beverages. Part A of this bill corrects a conflict in existing law regarding the discount price for which agency liquor stores purchase spirits. It restructures the provisions that outline the duties and authorities of the Bureau of Alcoholic Beverages and Lottery Operations by separating the functions that deal with enforcement, licensing and tax collection from the functions that deal with the administration of the spirits business on behalf of the State. It removes outdated references to agency liquor stores, including a provision that authorized the Governor or the bureau to close agency liquor stores in the event of riots, hurricanes or floods. It removes the requirement that the bureau provide copies of new laws and rules that govern alcoholic beverages to licensees free of charge. It clarifies an existing process that allows for the bureau to suspend a person's liquor license when a payment for spirits purchases, taxes or other fees is not honored or is returned for insufficient funds. It makes a correction to the law that provides for the legal, commercial transport of alcoholic beverages into and within the State by ensuring it applies to all alcoholic beverages and includes transport by reselling agents to licensees who are licensed for the sale of spirits for on-premises consumption.

Part B of this bill makes technical corrections to the alcoholic beverage laws to reflect existing law that, on July 1, 2014, removes fortified wine from the spirits business administered by the State or the State's contracted wholesaler and grants the privilege of distribution to licensed beer and wine distributors exclusively. Part B of this bill takes effect July 1, 2014.

### **Committee Amendment "A" (H-652)**

This amendment removes certain references to fortified wine in the bill to be consistent with changes made in the bill that place the jurisdiction over distributing fortified wines with licensed distributors. It also makes changes to the provisions in current law governing the process for suspension and revocation of liquor licenses to reflect the transfer of responsibilities for liquor licensing from the Commissioner of Public Safety to the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services pursuant to Public Law 2013, chapter 368. The amendment also makes nonsubstantive clarifying changes to the bill.

### **Enacted Law Summary**

Public Law 2013, chapter 476 makes several changes to the laws governing the sale of alcoholic beverages to correct errors made in Public Law 2013, chapter 368, Part V, which was enacted during the First Regular Session of the 126th Legislature. The changes include correcting cross-references to accurately refer to the section of law that allows for the State to award contracts for the wholesale distribution and administration of spirits and referring to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations as the entity authorized to adopt rules regarding administration of the laws governing alcoholic beverages. It also corrects a conflict in existing law regarding the discount price for which agency liquor stores purchase spirits. Chapter 476 restructures the provisions that outline the duties and authorities of the Bureau of Alcoholic Beverages and Lottery Operations by separating the functions that deal with enforcement, licensing and tax collection from the functions that deal with the administration of the spirits business on behalf of the State. It removes outdated references to state liquor stores, including a provision that authorized the Governor or the bureau to close state liquor stores in the event of riots, hurricanes or floods. It also removes the requirement that the bureau provide copies of new laws and rules that govern alcoholic beverages to licensees free of charge. Chapter 476 clarifies an existing process that allows for the bureau to suspend a person's liquor license when a payment for spirits purchases, taxes or other fees is not honored or is returned for insufficient funds. It also makes a correction to the law that provides for the legal, commercial transport of alcoholic beverages into and within the State by ensuring it applies to all alcoholic beverages and includes transport by reselling agents to licensees who are licensed for the sale of spirits for on-premises consumption.

Part B of this law, which takes effect July 1, 2014, makes technical corrections to the alcoholic beverage laws to reflect existing law that, on July 1, 2014, removes fortified wine from the spirits business administered by the State or the State's contracted wholesaler and grants the privilege of distribution to licensed beer and wine distributors

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exclusively.

Public Law 2013, chapter 476 was enacted as an emergency measure and effective March 16, 2014.

### LD 1615 An Act To Amend the Election Laws

**PUBLIC 457  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI TUTTLE	OTP-AM	H-620 H-662 LUCHINI

This bill makes the following changes to the election laws.

1. It specifies that a municipal clerk must keep the record of receipts for ballots issued and received in that clerk's office.
2. It resolves a conflict in the Maine Revised Statutes created when two public laws amended the same section of law in different ways by incorporating the changes made by both laws.
3. It removes the requirement that a list of absentee voters include a place for the registrar to certify the voter registration status of the absentee voters.
4. It changes the deadline, from 30 days to 60 days prior to the election, for a municipality to give notice to the Secretary of State that the municipality intends to process absentee ballots prior to election day.
5. It repeals the requirement that referendum ballots be printed on paper of a distinctive color.
6. It corrects a number of typographical and other errors in the laws that reapportion the State Senate, State House and County Commissioner districts.

#### **Committee Amendment "A" (H-620)**

This amendment corrects a boundary description in the provision of laws governing the apportionment of State House Districts.

#### **House Amendment "A" (H-662)**

This amendment makes the 2013 apportionment law consistent with the provisions of the Androscoggin County Charter.

#### **Enacted Law Summary**

Public Law 2013, chapter 457 makes the following changes to the election laws.

1. It specifies that a municipal clerk must keep the record of receipts for ballots issued and received in that clerk's office.
2. It resolves a conflict in the Maine Revised Statutes created when two public laws amended the same section of law in different ways by incorporating the changes made by both laws.
3. It removes the requirement that a list of absentee voters include a place for the registrar to certify the voter registration status of the absentee voters.
4. It changes the deadline, from 30 days to 60 days prior to the election, for a municipality to give notice to the

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Secretary of State that the municipality intends to process absentee ballots prior to election day.

5. It repeals the requirement that referendum ballots be printed on paper of a distinctive color.
6. It corrects a number of typographical and other errors in the laws that reapportion the State Senate, State House and County Commissioner districts, including a boundary description of a State House District.
7. It makes the 2013 apportionment law consistent with the provisions of the Androscoggin County Charter.

Public Law 2013, chapter 457 was enacted as an emergency measure and took effect on March 11, 2014.

### LD 1631 An Act To Clarify What Constitutes a Contribution to a Candidate

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM ONTP	S-446

This bill amends the laws regarding limitations on campaign contributions and expenditures to clarify that any expenditure made by a person who has been affiliated with a campaign, regardless of whether the person has been paid or the actual duties the person has performed, or by a person who has received compensation from the campaign is considered a contribution to the candidate.

#### Committee Amendment "A" (S-446)

This amendment is the majority report of the committee. It strikes the bill and amends the laws regarding limitations on campaign contributions and expenditures to clarify that any expenditures made by a key person who has been affiliated with a campaign in the last 120 days, regardless of whether the person has been paid or the actual duties the person has performed, or by a person who has received compensation from the campaign, are a contribution to the candidate. The amendment clarifies that the value of services provided by an individual without compensation are excluded in the definition of "expenditures." It also specifies categories of persons who are affiliated with a candidate's campaign for purposes of this provision. The amendment incorporates the term "agent" into the definition of "key person affiliated with the candidate's campaign" and thereby preserves the provision in existing law that designates expenditures by a candidate's agent as contributions to the candidate. The amendment also strikes the emergency preamble and the emergency clause from the bill.

### LD 1632 Resolve, Directing the Commissioner of Defense, Veterans and Emergency Management To Request the Federal Government To Recognize Environmental Hazards at the Military Training Center in Gagetown, New Brunswick and the Resulting Health Risks and Disabilities Suffered by Certain Members of the Maine National Guard

RESOLVE 100

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE LONGSTAFF	OTP-AM	S-421

This resolve directs the Commissioner of Defense, Veterans and Emergency Management to request the United States Department of Veterans Affairs to recognize the environmental hazards present at the 5th Canadian Division Support Base in Gagetown, New Brunswick, Canada, and the resulting potential health risks and disabilities to veterans who, as members of the Maine National Guard, trained in partnership with Canadian military forces in Gagetown. The resolve requires the commissioner to report on the status of the request to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs by January 10, 2015.

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### Committee Amendment "A" (S-421)

This amendment clarifies that the report due to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs on the status of the request to the United States Department of Veterans Affairs to recognize environmental hazards impacting veterans who were members of the Maine National Guard stationed at Gagetown, New Brunswick, Canada must include a summary of any correspondence with the State's congressional delegation.

### Enacted Law Summary

Resolve 2013, chapter 100 directs the Commissioner of Defense, Veterans and Emergency Management to request the United States Department of Veterans Affairs to recognize the environmental hazards present at the 5th Canadian Division Support Base in Gagetown, New Brunswick, Canada, and the resulting potential health risks and disabilities to veterans who, as members of the Maine National Guard, trained in partnership with Canadian military forces in Gagetown. Chapter 100 requires the commissioner to report on the status of the request to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs by January 10, 2015. The report must include a summary of any correspondence with the State's Congressional delegation with regard to the status of the request.

### LD 1637 An Act Regarding Taste-testing Event Licenses

**PUBLIC 531  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MONAGHAN-DERRIG	OTP-AM ONTP	S-475

This bill amends the laws governing licensing of special taste-testing events by:

1. Allowing malt liquor and wine wholesalers and manufacturers similarly licensed in another state to qualify for a special event license;
2. Increasing the number of licenses for licensed events that may be obtained by a manufacturer or wholesaler per year from five to ten;
3. Allowing additional persons to pour samples of wine and malt liquor at such events;
4. Allowing a brewery or winery that is not a certificate of approval holder but is licensed for a special event to provide malt liquor or wine for the event when that malt liquor or wine is not registered with the State but is registered with the federal government; and
5. Changing the timing regarding when excise taxes and premiums must be paid.

### Committee Amendment "A" (S-475)

This amendment replaces the bill. The amendment repeals two provisions in current law that establish a special taste-testing festival license and a special food and beverage industry taste-testing event license and replaces them with one taste-testing event license that allows for sampling of malt liquor, wine and spirits. Under this amendment, a taste-testing event license may be issued to a manufacturer or distributor who has been issued a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. It also allows for a certificate of approval holder to sponsor manufacturers or distributors who have not been issued a certificate of approval so that they may take part in the taste-testing event. A certificate of approval holder may take part in up to ten licensed events per year. An event may last up to four consecutive days.

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Under the amendment, a taste-testing event must be held in a venue with clearly defined points of entry that prohibit the consumption of alcoholic beverages outside the designated area. A patron of the event pays a single admission price for the event and is not charged for samples provided. Taste-testing event licensees must ensure that persons who are intoxicated may not be served at the event and that samples of malt liquor, wine or spirits are not presented in a manner that permits patrons to help themselves. Minors are prohibited from the event unless the taste testing takes place in an area of the venue where minors are not allowed. Those providing the samples to patrons must wear identification, such as a badge, so that a person being served a sample can clearly read the name of the manufacturer or distributor providing the sample. The amendment also requires that an affidavit be provided to the bureau attesting that those pouring samples have not been found in violation of a law governing the service of alcohol to minors. Sample sizes are limited to four ounces of malt liquor, one and one-half ounces of wine and one-half ounce of spirits. The overall sample limit is 12 samples per person, per day of the event. The amendment also provides for certain exceptions to the sample size and overall limits.

Spirits provided for taste testing at the event must be spirits that are listed for sale by the Bureau of Alcoholic Beverages and Lottery Operations. The amendment provides that all required taxes on liquor served at the event must be paid in advance. Empty bottles of liquor not listed for sale in the State must be removed from the State after the event. The amendment requires that the Bureau of Alcoholic Beverages and Lottery Operations create a pamphlet or similar document, available on the bureau's publicly accessible website, that describes the requirements and conditions of the event, including generally applicable laws.

The amendment also provides that a limited certificate of approval currently available to wine manufacturers who ship less than 120 gallons of wine into the State per year is also available to manufacturers of malt liquor subject to the same gallon limit.

### **Enacted Law Summary**

Public Law 2013, chapter 531 repeals two provisions in current law that establish a special taste-testing festival license and a special food and beverage industry taste-testing event license and replaces them with one taste-testing event license that allows for sampling of malt liquor, wine and spirits. Under chapter 531, a taste-testing event license may be issued to a manufacturer or distributor who has been issued a certificate of approval from the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. It also allows for a certificate of approval holder to sponsor manufacturers or distributors who have not been issued a certificate of approval so that they may take part in the taste-testing event. A certificate of approval holder may take part in up to ten licensed events per year. An event may last up to four consecutive days.

Chapter 531 requires that a taste-testing event must be held in a venue with clearly defined points of entry that prohibit the consumption of alcoholic beverages outside the designated area. A patron of the event pays a single admission price for the event and is not charged for samples provided. Taste-testing event licensees must ensure that persons who are intoxicated may not be served at the event and that samples of malt liquor, wine or spirits are not presented in a manner that permits patrons to help themselves. Minors are prohibited from the event unless the taste testing takes place in an area of the venue where minors are not allowed. Those providing the samples to patrons must wear identification, such as a badge, so that a person being served a sample can clearly read the name of the manufacturer or distributor providing the sample. The law also requires that an affidavit be provided to the bureau attesting that those pouring samples have not been found in violation of a law governing the service of alcohol to minors. Sample sizes are limited to four ounces of malt liquor, one and one-half ounces of wine and one-half ounce of spirits. The overall sample limit is 12 samples per person, per day of the event. Chapter 531 also provides for certain exceptions to the sample size and overall limits.

Spirits provided for taste testing at the event must be spirits that are listed for sale by the Bureau of Alcoholic Beverages and Lottery Operations. The law provides that all required taxes on liquor served at the event must be paid in advance. Empty bottles of liquor not listed for sale in the State must be removed from the State after the event. The law also requires that the Bureau of Alcoholic Beverages and Lottery Operations create a pamphlet or similar document, available on the bureau's publicly accessible website, that describes the requirements and

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conditions of the event, including generally applicable laws.

Chapter 531 also provides that a limited certificate of approval currently available to wine manufacturers who ship less than 120 gallons of wine into the State per year is also available to manufacturers of malt liquor subject to the same gallon limit.

Public Law 2013, chapter 531 was enacted as an emergency measure effective April 8, 2014.

**LD 1653      An Act To Designate the Maine Armed Forces Museum Operated by the      PUBLIC 463**  
**Maine Military Historical Society as the Official State Military History**  
**Museum**

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

This bill designates the museum operated by the Maine Military Historical Society, the Maine Armed Forces Museum, as the official state military history museum.

### Enacted Law Summary

Public Law 2013, chapter 463 designates the museum operated by the Maine Military Historical Society, the Maine Armed Forces Museum, as the official state military history museum.

**LD 1655      An Act To Amend the Military Bureau Laws      PUBLIC 469**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE BEAULIEU	OTP-AM	S-395

This bill specifies the duties of the Adjutant General as they relate to federal cost-sharing arrangements. The bill renames the Capital Repair Account the Capital Repair, Maintenance, Construction and Acquisition Account, specifies how the funds in that account may be spent and raises from \$300,000 or more to \$1,000,000 or more the cost of a capital repair project for which approval by the Legislature is required.

### Committee Amendment "A" (S-395)

This amendment reduces the amount expended from the Capital Repair, Maintenance, Construction and Acquisition Account for a capital repair, maintenance and construction project or land acquisition that would require approval by the Legislature from \$1,000,000, as the bill proposes, to \$500,000. It also requires that any construction, maintenance or capital repair projects and any land acquisitions costing less than \$500,000 be included in the biennial report required by current law.

### Enacted Law Summary

Public Law 2013, chapter 469 specifies the duties of the Adjutant General as they relate to federal cost-sharing arrangements. The law renames the Capital Repair Account the Capital Repair, Maintenance, Construction and Acquisition Account. It specifies how the funds in that account may be spent and raises from \$300,000 or more to \$500,000 or more the cost of a capital repair project for which approval by the Legislature is required. Chapter 469 also specifies that any construction, maintenance or capital repair projects and any land acquisitions that come under the \$500,000 threshold be included in the biennial report required to be submitted under current law.

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**LD 1670      Resolve, To Require the Director of the Bureau of Maine Veterans' Services To Report on the Administration of the Coordinated Veterans Assistance Fund      ONTP**

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

This resolve requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to report to the Joint Standing Committee on Veterans and Legal Affairs on the Coordinated Veterans Assistance Fund.

**LD 1675      An Act To Streamline Gaming Laws      ONTP**

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

This bill requires the Commissioner of Administrative and Financial Services to solicit bids for the operation of a new casino located in southern Maine and directs the Department of Public Safety, Gambling Control Board to issue a casino operator license to the entity that is awarded the bid. The casino operator must enter into an agreement with the municipality where the slot machines are located that provides for revenue sharing or other compensation of at least three percent of the net slot machine income. The fee for this license is \$5,000,000. The limit on the number of slot machines that may be registered in the State is raised from 3,000 to 5,000.

The casino operator must distribute 1% of gross slot machine income to the General Fund for the administrative expenses of the Gambling Control Board. The casino operator must distribute 39% of net slot machine income and 16% of net table game income as follows:

- 2 ½% for the administrative expenses of the Gambling Control Board and for the Gambling Addiction Prevention and Treatment Fund;
- 20% to supplement harness racing purses;
- 5% to the Sire Stakes Fund;
- 8 ½% to the Agricultural Fair Support Fund;
- 5% to the municipality in which the slot machines and table games are located;
- 7 ½% to the county in which the slot machines and table games are located;
- 2 ½% to the municipalities that abut the municipality in which the slot machines and table games are located;
- 2 ½% to the Fund to Stabilize Off-track Betting Facilities;
- 1 ½% to a nonprofit fraternal organization fund established by rule;

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- 1 ½% to the Coordinated Veterans Assistance Fund;
- 2 ½% to the federally recognized Indian tribes in the State;
- 20 ½% to the Department of Education for the purpose of funding kindergarten to grade 12 education; and
- 20 ½% to the Local Government Fund under the Maine Revised Statutes, Title 30-A, chapter 223 for the purpose of revenue sharing with the municipalities of the State.

**LD 1681      *An Act To Amend the Laws Governing Gambling and Criminal History Record Checks*      ONTP**

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

This bill specifies the portions of net slot machine and table game income collected by a casino operator or slot machine operator for administrative expenses of the Department of Public Safety, Gambling Control Board that must be deposited in the General Fund and the Gambling Control Board administrative expenses Other Special Revenue Funds account.

The bill moves a dedicated fund in the Department of Education regarding criminal history record checks to the Department of Public Safety.

It also provides that, with respect to fingerprint-supported criminal history record checks, unless otherwise specified in law, the full fee charged must be deposited in a dedicated revenue account for the purpose of paying the costs of the Department of Public Safety.

**LD 1690      *An Act Concerning Confidential Records Received by the Commission on Governmental Ethics and Election Practices*      PUBLIC 470**

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

This bill clarifies that certain investigative records of the Commission on Governmental Ethics and Election Practices designated confidential under current law maintain their confidentiality even if they are in the possession of a financial institution or vendor of a candidate, political action committee or other association being investigated by the commission. Those categories of documents are also confidential if received in the context of an audit or other enforcement matter such as a staff review of the compliance of campaign finance reports. The commission may present those documents or discuss them at a public meeting of the commission when they are materially relevant to a final commission determination or other decision by the commission concerning an audit, investigation or other enforcement matter.

### **Enacted Law Summary**

Public Law 2013, chapter 470 clarifies that certain investigative records of the Commission on Governmental Ethics and Election Practices designated confidential under current law maintain their confidentiality even if they are in the possession of a financial institution or vendor of a candidate, political action committee or other association being investigated by the commission. Those categories of documents are also confidential if received in the context of an audit or other enforcement matter such as a staff review of the compliance of campaign finance reports. The commission may present those documents or discuss them at a public meeting of the commission when

## Joint Standing Committee on Veterans and Legal Affairs

they are materially relevant to a final commission determination or other decision by the commission concerning an audit, investigation or other enforcement matter.

**LD 1713     An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events**

**PUBLIC 446  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	OTP-AM	S-377

This bill creates an exception to the law that prohibits a liquor license from being sold, assigned or subject to the control of a person other than the licensee. The bill allows a civic auditorium that holds a liquor license and serves as the designated host facility for a professional sports team to enter into an agreement to share the proceeds from the sale of alcoholic beverages sold in conjunction with the professional team's sporting events. In order to qualify for this exception, the civic auditorium must have the capacity to seat at least 3,000 people.

**Committee Amendment "A" (S-377)**

This amendment adds an emergency preamble and emergency clause to the bill and strikes the requirement that a professional sports team must play at least 15 calendar days at a host facility in order to share revenue from liquor sales with the host facility. The amendment also provides that the revenue-sharing exception applies to any licensee that has the capacity to seat at least 3,000 people and hosts a professional sports team, not just licensed civic auditoriums. The amendment also requires that the licensee disclose not only the existence of an agreement with the sports team but also the terms of the revenue-sharing agreement when applying for a liquor license.

**Enacted Law Summary**

Public Law 2013, chapter 446 establishes an exception to a provision in current law that prohibits a liquor license from being sold, assigned or subject to the control of a person other than the licensee. Chapter 446 provides that a licensee whose establishment has the capacity to seat at least 3,000 people and is the designated host facility for a professional sports team, may enter into an agreement to share revenues from the sale of alcoholic beverages with the professional sports team. The revenues to be shared are limited to those generated by sales of alcoholic beverages at sporting events conducted by the professional sports team. In order to share revenues, the professional sports team must conduct at least 75% of its sporting events as the home team in competition at the licensed facility. Revenue sharing agreements are required to be disclosed to the Bureau of Alcoholic Beverages and Lottery Operations.

Public Law 2013, chapter 446 was enacted as an emergency measure effective February 18, 2014.

**LD 1763     An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits**

**PUBLIC 504  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI PATRICK	OTP-AM	H-685

Current law prohibits a person licensed to manufacture, sell or distribute alcoholic beverages from publishing in any form an advertisement of malt liquor that refers in any manner to the alcohol content of the malt liquor manufactured, sold or distributed by that licensee, including through the use of phrases such as "full strength," "extra strength" or "prewar strength." The inclusion of the alcohol content on the product label is permitted. This bill prohibits the use of images as well as phrases that may be considered as statements of high alcohol content but permits the advertisement of alcohol content with respect to malt liquor, wine and spirits as long as it is expressed as a percentage of alcohol by volume.

*Joint Standing Committee on Veterans and Legal Affairs*

**Committee Amendment "A" (H-685)**

This amendment strikes the provision in the bill that prohibits a liquor licensee from displaying images or phrases that are likely to be considered statements of high alcohol content, such as "full strength," "high test" or "extra strength." It retains the provision in the bill that ensures a licensee may display the alcohol content of malt liquor, wine or spirits when it is expressed as a percentage of alcohol by volume. Current law prohibits a licensee from posting any advertisement that includes the alcohol content of malt liquor, expressed in any manner. The amendment maintains the section in the bill that repeals this prohibition.

**Enacted Law Summary**

Public Law 2013, chapter 504 repeals a law that prohibits a licensee from posting any advertisement that includes the alcohol content of malt liquor expressed in any manner. Chapter 504, instead, provides that a licensee may display the alcohol content of malt liquor, wine or spirits when it is expressed as a percentage of alcohol by volume.

Public Law 2013, chapter 504 was enacted as an emergency measure effective April 3, 2014.

**LD 1775      An Act To Assist Military Service Members with Access to the Federal      ONTP  
Uniformed Services Employment and Reemployment Rights Act of 1994**

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

This bill directs the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to establish a website that provides information to military service members about the federal Uniformed Services Employment and Reemployment Rights Act of 1994. The bill also requires the Director of the Bureau of Maine Veterans' Services to inform military service members about the website prior to and upon return from their deployment.

**LD 1783      An Act To Expand Consumer Choice for Wine      Died Between  
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON KATZ	OTP-AM ONTP	

This bill allows a person who is not a retailer or wholesaler licensed to sell wine or malt liquor in the State to auction fine and rare wines from a private collection to private collectors, retailers and wholesalers under certain conditions.

**Committee Amendment "A" (H-809)**

This amendment, which was not adopted, replaces the bill. The amendment establishes a license for a person to conduct wine auctions. Wine sold at auction by a wine auction licensee must be wine that was acquired from a private collection and not from anyone licensed to produce or to sell or distribute wine at retail or wholesale. A wine auction license allows for up to 12 auctions per year. Wines sold at auction may be purchased by registered bidders, including persons licensed to sell wine for off-premises or on-premises consumption. An auction licensee must pay all required sales and excise taxes. If a licensee fails to pay taxes within a prescribed period of time, the license may be suspended or revoked.

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**LD 1834      An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity** **Accepted Majority (ONTP) Report**

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

This bill requires the Commission on Governmental Ethics and Election Practices to investigate, upon complaint made by a candidate for Governor, State House of Representatives or State Senate, certain campaign statements and to make public declarations regarding statements determined to be false.

**Committee Amendment "A" (S-513)**

This amendment, which was not adopted, is the minority report of the committee. The amendment removes from the list of statements that are subject to an investigation by the Commission on Governmental Ethics and Election Practices false statements about a candidate's or public official's confinement for a mental disorder or a false statement about military discipline for criminal misconduct or about dishonorable discharge. It also requires the commission to categorize statements subject to an investigation in categories ranging from false to true.

**LD 1837      An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay** **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T THERIAULT	OTP-AM ONTP	S-524

This bill prohibits the State and the Maine Military Authority, an executive branch entity, from raising the defense of sovereign immunity in a civil action brought to collect severance pay.

**Committee Amendment "A" (S-524)**

This amendment is the majority report of the committee and clarifies that the waiver of immunity granted in the bill applies to a specific civil action for unpaid severance pay.

**LD 1856      Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine** **RESOLVE 111 EMERGENCY**

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

This resolve is reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to Public Law 2011, chapter 699. The resolve directs the Executive Director of the Legislative Council to enter into a contract with an experienced gaming consulting firm to conduct an analysis of the potential market for expanded casino-style gaming in the State. The resolve requires the analysis and a report to be completed by September 1, 2014. The resolve authorizes the Joint Standing Committee on Veterans and Legal Affairs to hold up to four meetings to review the analysis and authorizes the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs to report out legislation to the First Regular Session of the 127th Legislature.

The resolve transfers \$150,000 from the Gambling Control Board administrative expenses Other Special Revenue

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Funds account to the General Fund and transfers \$150,000 to the Legislative Council from the General Fund to fund the contract.

### **Committee Amendment "A" (H-821)**

This amendment, which was not adopted, is the minority report of the committee and replaces the resolve reported out by the Joint Standing Committee on Veterans and Legal Affairs pursuant to authority under Public Law 2011, chapter 699. The amendment requires the committee to meet no fewer than 12 times in June, July and August of 2014 to develop a comprehensive gaming policy for the State that includes the development of regions or zones where casinos may be licensed, the establishment of a competitive bidding process and the establishment of a single structure for the distribution of slot machine and table game revenue for all facilities licensed to operate slot machines or table games.

### **Enacted Law Summary**

Resolve 2013, chapter 111 directs the Executive Director of the Legislative Council to enter into a contract with an experienced gaming consulting firm to conduct an analysis of the potential market for expanded casino-style gaming in the State. The resolve requires the analysis and a report to be completed by September 1, 2014. Chapter 111 authorizes the Joint Standing Committee on Veterans and Legal Affairs to hold up to four meetings to review the analysis and authorizes the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs to report out legislation to the First Regular Session of the 127th Legislature.

Chapter 111 transfers \$150,000 from the Gambling Control Board administrative expenses Other Special Revenue Funds account to the General Fund and transfers \$150,000 to the Legislative Council from the General Fund to fund the contract.

Resolves 2013, chapter 111 was finally passed as an emergency measure effective April 30, 2014.

*Joint Standing Committee on Veterans and Legal Affairs*

SUBJECT INDEX

*Alcoholic Beverages*

Enacted

LD 704	An Act To Improve the Availability of Mail-in Rebates in the State	PUBLIC 514
LD 766	Resolve, Directing the Bureau of Alcoholic Beverages and Lottery Operations To Adopt Rules To Define the Term "Brand" as It Applies to the Distribution of Malt Liquor and Wine	RESOLVE 89
LD 1614	An Act Regarding the Laws Governing Liquor Licensing and Enforcement	PUBLIC 476 EMERGENCY
LD 1637	An Act Regarding Taste-testing Event Licenses	PUBLIC 531 EMERGENCY
LD 1713	An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events	PUBLIC 446 EMERGENCY
LD 1763	An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits	PUBLIC 504 EMERGENCY

Not Enacted

LD 1783	An Act To Expand Consumer Choice for Wine	Died Between Houses
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*Beano and Games of Chance*

Not Enacted

LD 227	An Act Concerning High-stakes Beano	Died Between Houses
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*Campaign Finance and Maine Clean Election Act*

Enacted

LD 1613	An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio	PUBLIC 494
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Not Enacted

LD 1494	An Act To Alter the Distribution of Maine Clean Election Act Funds	ONTP
LD 1631	An Act To Clarify What Constitutes a Contribution to a Candidate	Veto Sustained

*Campaign Practices*

Not Enacted

LD 1834	An Act To Require the Commission on Governmental Ethics and Election Practices To Make Public Declarations following a Determination of a Campaign Statement's Falsity	Majority (ONTP) Report
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*Claims Against the State*

Not Enacted

LD 1837	An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay	Veto Sustained
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*Defense, Veterans and Emergency Management*

Enacted

LD 1612	An Act To Amend the Veterans' Services Laws	PUBLIC 569
LD 1653	An Act To Designate the Maine Armed Forces Museum Operated by the Maine Military Historical Society as the Official State Military History Museum	PUBLIC 463
LD 1655	An Act To Amend the Military Bureau Laws	PUBLIC 469

Elections

Enacted

LD 1615	An Act To Amend the Election Laws	PUBLIC 457 EMERGENCY
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Governmental Ethics and Election Practices

Enacted

LD 1690	An Act Concerning Confidential Records Received by the Commission on Governmental Ethics and Election Practices	PUBLIC 470
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Harness Racing and Off-track Betting

Not Enacted

LD 519	An Act To Establish Advance Deposit Wagering for Harness Racing	Died In Concurrence
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Maine National Guard

Not Enacted

LD 1775	An Act To Assist Military Service Members with Access to the Federal Uniformed Services Employment and Reemployment Rights Act of 1994	ONTP
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Slot Machines and Gambling

Enacted

LD 1856	Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine	RESOLVE 111 EMERGENCY
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Not Enacted

LD 31	An Act To Increase Gaming Opportunities for Charitable Fraternal and Veterans' Organizations	Died Between Houses
LD 1111	An Act To Allow Maine's Harness Racing Industry To Compete with Casino Gaming	Died Between Houses
LD 1298	An Act To Authorize the Houlton Band of Maliseet Indians To Operate a Casino in Aroostook County	Died Between Houses
LD 1319	An Act To Authorize a Federally Recognized Indian Tribe in the State To Benefit from the Operation of an Existing Casino	ONTP
LD 1520	An Act To Allow the Passamaquoddy Tribe To Operate Slot Machines in Washington County in Conjunction with High-stakes Beano	Died Between Houses
LD 1675	An Act To Streamline Gaming Laws	ONTP
LD 1681	An Act To Amend the Laws Governing Gambling and Criminal History Record Checks	ONTP

Veterans

Enacted

LD 1632	Resolve, Directing the Commissioner of Defense, Veterans and Emergency Management To Request the Federal Government To Recognize Environmental Hazards at the Military Training Center in Gagetown, New Brunswick and the Resulting Health Risks and Disabilities Suffered by Certain Members of the Maine National Guard	RESOLVE 100
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**Not Enacted**

**LD 1670**     **Resolve, To Require the Director of the Bureau of Maine Veterans' Services  
To Report on the Administration of the Coordinated Veterans Assistance  
Fund**

**ONTP**

**Voting**

**Not Enacted**

**LD 511**     **An Act To Implement the National Popular Vote for President**

**Died Between  
Houses**

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**APPENDIX A**  
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**SESSION STATISTICS**

**OVERALL AND**  
**BY INDIVIDUAL COMMITTEE**

**126th LEGISLATURE  
SECOND REGULAR SESSION**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>		
<i>Bills referred and voted out</i>	269	52.7%
<i>Bills Carried Over from previous session</i>	206	40.4%
<b>Total Bills referred</b>	<b>475</b>	<b>93.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>12</b>	<b>2.4%</b>
<b>C. Bills introduced without reference</b>	<b>7</b>	<b>1.4%</b>
<b>D. <u>Bills Held By Governor from previous session</u></b>	<b>16</b> *	
<b>Total Bills considered by Legislature</b>	<b>510</b>	<b>100.0%</b>
<b>E. Orders and Resolutions Referred to Committee</b>		
<i>Joint Study Orders</i>	0	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%
<i>Orders and Resolutions carried over from previous session (AFA)</i>	1	0.2%
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>0.2%</b>
<b>II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES</b>	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	35	7.2%
<i>Ought to Pass as Amended</i>	150	30.7%
<i>Leave to Withdraw</i>	4	0.8%
<i>Ought Not to Pass</i>	164	33.6%
<i><u>Vote to refer bill to another committee</u></i>	<u>1</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>354</b>	<b>72.5%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	124	25.4%
<i>Three-way reports</i>	10	2.0%
<i>Four-way reports</i>	0	0.0%
<b>Total divided reports</b>	<b>134</b>	<b>27.5%</b>
<b>Total Committee reports</b>	<b>488</b>	<b>100.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>80</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> **		
<i>Joint Study Orders</i>	2	0.0%
<i>Public laws</i>	174	34.1%
<i>Private and Special Laws</i>	12	2.4%
<i>Resolves</i>	37	7.3%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>225</b>	<b>44.1%</b>
<b>B. Resolves to authorize major substantive rules</b>		
Resolves finally passed	14	2.7%
<u>Resolves not finally passed</u>	<u>3</u>	<u>0.6%</u>
<b>Total number of resolves</b>	<b>17</b>	<b>3.3%</b>
<b>C. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	22	4.3%
<i><u>Vetoed sustained</u></i>	<u>51</u>	<u>10.0%</u>
<b>Total</b>	<b>73</b>	<b>14.3%</b>

\* 16 bills were held by the Governor at the end of the 126th First Regular Session and final disposition occurred at the beginning of the Second Regular Session. Those 16 bills included 2 ACF bills, 1 AFA bill, 3 EDU bills, 3 HHS bills, 1 IFW bill, 2 MWEF bills, 1 SLG bill, 2 TAX bills and 1 unreferenced bill.

\*\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

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

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	16	72.7%	3.1%
<u><i>Bills Carried Over from previous session</i></u>	<u>6</u>	<u>27.3%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>22</b>	<b>100.0%</b>	<b>4.3%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>22</b>	<b>100.0%</b>	<b>4.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. <b>COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	4.5%	0.2%
<i>Ought to Pass as Amended</i>	5	22.7%	1.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	5	22.7%	1.0%
<b>Total unanimous reports</b>	<b>11</b>	<b>50.0%</b>	<b>2.3%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	11	50.0%	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>
<b>Total divided reports</b>	<b>11</b>	<b>50.0%</b>	<b>2.3%</b>
<b>Total committee reports</b>	<b>22</b>	<b>100.0%</b>	<b>4.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>4</b>	<b>N/A</b>	<b>N/A</b>
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> <sup>*</sup>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	7	31.8%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	6	27.3%	1.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>13</b>	<b>59.1%</b>	<b>2.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	4	100.0%	0.8%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>4</b>	<b>100.0%</b>	<b>0.8%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<u><i>Vetoed sustained</i></u>	<u>1</u>	<u>4.5%</u>	<u>0.2%</u>
<b>Total</b>	<b>1</b>	<b>4.5%</b>	<b>0.2%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

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

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	13	12.4%	2.5%
<i><u>Bills Carried Over from previous session</u></i>	<u>89</u>	<u>84.8%</u>	<u>17.5%</u>
<b>Total Bills referred</b>	<b>102</b>	<b>97.1%</b>	<b>20.0%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>3</b>	<b>2.9%</b>	<b>0.6%</b>
<b>Total Bills considered by Committee</b>	<b>105</b>	<b>100.0%</b>	<b>20.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>1</u>	<u>100.0%</u>	<u>0.2%</u>
<b>Total Orders and Resolutions Referred</b>	<b>1</b>	<b>100.0%</b>	<b>0.2%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	6	5.7%	1.2%
<i>Ought to Pass as Amended</i>	17	16.0%	3.5%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	76	71.7%	15.6%
<i><u>Vote to refer bill to another committee</u></i>	<u>1</u>	<u>0.9%</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>100</b>	<b>94.3%</b>	<b>20.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	5.7%	1.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>6</b>	<b>5.7%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>106</b>	<b>100.0%</b>	<b>21.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	19	18.1%	3.7%
<i>Private and Special Laws</i>	3	2.9%	0.6%
<i>Resolves</i>	0	0.0%	0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>22</b>	<b>21.0%</b>	<b>4.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	7	6.7%	1.4%
<i><u>Vetoed sustained</u></i>	<u>4</u>	<u>3.8%</u>	<u>0.8%</u>
<b>Total</b>	<b>11</b>	<b>10.5%</b>	<b>2.2%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE AND PUBLIC SAFETY**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	15	68.2%	2.9%
<i><u>Bills Carried Over from previous session</u></i>	<u>7</u>	<u>31.8%</u>	<u>1.4%</u>
<b>Total Bills referred</b>	<b>22</b>	<b>100.0%</b>	<b>4.3%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>22</b>	<b>100.0%</b>	<b>4.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/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>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	4.5%	0.2%
<i>Ought to Pass as Amended</i>	6	27.3%	1.2%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>3</u>	<u>13.6%</u>	<u>0.6%</u>
<b>Total unanimous reports</b>	<b>10</b>	<b>45.5%</b>	<b>2.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	10	45.5%	2.0%
<i>Three-way reports</i>	2	9.1%	0.4%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>12</b>	<b>54.5%</b>	<b>2.5%</b>
<b>Total committee reports</b>	<b>22</b>	<b>100.0%</b>	<b>4.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed<sup>*</sup></b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	10	45.5%	2.0%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	4.5%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>11</b>	<b>50.0%</b>	<b>2.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	3	13.6%	0.6%
<i><u>Vetoed sustained</u></i>	<u>4</u>	<u>18.2%</u>	<u>0.8%</u>
<b>Total</b>	<b>7</b>	<b>31.8%</b>	<b>1.4%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	24	70.6%	4.7%
<i>Bills Carried Over from previous session</i>	<u>8</u>	<u>23.5%</u>	<u>1.6%</u>
<b>Total Bills referred</b>	<b>32</b>	<b>94.1%</b>	<b>6.3%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>2</b>	<b>5.9%</b>	<b>0.4%</b>
<b>Total Bills considered by Committee</b>	<b>34</b>	<b>100.0%</b>	<b>6.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	5.9%	0.4%
<i>Ought to Pass as Amended</i>	17	50.0%	3.5%
<i>Leave to Withdraw</i>	1	2.9%	0.2%
<i>Ought Not to Pass</i>	<u>8</u>	<u>23.5%</u>	<u>1.6%</u>
<b>Total unanimous reports</b>	<b>28</b>	<b>82.4%</b>	<b>5.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	5	14.7%	1.0%
<i>Three-way reports</i>	1	2.9%	0.2%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>6</b>	<b>17.6%</b>	<b>1.2%</b>
<b>Total committee reports</b>	<b>34</b>	<b>100.0%</b>	<b>7.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>16</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	32.4%	2.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	8.8%	0.6%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>14</b>	<b>41.2%</b>	<b>2.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	2	100.0%	0.4%
<i>Resolves not finally passed</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>2</b>	<b>100.0%</b>	<b>0.4%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	2.9%	0.2%
<i>Vetoed sustained</i>	1	2.9%	0.2%
<b>Total</b>	<b>2</b>	<b>5.9%</b>	<b>0.4%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
ENERGY AND UTILITIES**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	18	46.2%	3.5%
<u><i>Bills Carried Over from previous session</i></u>	<u>21</u>	<u>53.8%</u>	<u>4.1%</u>
<b>Total Bills referred</b>	<b>39</b>	<b>100.0%</b>	<b>7.6%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>39</b>	<b>100.0%</b>	<b>7.6%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	14	35.9%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>12</u>	<u>30.8%</u>	<u>2.5%</u>
<b>Total unanimous reports</b>	<b>26</b>	<b>66.7%</b>	<b>5.3%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	11	28.2%	2.3%
<i>Three-way reports</i>	2	5.1%	0.4%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>13</b>	<b>33.3%</b>	<b>2.7%</b>
<b>Total committee reports</b>	<b>39</b>	<b>100.0%</b>	<b>8.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>6</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> <sup>*</sup>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	23.1%	1.8%
<i>Private and Special Laws</i>	4	10.3%	0.8%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>13</b>	<b>33.3%</b>	<b>2.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u><i>Resolves not finally passed</i></u>	<u>1</u>	<u>100.0%</u>	<u>0.2%</u>
<b>Total number of resolves</b>	<b>1</b>	<b>100.0%</b>	<b>0.2%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	2.6%	0.2%
<u><i>Vetoed sustained</i></u>	<u>8</u>	<u>20.5%</u>	<u>1.6%</u>
<b>Total</b>	<b>9</b>	<b>23.1%</b>	<b>1.8%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
ENVIRONMENT AND NATURAL RESOURCES**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	11	64.7%	2.2%
<i><u>Bills Carried Over from previous session</u></i>	<u>4</u>	<u>23.5%</u>	<u>0.8%</u>
<b>Total Bills referred</b>	<b>15</b>	<b>88.2%</b>	<b>2.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>2</b>	<b>11.8%</b>	<b>0.4%</b>
<b>Total Bills considered by Committee</b>	<b>17</b>	<b>100.0%</b>	<b>3.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	11.8%	0.4%
<i>Ought to Pass as Amended</i>	2	11.8%	0.4%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>5</u>	<u>29.4%</u>	<u>1.0%</u>
<b>Total unanimous reports</b>	<b>9</b>	<b>52.9%</b>	<b>1.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	8	47.1%	1.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>8</b>	<b>47.1%</b>	<b>1.6%</b>
<b>Total committee reports</b>	<b>17</b>	<b>100.0%</b>	<b>3.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed<sup>*</sup></b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	5	29.4%	1.0%
<i>Private and Special Laws</i>	1	5.9%	0.2%
<i>Resolves</i>	1	5.9%	0.2%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>7</b>	<b>41.2%</b>	<b>1.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	1	33.3%	0.2%
<i><u>Resolves not finally passed</u></i>	<u>2</u>	<u>66.7%</u>	<u>0.4%</u>
<b>Total number of resolves</b>	<b>3</b>	<b>100.0%</b>	<b>0.6%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	5.9%	0.2%
<i><u>Vetoed sustained</u></i>	<u>3</u>	<u>17.6%</u>	<u>0.6%</u>
<b>Total</b>	<b>4</b>	<b>23.5%</b>	<b>0.8%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	40	80.0%	7.8%
<i><u>Bills Carried Over from previous session</u></i>	<u>9</u>	<u>18.0%</u>	<u>1.8%</u>
<b>Total Bills referred</b>	<b>49</b>	<b>98.0%</b>	<b>9.6%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>2.0%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>50</b>	<b>100.0%</b>	<b>9.8%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	4	8.0%	0.8%
<i>Ought to Pass as Amended</i>	11	22.0%	2.3%
<i>Leave to Withdraw</i>	1	2.0%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>10</u>	<u>20.0%</u>	<u>2.0%</u>
<b>Total unanimous reports</b>	<b>26</b>	<b>52.0%</b>	<b>5.3%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	23	46.0%	4.7%
<i>Three-way reports</i>	1	2.0%	0.2%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>24</b>	<b>48.0%</b>	<b>4.9%</b>
<b>Total committee reports</b>	<b>50</b>	<b>100.0%</b>	<b>10.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	22.0%	2.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	7	14.0%	1.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>18</b>	<b>36.0%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	4	100.0%	0.8%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>4</b>	<b>100.0%</b>	<b>0.8%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	3	6.0%	0.6%
<i><u>Vetoed sustained</u></i>	<u>13</u>	<u>26.0%</u>	<u>2.5%</u>
<b>Total</b>	<b>16</b>	<b>32.0%</b>	<b>3.1%</b>

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

# JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

## Summary of Committee Actions

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	7	43.8%	1.4%
<u><i>Bills Carried Over from previous session</i></u>	<u>9</u>	<u>56.3%</u>	<u>1.8%</u>
<b>Total Bills referred</b>	<b>16</b>	<b>100.0%</b>	<b>3.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>16</b>	<b>100.0%</b>	<b>3.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	12.5%	0.4%
<i>Ought to Pass as Amended</i>	4	25.0%	0.8%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>3</u>	<u>18.8%</u>	<u>0.6%</u>
<b>Total unanimous reports</b>	<b>9</b>	<b>56.3%</b>	<b>1.8%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	6	37.5%	1.2%
<i>Three-way reports</i>	1	6.3%	0.2%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>7</b>	<b>43.8%</b>	<b>1.4%</b>
<b>Total committee reports</b>	<b>16</b>	<b>100.0%</b>	<b>3.3%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	56.3%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>9</b>	<b>56.3%</b>	<b>1.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	2	12.5%	0.4%
<u><i>Vetoed sustained</i></u>	<u>3</u>	<u>18.8%</u>	<u>0.6%</u>
<b>Total</b>	<b>5</b>	<b>31.3%</b>	<b>1.0%</b>

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	3	50.0%	0.6%
<i>Bills Carried Over from previous session</i>	3	50.0%	0.6%
<b>Total Bills referred</b>	<b>6</b>	<b>100.0%</b>	<b>1.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>6</b>	<b>100.0%</b>	<b>1.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b>Number</b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	2	33.3%	0.4%
<i>Leave to Withdraw</i>	1	16.7%	0.2%
<i>Ought Not to Pass</i>	2	33.3%	0.4%
<b>Total unanimous reports</b>	<b>5</b>	<b>83.3%</b>	<b>1.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	1	16.7%	0.2%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	<b>1</b>	<b>16.7%</b>	<b>0.2%</b>
<b>Total committee reports</b>	<b>6</b>	<b>100.0%</b>	<b>1.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<b>Number</b>		
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	3	50.0%	0.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i>Constitutional Resolutions</i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	<b>3</b>	<b>50.0%</b>	<b>0.6%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i>Resolves not finally passed</i>	0	0.0%	0.0%
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
JUDICIARY**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	15	68.2%	2.9%
<i>Bills Carried Over from previous session</i>	4	<u>18.2%</u>	<u>0.8%</u>
<b>Total Bills referred</b>	<b>19</b>	<b>86.4%</b>	<b>3.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>3</b>	<b>13.6%</b>	<b>0.6%</b>
<b>Total Bills considered by Committee</b>	<b>22</b>	<b>100.0%</b>	<b>4.3%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions/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>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	13.6%	0.6%
<i>Ought to Pass as Amended</i>	14	63.6%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>1</u>	<u>4.5%</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>18</b>	<b>81.8%</b>	<b>3.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	18.2%	0.8%
<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>
<b>Total divided reports</b>	<b>4</b>	<b>18.2%</b>	<b>0.8%</b>
<b>Total committee reports</b>	<b>22</b>	<b>100.0%</b>	<b>4.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>18</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed<sup>*</sup></b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	50.0%	2.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	13.6%	0.6%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>14</b>	<b>63.6%</b>	<b>2.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i>Resolves not finally passed</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoes over-ridden</i>	1	4.5%	0.2%
<i>Vetoes sustained</i>	2	9.1%	0.4%
<b>Total</b>	<b>3</b>	<b>13.6%</b>	<b>0.6%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	33	76.7%	6.5%
<i><u>Bills Carried Over from previous session</u></i>	<u>10</u>	<u>23.3%</u>	<u>2.0%</u>
<b>Total Bills referred</b>	<b>43</b>	<b>100.0%</b>	<b>8.4%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>43</b>	<b>100.0%</b>	<b>8.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	5	11.6%	1.0%
<i>Ought to Pass as Amended</i>	13	30.2%	2.7%
<i>Leave to Withdraw</i>	1	2.3%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>11</u>	<u>25.6%</u>	<u>2.3%</u>
<b>Total unanimous reports</b>	<b>30</b>	<b>69.8%</b>	<b>6.1%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	11	25.6%	2.3%
<i>Three-way reports</i>	2	4.7%	0.4%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>13</b>	<b>30.2%</b>	<b>2.7%</b>
<b>Total committee reports</b>	<b>43</b>	<b>100.0%</b>	<b>8.8%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>20</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	32.6%	2.7%
<i>Private and Special Laws</i>	2	4.7%	0.4%
<i>Resolves</i>	2	4.7%	0.4%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>18</b>	<b>41.9%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	2	100.0%	0.4%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>2</b>	<b>100.0%</b>	<b>0.4%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i><u>Vetoed sustained</u></i>	<u>5</u>	<u>11.6%</u>	<u>1.0%</u>
<b>Total</b>	<b>5</b>	<b>11.6%</b>	<b>1.0%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT SELECT COMMITTEE ON  
MAINE'S WORKFORCE AND ECONOMIC FUTURE**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	1	50.0%	0.2%
<i><u>Bills Carried Over from previous session</u></i>	<u>1</u>	<u>50.0%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>2</b>	<b>100.0%</b>	<b>0.4%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>2</b>	<b>100.0%</b>	<b>0.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	1	50.0%	0.2%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>1</u>	<u>50.0%</u>	<u>0.2%</u>
<b>Total unanimous reports</b>	<b>2</b>	<b>100.0%</b>	<b>0.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>2</b>	<b>100.0%</b>	<b>0.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	50.0%	0.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>1</b>	<b>50.0%</b>	<b>0.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i>Resolves not finally passed</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i><u>Vetoed sustained</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Prepared by the Office of Policy and Legal Analysis  
125th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

**Summary of Committee Actions**

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	9	75.0%	1.8%
<u><i>Bills Carried Over from previous session</i></u>	<u>3</u>	<u>25.0%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>12</b>	<b>100.0%</b>	<b>2.4%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>12</b>	<b>100.0%</b>	<b>2.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	8.3%	0.2%
<i>Ought to Pass as Amended</i>	5	41.7%	1.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>2</u>	<u>16.7%</u>	<u>0.4%</u>
<b>Total unanimous reports</b>	<b>8</b>	<b>66.7%</b>	<b>1.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	33.3%	0.8%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>33.3%</b>	<b>0.8%</b>
<b>Total committee reports</b>	<b>12</b>	<b>100.0%</b>	<b>2.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed<sup>*</sup></b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	8	66.7%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	8.3%	0.2%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>9</b>	<b>75.0%</b>	<b>1.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<u><i>Resolves not finally passed</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<u><i>Vetoed sustained</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
STATE AND LOCAL GOVERNMENT**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	5	45.5%	1.0%
<i>Bills Carried Over from previous session</i>	<u>6</u>	<u>54.5%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>11</b>	<b>100.0%</b>	<b>2.2%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>11</b>	<b>100.0%</b>	<b>2.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	9.1%	0.2%
<i>Ought to Pass as Amended</i>	5	45.5%	1.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>2</u>	<u>18.2%</u>	<u>0.4%</u>
<b>Total unanimous reports</b>	<b>8</b>	<b>72.7%</b>	<b>1.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	3	27.3%	0.6%
<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>
<b>Total divided reports</b>	<b>3</b>	<b>27.3%</b>	<b>0.6%</b>
<b>Total committee reports</b>	<b>11</b>	<b>100.0%</b>	<b>2.3%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	4	36.4%	0.8%
<i>Private and Special Laws</i>	1	9.1%	0.2%
<i>Resolves</i>	1	9.1%	0.2%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>6</b>	<b>54.5%</b>	<b>1.2%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i>Resolves not finally passed</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
TAXATION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	27	75.0%	5.3%
<i><u>Bills Carried Over from previous session</u></i>	9	25.0%	1.8%
<b>Total Bills referred</b>	<b>36</b>	<b>100.0%</b>	<b>7.1%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total Bills considered by Committee</b>	<b>36</b>	<b>100.0%</b>	<b>7.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	0	0.0%	0.0%
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	5.6%	0.4%
<i>Ought to Pass as Amended</i>	14	38.9%	2.9%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	12	33.3%	2.5%
<b>Total unanimous reports</b>	<b>28</b>	<b>77.8%</b>	<b>5.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	8	22.2%	1.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	0	0.0%	0.0%
<b>Total divided reports</b>	<b>8</b>	<b>22.2%</b>	<b>1.6%</b>
<b>Total committee reports</b>	<b>36</b>	<b>100.0%</b>	<b>7.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	33.3%	2.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	5.6%	0.4%
<i><u>Constitutional Resolutions</u></i>	0	0.0%	0.0%
<b>Total Enacted or Finally Passed</b>	<b>14</b>	<b>38.9%</b>	<b>2.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i><u>Resolves not finally passed</u></i>	0	0.0%	0.0%
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	1	2.8%	0.2%
<i><u>Vetoed sustained</u></i>	1	2.8%	0.2%
<b>Total</b>	<b>2</b>	<b>5.6%</b>	<b>0.4%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

# JOINT STANDING COMMITTEE ON TRANSPORTATION

## Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	13	68.4%	2.5%
<u>Bills Carried Over from previous session</u>	<u>6</u>	<u>31.6%</u>	<u>1.2%</u>
<b>Total Bills referred</b>	<b>19</b>	<b>100.0%</b>	<b>3.7%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>			
	0	0.0%	0.0%
<b>Total Bills considered by Committee</b>			
	<b>19</b>	<b>100.0%</b>	<b>3.7%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u>Orders and Resolutions Carried Over</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>			
	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	3	15.8%	0.6%
<i>Ought to Pass as Amended</i>	11	57.9%	2.3%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u>Ought Not to Pass</u>	<u>5</u>	<u>26.3%</u>	<u>1.0%</u>
<b>Total unanimous reports</b>	<b>19</b>	<b>100.0%</b>	<b>3.9%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u>Four-way reports</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>			
	<b>19</b>	<b>100.0%</b>	<b>3.9%</b>
<b>III. CONFIRMATION HEARINGS</b>			
	2	N/A	N/A
<b>IV. FINAL DISPOSITION</b>			
	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills</u>
<b>A. Bills and Papers enacted or finally passed *</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	57.9%	2.2%
<i>Private and Special Laws</i>	1	5.3%	0.2%
<i>Resolves</i>	1	5.3%	0.2%
<u>Constitutional Resolutions</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>13</b>	<b>68.4%</b>	<b>2.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	1	100.0%	0.2%
<u>Resolves not finally passed</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>1</b>	<b>100.0%</b>	<b>0.2%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<u>Vetoed sustained</u>	<u>1</u>	<u>5.3%</u>	<u>0.2%</u>
<b>Total</b>	<b>1</b>	<b>5.3%</b>	<b>0.2%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

**JOINT STANDING COMMITTEE ON  
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>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	19	61.3%	3.7%
<i><u>Bills Carried Over from previous session</u></i>	<u>11</u>	<u>35.5%</u>	<u>2.2%</u>
<b>Total Bills referred</b>	<b>30</b>	<b>96.8%</b>	<b>5.9%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	<b>1</b>	<b>3.2%</b>	<b>0.2%</b>
<b>Total Bills considered by Committee</b>	<b>31</b>	<b>100.0%</b>	<b>6.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over from previous session</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
		<b>% of this Committee's Reports</b>	<b>% of All Committee Reports</b>
<b>II. COMMITTEE REPORTS</b>	<b><u>Number</u></b>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	2	6.5%	0.4%
<i>Ought to Pass as Amended</i>	9	29.0%	1.8%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>6</u>	<u>19.4%</u>	<u>1.2%</u>
<b>Total unanimous reports</b>	<b>17</b>	<b>54.8%</b>	<b>3.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	13	41.9%	2.7%
<i>Three-way reports</i>	1	3.2%	0.2%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>14</b>	<b>45.2%</b>	<b>2.9%</b>
<b>Total committee reports</b>	<b>31</b>	<b>100.0%</b>	<b>6.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>5</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills</b>
<b>IV. FINAL DISPOSITION</b>	<b><u>Number</u></b>		
<b>A. Bills and Papers enacted or finally passed</b> *			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	11	35.5%	2.2%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	9.7%	0.6%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>14</b>	<b>45.2%</b>	<b>2.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Resolves finally passed</i>	0	0.0%	0.0%
<i><u>Resolves not finally passed</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of resolves</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i><u>Vetoed sustained</u></i>	<u>2</u>	<u>6.5%</u>	<u>0.4%</u>
<b>Total</b>	<b>2</b>	<b>6.5%</b>	<b>0.4%</b>

Prepared by the Office of Policy and Legal Analysis  
126th Legislature, Second Regular Session

\* Enacted or finally passed includes vetoed legislation if the veto was overridden.

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**APPENDIX B**  
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