

**STATE OF MAINE**  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION

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

**VOLUME 2**



Summaries of All Bills and Adopted Amendments and All Laws Enacted or Finally  
Passed During the First Regular Session of the 125<sup>th</sup> Maine Legislature

First Regular Session convened Wednesday, December 1, 2010  
First Regular Session adjourned sine die Wednesday, June 29, 2011

Senate Legislative Days.....66  
House Legislative Days.....65  
Bills Considered.....1588

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JULY 2011

# STATE OF MAINE

125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<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 First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2011

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*Joint Standing Committee on Judiciary*

**LD 3      An Act To Clarify Joint Tenancy Reinstatement**

**PUBLIC 41**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-22

This bill clarifies that a deed held in joint tenancy taken by a taxing or assessing authority by foreclosure that is conveyed back to the owners reinstates the joint tenancy that existed at the time of the taking.

**Committee Amendment "A" (S-22)**

The amendment clarifies that the bill's language regarding conveyances applies to conveyances made on or after January 1, 2012.

**Enacted Law Summary**

Public Law 2011, chapter 41 clarifies that a deed held in joint tenancy taken by a taxing or assessing authority by foreclosure that is conveyed back to the owners reinstates the joint tenancy that existed at the time of the taking.

Chapter 41 applies to conveyances made on or after January 1, 2012.

**LD 10      An Act To Clarify the Method of Creating or Severing Joint Tenancy**

**PUBLIC 4**

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

This bill revises the joint tenancy statute to provide that the intent to create a joint tenancy may be stated by appropriate language anywhere in a deed. The bill also provides that a deed to an owner or an owner and another or others is effective and not a nullity. It also provides specific examples of deed language appropriate to create a joint tenancy and provides that a joint tenancy may be severed by a deed to an owner or to an owner and another or others.

**Enacted Law Summary**

Public Law 2011, chapter 4 revises the joint tenancy statute to provide that the intent to create a joint tenancy may be stated by appropriate language anywhere in a deed. It provides that a deed to an owner or an owner and another or others is effective and not a nullity. It also provides specific examples of deed language appropriate to create a joint tenancy and provides that a joint tenancy may be severed by a deed to an owner or to an owner and another or others.

*Joint Standing Committee on Judiciary*

**LD 31      An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor**

**MAJORITY  
(ONTP) REPORT**

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

This bill prohibits dispensing prescription drugs to a minor without express consent from the minor's parent or legal guardian unless the minor is living independently of parental or guardian support, is or was married, is or was serving in the Armed Forces of the United States or has been legally emancipated.

**LD 39      An Act Related to Family Law Magistrates**

**PUBLIC 3**

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

This bill removes language prohibiting magistrates of the Family Division of District Court from wearing black robes.

**Enacted Law Summary**

Public Law 2011, chapter 3 removes language prohibiting magistrates of the Family Division of District Court from wearing black robes.

**LD 51      An Act Regarding Access to Sexually Explicit Material**

**PUBLIC 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL HOBBINS	OTP-AM	H-56

This bill creates new guidelines for access to sexually explicit material in a criminal investigation or proceeding.

**Committee Amendment "A" (H-56)**

This amendment allows access to the sexually explicit materials by an agent of the defendant's attorney.

**Enacted Law Summary**

Public Law 2011, chapter 39 creates new guidelines for access to sexually explicit material in a criminal investigation or proceeding. This material is now accessible to defendants pursuant to Maine Rules of Criminal Procedure, Rule 16, which permits copying or photographing. Chapter 39 authorizes reasonable access for inspection of the sexually explicit material but prohibits any reproduction of the material and requires that it be inspected in a facility under the control of the attorney for the State. The custody, control and care of the material

*Joint Standing Committee on Judiciary*

must remain with the attorney for the State or the court. Chapter 39 is consistent with the federal requirements of custody and treatment of evidence of child pornography pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.

**LD 58      An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act      ONTP**

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

This bill expresses the findings of the Legislature that the federal Patient Protection and Affordable Care Act, signed into law by President Barack Obama on March 23, 2010, is in violation of the United States Constitution, Amendment X and, as such, is considered null and void in Maine. This bill prohibits a federal or state official, agent or employee from enforcing the Patient Protection and Affordable Care Act, or any other statute, law, rule, regulation or order made in connection with that Act. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in jail and a fine of up to \$2,000. The bill also allows a civil cause of action.

See also LD 1233, referred to the Joint Standing Committee on Insurance and Financial Services.

**LD 90      An Act Regarding Graphic Images Displayed with the Intention of Interfering with Civil Rights      ONTP**

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

This bill amends the Maine Civil Rights Act to limit the size of images of human or fetal remains that may be displayed by any person with the intention of interfering with the exercise of constitutional or other legal rights.

**LD 95      An Act To Repeal the Restriction on Serving or Executing Civil Process on Sunday      PUBLIC 32**

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

This bill repeals the restriction on serving or executing civil process on Sunday.

**Enacted Law Summary**

Public Law 2011, chapter 32 repeals the restriction on serving or executing civil process on Sunday.

*Joint Standing Committee on Judiciary*

**LD 115      An Act To Amend the Laws Governing Child Support Enforcement**

**MAJORITY  
(ONTP) REPORT**

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

This bill provides an exemption from attachment and execution for any debtor's interest in funds or assets that are necessary for the debtor to pay child support. It also provides that child support orders have priority over previously filed orders that are not made for the purpose of enforcing or paying child support.

**Committee Amendment "A" (H-309)**

This amendment is the minority report. It removes the provision in the bill that provides for an exemption from attachment and execution of the debtor's interest in assets that are necessary to pay existing or anticipated child support obligations. Instead, this amendment provides an exemption from attachment and execution of a debtor's interest in funds or assets that are necessary for the debtor to pay past-due child support pursuant to a support order except for funds or assets that are attached or executed upon to pay a contractual security interest, including but not limited to a mortgage or a tax lien or a mechanics lien preserved and enforced under the Maine Revised Statutes, Title 10, sections 3451 and 3452. It also provides that a support order does not take priority over an action to collect or enforce tax debts or a contractual security interest.

This amendment was not adopted.

**LD 116      An Act To Require a 24-hour Waiting Period prior to an Abortion**

**MAJORITY  
(ONTP) REPORT**

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

This bill requires a 24-hour waiting period prior to an abortion except in the case of a medical emergency. See also LD 914 and LD 1457.

**Committee Amendment "A" (H-469)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment provides a pregnant minor or a pregnant woman the option of receiving the required information and counseling from a physician other than the physician who performs the abortion. The informed written consent must still be obtained at least 24 hours before the abortion is performed, as required in the bill.

This amendment was not adopted.

*Joint Standing Committee on Judiciary*

**LD 138      An Act To Allow a Nonresident To Perform a Single Marriage Ceremony**

**PUBLIC 111**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS PATRICK	OTP-AM	H-134

This bill permits a nonresident notary public or justice of the peace to apply for and receive temporary authority to solemnize a particular marriage in this State.

This bill was referred from the Joint Standing Committee on State and Local Government.

**Committee Amendment "A" (H-134)**

The amendment revises the bill to allow the Department of Health and Human Services, Office of Data, Research and Vital Statistics to issue a temporary registration certificate to solemnize a marriage to an individual who is a nonresident of this State and who is authorized to solemnize marriages in the individual's state of residence. This amendment also updates language concerning marriage licenses.

**Enacted Law Summary**

Public Law 2011, chapter 111 allows the Department of Health and Human Services, Office of Data, Research and Vital Statistics to issue a temporary registration certificate to solemnize a marriage to an individual who is a nonresident of this State and who is authorized to solemnize marriages in the individual's state of residence. The individual must apply for the temporary registration certificate by providing evidence of that authority, such as a copy of a commission certificate, as well as a copy of the statute that provides the authority. The temporary registration certificate expires 90 days after issuance or upon the individual's signing the marriage license, whichever occurs first.

**LD 145      An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents**

**Carried Over**

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

This bill requires a mortgagee bringing a civil foreclosure action on real property to produce the original mortgage note, signed by the mortgagor, as part of the complaint.

This bill was reported out of the Judiciary Committee with a unanimous Ought to Pass as Amended report, and was subsequently recommitted to the Judiciary Committee.

**Committee Amendment "A" (H-425)**

This amendment replaces the bill but retains the proposed requirement that a plaintiff seeking to foreclose on a mortgage is required to produce the original mortgage note, evidencing that the plaintiff has the right to foreclose, before a foreclosure action may proceed.

This amendment requires the plaintiff to produce the original note and all the endorsements associated with the note

## *Joint Standing Committee on Judiciary*

within 30 days of the defendant's request for production to allow the defendant to inspect and copy or photograph the original mortgage note. The plaintiff must specify the date, time and place for production of the note. The place may be at the courthouse, in an attorney's office or in a financial institution or any other place to which the plaintiff and defendant agree. The date of production must be within 40 days of the request for production.

If the plaintiff fails to produce the original note, the defendant may ask the court to dismiss the action without prejudice and the court shall award the defendant reasonable attorney's fees. If the defendant chooses not to request the dismissal of the action, the court may not allow the plaintiff to recover any interest or late fees on the mortgage loan between the date required for the note's production and the date when the note is produced.

If the plaintiff is not in possession of the note but the Uniform Commercial Code provisions on lost, stolen or destroyed instruments apply, the plaintiff's provision of a sworn affidavit pursuant to the Maine Revised Statutes, Title 11, section 3-1309 to the defendant constitutes sufficient compliance with the production requirements.

If the plaintiff claims the note is an electronic transferable record, as defined in the Uniform Electronic Transactions Act, the plaintiff's furnishing of a sworn affidavit setting forth the proof required pursuant to Title 10, section 9416, subsection 6 constitutes sufficient compliance with the production requirements.

This amendment was not adopted.

### **House Amendment "A" To Committee Amendment "A" (H-525)**

This amendment changes the provisions of Committee Amendment "A" in the following ways:

1. It allows the plaintiff in a foreclosure action to produce an electronic equivalent of the mortgage note, loan agreement or other evidence of indebtedness;
2. It requires the defendant to send the written request to inspect the original mortgage note prior to judgment being entered;
3. It removes the specific time limit for the plaintiff to respond to the defendant's written request and to produce the note and instead requires the response and production to be in accordance with the Maine Rules of Civil Procedure;
4. It adds, as an acceptable place for inspection, the office of the plaintiff's attorney;
5. It removes the requirement that the court, upon motion of the defendant, dismiss the foreclosure action and award the defendant attorney's fees for failure of the plaintiff to produce the original note. Instead, this amendment requires the plaintiff to provide a valid excuse for failure to provide the note or an electronic equivalent and, in the event that the plaintiff fails to provide either the note or its electronic equivalent or a valid excuse, allows the court to fashion appropriate remedies; and
6. It removes the provision that allows the plaintiff to provide a sworn affidavit in lieu of the original note in the event that the provisions of the Uniform Commercial Code regarding lost, stolen or destroyed instruments apply or the note is an electronic transferable record under the Uniform Electronic Transactions Act.

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-270)**

This amendment is the same as House Amendment "A" to Committee Amendment "A."

This amendment was not adopted.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

*Joint Standing Committee on Judiciary*

**LD 165      An Act To Require Divorce Actions To Go to Mediation**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to require all contested divorce cases to be resolved through mediation, instead of in the courts, unless there are extenuating circumstances, such as abuse.

**LD 170      An Act To Extend the Maximum Time Period for Powers of Attorney  
for Minors and Incapacitated Persons**

**PUBLIC 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS COURTNEY	OTP-AM	H-57

This bill extends the maximum time period for a power of attorney for a minor or incapacitated person from 6 to 12 months and authorizes the Probate Court, in issuing, modifying or terminating an order of guardianship of a minor, to include in the order transition arrangements as determined to be in the best interest of the child.

**Committee Amendment "A" (H-57)**

This amendment clarifies that orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation.

**Enacted Law Summary**

Public Law 2011, chapter 43 extends the maximum time period for a power of attorney for a minor or incapacitated person from 6 to 12 months and authorizes the Probate Court, in issuing, modifying or terminating an order of guardianship of a minor, to include in the order transition arrangements as determined to be in the best interest of the child. Orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation.

**LD 194      An Act To Make Permanent the Direction of Fines Derived from Tribal  
Law Enforcement Activities to the Passamaquoddy Tribe and the  
Penobscot Nation**

**PUBLIC 426**

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

This bill removes the provision of law that repeals the laws that direct fines derived from tribal law enforcement activities to the Passamaquoddy Tribe and the Penobscot Nation.

## Joint Standing Committee on Judiciary

### Committee Amendment "A" (H-375)

This amendment incorporates a fiscal note.

### Enacted Law Summary

Public Law 2011, chapter 426 removes the provision of law that repeals the laws that direct fines derived from tribal law enforcement activities to the Passamaquoddy Tribe and the Penobscot Nation.

LD 202      **An Act To Modify Child Support Enforcement Procedures**

**PUBLIC 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS ROSEN R	OTP-AM	H-45

This bill amends several child support enforcement provisions. It:

1. Eliminates the 6-month limitation on a court order for a child support obligor to seek employment;
2. Changes the child support guidelines from requiring that the support obligation of a nonprimary care provider who earns less than the federal poverty guidelines may not exceed 10% of the nonprimary care provider's weekly gross income for each child for whom support is awarded to requiring that the support obligation may not exceed 10% of the nonprimary care provider's weekly gross income regardless of the number of children; and
3. Limits the assignment of child support received by a recipient of public assistance to only that support that accrues during the period that the recipient receives public assistance.

### Committee Amendment "A" (H-45)

This amendment reinstates the limitation, which was removed in the bill, on a court order for a child support obligor, expanding the limitation from 6 months as in current law to one year.

### Enacted Law Summary

Public Law 2011, chapter 34 does the following:

1. It changes the child support guidelines from requiring that the support obligation of a nonprimary care provider who earns less than the federal poverty guidelines may not exceed 10% of the nonprimary care provider's weekly gross income for each child for whom support is awarded to requiring that the support obligation may not exceed 10% of the nonprimary care provider's weekly gross income regardless of the number of children;
2. It limits the assignment of child support received by a recipient of public assistance to only that support that accrues during the period that the recipient receives public assistance; and
3. It expands the 6-month limitation on a court order for a child support obligor to seek employment to one year.

*Joint Standing Committee on Judiciary*

**LD 237      An Act To Make Public the Names of Members of Limited Liability Companies      ONTP**

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

This bill requires the Secretary of State to make the names of members of a limited liability company available to the public.

See also LD 983.

**LD 247      An Act To Amend the Gift Card Laws      PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	OTP-AM	H-442

This bill changes from 2 years to 5 years the time after which a gift obligation or stored-value card is deemed abandoned. It also removes the provision that a merchant remit 60% of the unclaimed amount to the Treasurer of State, resulting in the required remittance of 100% of the unclaimed amount.

**Committee Amendment "A" (H-442)**

This amendment replaces the bill.

This amendment provides that gift obligations and stored-value cards sold on or after December 31, 2011 are not presumed abandoned unless a single issuer sells at least \$250,000 in face value of gift obligations and stored-value cards in the previous calendar year. Sales of gift obligations and stored-value cards are considered sales by a single issuer if the sales were by businesses that operate either under common ownership or control with another business or businesses in the State or as franchised outlets of a parent business.

This amendment also reformats the provision on gift obligations and stored-value cards to make it more readable, but makes no other changes to current law.

**Enacted Law Summary**

Public Law 2011, chapter 433 provides that gift obligations and stored-value cards sold on or after December 31, 2011 are not presumed abandoned unless a single issuer sells at least \$250,000 in face value of gift obligations and stored-value cards in the previous calendar year. Sales of gift obligations and stored-value cards are considered sales by a single issuer if the sales were by businesses that operate either under common ownership or control with another business or businesses in the State or as franchised outlets of a parent business.

*Joint Standing Committee on Judiciary*

LD 281      **An Act To Create a 6-year Statute of Limitations for Environmental Violations**

**PUBLIC 350**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ OTP-AM MIN	S-239

This bill requires enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within five years of the date of the violation.

**Committee Amendment "A" (S-239)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill.

This amendment establishes a 6-year statute of limitations for actions for civil penalties for violations of laws administered by the Department of Environmental Protection. An action must be commenced within 6 years of when the Commissioner of Environmental Protection or the Attorney General discovers the act or omission giving rise to the violation or identifies the party responsible for the violation, or of the last day of a continuing violation, whichever occurs latest.

This amendment specifies when an enforcement action is commenced includes language to ensure that the effect of commencing an action is to toll the statute of limitations.

**Enacted Law Summary**

Public Law 2011, chapter 350 establishes a 6-year statute of limitations for actions for civil penalties for violations of laws administered by the Department of Environmental Protection. An action must be commenced within 6 years of when the Commissioner of Environmental Protection or the Attorney General discovers the act or omission giving rise to the violation or identifies the party responsible for the violation, or of the last day of a continuing violation, whichever occurs latest.

Chapter 350 specifies that an enforcement action is commenced when any of the following occurs:

1. The commissioner proposes an administrative consent agreement in writing to the violator;
2. The commissioner schedules an enforcement hearing on the alleged violation;
3. The commissioner, with the prior approval of the Attorney General, files a complaint in District Court; and
4. The Attorney General files a complaint in District Court or Superior Court.

Commencing an action tolls the statute of limitations.

*Joint Standing Committee on Judiciary*

**LD 317      An Act To Improve Efficiency and Compliance within the Judicial System      ONTP**

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

This bill provides that if a fine imposed for a traffic infraction is paid in full and received by the judicial branch's violations bureau within the 20-day period immediately after the Violation Summons and Complaint has been served, the fine must be reduced by 10%.

**LD 318      An Act To Require Consideration of Higher Education for Children during Divorce Deliberations      ONTP**

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

This bill requires that divorce decrees and other orders establishing parental rights and responsibilities include an explanation of how the costs of postsecondary education will be addressed. The explanation is required for orders pertaining to children when the children reach grade 11 in secondary school.

**LD 324      An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children      Carried Over**

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

This bill allows a parent who has power of attorney to make education decisions on behalf of an adult child with mental retardation, serious emotional disturbance or other developmental disabilities.

This bill was referred from the Joint Standing Committee on Education and Cultural Affairs.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

*Joint Standing Committee on Judiciary*

**LD 325      Resolve, To Examine the Representation of Families by Nonattorney  
Advocates at Special Education Due Process Hearings**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT ALFOND	OTP-AM	H-376

This bill permits persons who are not attorneys to represent parents and other parties in proceedings before the Department of Education relating to children with disabilities.

**Committee Amendment "A" (H-376)**

This amendment replaces the bill with a resolve directing the Maine Developmental Disabilities Council to convene a working group to study the issue of nonattorney advocates representing families at special education due process hearings. The working group will report to the Joint Standing Committee on Judiciary by January 31, 2012. The committee may report out a bill to implement matters relating to the report.

**LD 335      An Act To Allow Foresters, Soil Scientists and Geologists To Use  
Mechanics Liens**

**ONTP**

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

This bill adds foresters, soil scientists and geologists to the list of people who can place a lien on the property of another for nonpayment of services.

**LD 373      An Act To Provide for Equal Rights of Appeal for the State and  
Defendants Concerning Post-judgment DNA Analysis**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON	OTP-AM	H-269

This bill allows the defendant as well as the State to appeal a court decision to grant or deny the defendant a new trial pursuant to a post-judgment conviction motion for DNA analysis.

**Committee Amendment "A" (H-269)**

This amendment replaces the bill. It adds a new section to provide a discretionary appeal opportunity for the State when the court grants a motion to order DNA analysis. Currently, the State has no right to appeal that decision.

This amendment replaces the language in the bill to clarify that both the State and an aggrieved person have an appeal as a matter of right from a court decision to grant or deny a new trial based on the DNA analysis results.

**Enacted Law Summary**

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Public Law 2011, chapter 230 provides that both the State and an aggrieved person have an appeal as a matter of right from a court decision to grant or deny a new trial based on DNA analysis results. Chapter 230 also provides a discretionary appeal opportunity for the State when the court grants a motion to order DNA analysis. Currently, the State has no right to appeal that decision.

**LD 374      An Act To Change the Method of Calculation of Child Support      ONTP**

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

This bill excludes from gross income for the purpose of calculating child support amounts withheld or paid for social security or Medicare taxes.

**LD 380      An Act To Enhance Enforcement of Civil Orders of Arrest      PUBLIC 177**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SHERMAN	OTP-AM	H-241

This bill provides that a court may issue a bench warrant when an individual fails to appear for a disclosure or contempt hearing concerning the enforcement of a money judgment after having given a personal recognizance bond to do so.

This bill also clarifies that a bench warrant may issue even if the individual is separately charged with a Class E crime for failing to appear in court after having given a personal recognizance bond to do so.

### **Committee Amendment "A" (H-241)**

This amendment replaces the bill, removing the provisions permitting the court to issue a bench warrant and instead providing alternative relief.

This amendment provides alternative relief if a debtor fails to appear for a hearing after having given a personal recognizance bond to do so. The alternative relief consists of an order to the Department of Labor to provide the judgment creditor with the name and address of the debtor's employer, or a further civil order of arrest that does not permit the sheriff to obtain a personal recognizance bond from the debtor, or both. The Department of Labor may charge a reasonable fee for providing the information pursuant to the court order. The amendment also specifies how an order to the Department of Labor is served and the information required in the personal recognizance bond that a debtor may sign.

### **Enacted Law Summary**

Public Law 2011, chapter 177 provides alternative relief if a debtor fails to appear for a disclosure hearing after having given a personal recognizance bond to do so. The alternative relief consists of an order to the Department of Labor to provide the judgment creditor with the name and address of the debtor's employer, or a further civil order of arrest that does not permit the sheriff to obtain a personal recognizance bond from the debtor, or both. The Department of Labor may charge a reasonable fee for providing the information pursuant to the court order. Chapter

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177 also specifies how an order to the Department of Labor is served and the information required in the personal recognizance bond that a debtor may sign.

**LD 419      An Act To Ensure the Payment of Survivor Benefits to Certain Children      Carried Over**

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

This bill addresses the ability to inherit for purposes of intestate succession when a child is conceived using the gametes of a person after the person has died. This bill provides that the child has the same right to inherit from the decedent as if the child had been born prior to the decedent's death. This bill also clarifies that a parent-child relationship is established for the purposes of intestate succession between a child and a person if the child is conceived after the death of the person and the child is born to the person's surviving spouse using the gametes of the person. In each situation, the person must have consented in a record to be a parent in the given circumstances. The availability of Social Security survivor benefits is based on state intestate succession laws. This bill will facilitate the eligibility for survivor benefits to be paid to posthumously conceived children.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 427      An Act To Extend the Same Privileges to the Wesget Sipu - Fish River Tribe as Are Extended to Other Maine Indian Tribes      ONTP**

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

This bill extends to members of the group known as the Wesget Sipu - Fish River Tribe the privilege of eligibility for any tuition waiver offered to Native Americans by the University of Maine System, the Maine Maritime Academy or the Maine Community College System.

**LD 448      An Act To Allow a Valid Claim against a Dissolved Corporation      MAJORITY (ONTP) REPORT**

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

This bill allows a claim against a dissolved corporation when there is liability insurance available.

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LD 482      **An Act To Amend the Laws Dealing with Limitation of Actions**

**PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT HILL	OTP-AM	H-192

The bill establishes a period of 20 years as the statute of limitations for an action on a breach of warranty covenants.

**Committee Amendment "A" (H-192)**

This amendment replaces the bill. It establishes a period of 20 years as the statute of limitations for an action on a breach of covenants in any instrument conveying real estate.

This amendment satisfies the due process requirements of the Constitution of Maine by providing an opportunity for persons with a vested interest in an expired 6-year limitations period, generally, the grantors of unsealed deeds executed between 1991 and 2005, to retain the benefit of that period by providing notice to current owners and requiring a prompt declaratory judgment action if the limitations period is disputed.

**Enacted Law Summary**

Public Law 2011, chapter 124 establishes a period of 20 years as the statute of limitations for an action on a breach of covenants in any instrument conveying real estate. It satisfies the due process requirements of the Constitution of Maine by providing an opportunity for persons with a vested interest in an expired 6-year limitations period, generally, the grantors of unsealed deeds executed between 1991 and 2005, to retain the benefit of that period by providing notice to current owners and requiring a prompt declaratory judgment action if the limitations period is disputed.

LD 486      **An Act To Clarify the Uniform Arbitration Act**

**PUBLIC 80**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT BLISS	OTP-AM	H-94

This bill clarifies that the Uniform Arbitration Act confers jurisdiction in either the District Court or the Superior Court.

This amendment makes changes consistent with the original intent of the bill.

This amendment amends the listing of the jurisdiction of the District Court to include actions under the Uniform Arbitration Act.

This amendment amends the Uniform Arbitration Act to clarify jurisdiction and venue under the Uniform Arbitration Act.

**Enacted Law Summary**

Public Law 2011, chapter 80 provides that both the District Court and the Superior Court have jurisdiction under the Uniform Arbitration Act. It also clarifies venue under the Uniform Arbitration Act.

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**LD 511      Resolve, Directing the Department of Health and Human Services To      ONTP**  
**Examine the Issue of Revocation of Licenses for Nonpayment of Child**  
**Support**

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

This resolve directs the Commissioner of Health and Human Services and the Department of Health and Human Services to examine the issue of the revocation of drivers licenses for the nonpayment of child support and report to the Joint Standing Committee on Health and Human Services no later than December 7, 2011.

**LD 526      An Act To Protect Persons Who Have Buildings on Leased Land      ONTP**

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

This bill provides that a person who purchases land on which there is a building owned by another person who leases the land may not change the prior uses of the land without the consent of the lessee. It provides that a person who purchases land that is subject to a lease may not increase existing rent by more than 10% a year. It also provides that a person who violates one of these requirements is liable to the lessee for the fair market value of the lessee's property. The bill provides that the provision is retroactive to January 1, 2010.

**LD 532      An Act To Update the Maine Uniform Trust Code      PUBLIC 42**

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

This bill contains recommendations of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2. The bill amends the Maine Uniform Trust Code, which is based on the Uniform Trust Code approved by the National Conference of Commissioners on Uniform State Laws, and includes Maine Comments to explain the amendments.

**Enacted Law Summary**

Public Law 2011, chapter 42 contains recommendations of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2. It amends the Maine Uniform Trust Code, which is based on the Uniform Trust Code approved by the National Conference of Commissioners on Uniform State Laws, and includes Maine Comments to explain the amendments.

Chapter 42 adds a definition of "current beneficiary" to the Maine Uniform Trust Code. It amends the Maine Uniform Trust Code to distinguish between the rights of current beneficiaries and qualified beneficiaries in general

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with regard to their right to receive information about trusts.

Chapter 42 amends the Maine Uniform Trust Code with language added to the approved draft of the Uniform Trust Code by the National Conference of Commissioners on Uniform State Laws after the Maine Uniform Trust Code was adopted to clarify that a creditor may reach or compel distribution of the interest of a beneficiary who also serves as trustee when the trustee's discretion to make distributions for the trustee's own benefit is limited by an ascertainable standard, but only to the extent the interest would be subject to the creditor's claim were the beneficiary not acting as trustee or cotrustee.

Chapter 42 repeals and replaces Title 18-B, section 506 to insert a new subsection 1, retaining the current language as a new subsection 2 to clarify that the term "mandatory distribution" is to be understood in its traditional sense. Chapter 42 adds a new subsection to Title 18-B, section 813 to clarify that whether or not a settlor has capacity to revoke a trust, the trustee's duties to inform and report under section 813 are owed exclusively to the settlor.

**LD 551      An Act To Allow a Member, Manager or Authorized Employee of a Limited Liability Company To Appear for That Company in an Action for Eviction      MAJORITY (ONTP) REPORT**

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

This bill allows a member, manager or authorized employee of a limited liability company who is not an attorney to appear in court for that company in an action for eviction.

**LD 573      An Act To Protect the Civil Rights of Citizens      MAJORITY (ONTP) REPORT**

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

This bill mirrors federal law in allowing a person to bring a civil action for a violation of the person's constitutional rights against a person acting under the color of a statute, ordinance, rule, regulation, custom or usage of the State or a political subdivision of the State.

**LD 585      An Act To Amend the Child Custody Laws      ONTP**

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

This bill prohibits an order for parental rights and responsibilities from being modified or terminated if the custodial parent is absent from the State because the parent is in the National Guard or the Reserves of the United States

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Armed Forces under an order to active duty for more than 30 days. The bill also prohibits a court from considering absence due to active duty service with the National Guard or the Reserves of the United States Armed Forces the sole factor in determining parental rights and responsibilities with respect to a minor.

**LD 593**      **Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services**      **RESOLVE 22  
EMERGENCY**

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

This resolve provides for legislative review of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services.

### Enacted Law Summary

Resolve 2011, chapter 22 provides for legislative review of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2011, chapter 22 was finally passed as an emergency measure effective April 20, 2011.

**LD 602**      **An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services**      **PUBLIC 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-93

This bill amends current law relating to the Maine Commission on Indigent Legal Services to state specifically which decisions of the executive director must be subject to an appeal process for attorneys aggrieved by such decisions. The bill requires the commission to develop an appeal process for the commission to review decisions of the executive director, or the executive director's designee, regarding whether an attorney meets the commission's minimum eligibility requirements to receive assignments to represent indigent clients and whether an attorney meets the eligibility requirements for assignments to specialized case types, whether an attorney previously found eligible for such assignments is found to be no longer eligible and whether to grant or withhold a waiver of such eligibility requirements.

The bill also provides that a quorum of the commission must review decisions on whether the eligibility requirements are met, but that a panel of 2 members of the commission is authorized to review decisions regarding waiver of those requirements.

### Committee Amendment "A" (S-93)

This amendment revises the administrative appeal process proposed in the bill for some decisions of the executive director, or the executive director's designee, of the Maine Commission on Indigent Legal Services.

This amendment provides that all three categories of decisions made by the executive director or the executive director's designee are appealed to the full commission. All commission decisions, including decisions on these

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appeals, constitute final agency action for purposes of review under the Maine Administrative Procedure Act. In addition, the amendment clarifies that all decisions of the executive director or the executive director's designee, other than the 3 categories of decisions appealable to the commission, constitute final agency action.

### Enacted Law Summary

Public Law 2011, chapter 141 amends current law relating to the Maine Commission on Indigent Legal Services to state specifically which decisions of the executive director must be subject to an appeal process for attorneys aggrieved by such decisions. Chapter 141 provides that three categories of decisions made by the executive director or the executive director's designee are appealable to the full commission. All commission decisions, including decisions on these appeals, constitute final agency action for purposes of review under the Maine Administrative Procedure Act. In addition, chapter 141 clarifies that all decisions of the executive director or the executive director's designee, other than the three categories of decisions appealable to the commission, constitute final agency action.

### LD 609 An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-179

This bill makes certain records in the possession of the Maine Commission on Indigent Legal Services confidential.

### Committee Amendment "A" (S-179)

This amendment clarifies the bill in 3 ways.

1. It provides that although individual client information is confidential as proposed in the bill, the names of criminal defendants are not confidential for all adult defendants and for juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime.
2. It provides that requests for funds become public after a case is completed.
3. It also provides that information obtained or gathered by the Maine Commission on Indigent Legal Services when performing an evaluation of an attorney is confidential but may be shared with the attorney who is the subject of the evaluation.

### Enacted Law Summary

Public Law 2011, chapter 260 makes certain records in the possession of the Maine Commission on Indigent Legal Services confidential. Specifically, the following are confidential:

1. Individual client information, except that the names of criminal defendants are not confidential for all adult defendants and for juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime;
2. Information that is subject to the attorney-client privilege or that is defined as confidential under the Maine Rules of Professional Conduct;
3. Personal contact information of commission-rostered attorneys, members of the commission and commission staff;

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- 4. Requests for funds for expert or investigative assistance until the case is completed; and
- 5. Information obtained or gathered by the commission when performing an evaluation of an attorney, although the information may be shared with the attorney who is the subject of the evaluation.

**LD 616      An Act To Clarify Landowner Liability for Environmental Damage      ONTP**  
**Caused by Others**

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

This bill limits the responsibility for landowners for environmental violations caused by recreational or harvesting activities.

**LD 621      An Act To Clarify Adverse Possession      ONTP**

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

This bill amends the adverse possession law to clarify in statute that certain actions taken near property lines do not support a claim for adverse possession. De minimus nonstructural encroachments and maintenance across boundary lines are deemed to be permissive and not adverse, therefore defeating a claim that the actions show possession and use of the property as actual, open, notorious, hostile, under claim of right, continuous and exclusive for a period of at least 20 years. Examples of de minimus nonstructural encroachments include but are not limited to fences, hedges, shrubbery, plantings, sheds and nonstructural walls.

This bill is modeled on New York Laws of 2008, chapter 269, codified as Real Property Actions and Proceedings Law, section 543.

**LD 651      An Act To Improve Tribal-State Relations      Carried Over**

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

This bill allows the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to adopt ordinances, determined by the Secretary of State to be equivalent to the State's freedom of access laws, that will exempt them from the State's freedom of access laws. The authorization is subject to approval of the respective tribe, nation or band and is repealed July 1, 2016.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P.

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1190.

**LD 655      An Act To Provide Tribal Representation in the Senate      ONTP**

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

This bill establishes a Senate Tribal Representative to represent the Penobscot Indian Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs at the Legislature. The position rotates among the nation, tribe and bands every 2 years as determined by agreement among the nation, tribe and bands. The position is established beginning in the 126th Legislature. The Senate Tribal Representative must be furnished a seat on the floor of the Senate, must be granted the privilege of speaking on the floor of the Senate on pending legislation and must be appointed to sit as a nonvoting member of a joint standing committee. The Senate Tribal Representative may be granted other rights and privileges approved by the Senate. The Senate Tribal Representative serves for 2 years and is entitled to receive a salary and allowances equal to the salary and allowances received by members of the Senate.

**LD 665      An Act To Limit Claims of Exempt Property      ONTP**

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

This bill specifies that claims of exempt property may not be used to protect against certain debts that would be excepted from discharge under federal bankruptcy law or judgments based on torts involving other than ordinary negligence on the part of the debtor.

**LD 744      An Act To Amend the Definition of "Service Animal" To Conform with      PUBLIC 369  
Federal Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY ROSEN R	OTP-AM	H-506

This bill changes the definition of "service animal" in the Maine Human Rights Act to conform with federal regulations adopted under the Americans with Disabilities Act.

See also LD 785.

**Committee Amendment "A" (H-506)**

This amendment replaces the bill.

The bill contains the definition of "service animal" as adopted by the United States Department of Justice in

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regulations to implement the Americans with Disabilities Act of 1990. This definition is inconsistent with the definition of "service animal" adopted in regulations by the United States Department of Housing and Urban Development.

This amendment retains the current definition of "service animal" in the Maine Human Rights Act, which applies in fair housing circumstances, and adds the definition of "service animal" from the bill, which is specific to dogs, in public accommodations circumstances.

This amendment updates cross-references in the animal welfare laws in the Maine Revised Statutes, Title 7 and Title 17, the model white cane law in Title 17 and the miscellaneous crimes chapter in Title 17.

**Enacted Law Summary**

Public Law 2011, chapter 369 retains the current definition of "service animal" in the Maine Human Rights Act, which applies in fair housing circumstances, and adds the definition of "service animal" based on the federal ADA regulations, which is specific to dogs, for use in public accommodations circumstances.

Chapter 369 updates cross-references in the animal welfare laws in the Maine Revised Statutes, Title 7 and Title 17, the model white cane law in Title 17 and the miscellaneous crimes chapter in Title 17.

**LD 746 An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid**

**MAJORITY (ONTP) REPORT**

Sponsor(s)

CHASE  
COLLINS

Committee Report

ONTP MAJ  
OTP MIN

Amendments Adopted

This bill provides conditions under which a minor may legally consent to treatment of abuse of alcohol or drugs or for emotional or psychological problems without the consent of the minor's parents or legal guardians.

**LD 785 An Act Relating to Identification of Service Animals**

**ONTP**

Sponsor(s)

CRAY  
SHERMAN

Committee Report

ONTP

Amendments Adopted

This bill clarifies the responsibility of the Department of Agriculture, Food and Rural Resources to provide municipalities with tags to identify dogs licensed as service dogs. It allows the owner or manager of a public place to request verification when a person accompanied by an animal is entering or within that place.

See also LD 744.

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LD 787      **An Act To Establish an Elder Victims Restitution Fund**

**PUBLIC 241**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC MASON	OTP-AM	H-343

This bill establishes the Elder Victims Restitution Fund to compensate elder victims of financial crimes who are entitled to receive restitution from offenders but who are not receiving that restitution. The fund receives money from estates passing to the State of people who received restitution. The bill provides that a person who has been convicted of a crime of which a decedent was a victim may not benefit under the will of that decedent or by virtue of property held jointly with the decedent or contracts concerning the decedent to the extent of restitution owed by the person who has been convicted of a crime.

**Committee Amendment "A" (H-343)**

This amendment deletes language referencing the purposes of the new Elder Victims Restitution Fund created in the bill to avoid inconsistencies in terms and purposes.

This amendment strikes out the section amending the provision of existing law that prohibits killers from benefiting from their crimes against their victims. Instead, this amendment adds a new section to the Probate Code that prohibits a person convicted of any crime of which the decedent was a victim from benefiting to the extent the convicted person owes restitution to the decedent.

This amendment removes the provision of the bill that authorizes the Elder Victims Restitution Fund to accept private donations, federal funds and state funds designated by law.

**Enacted Law Summary**

Public Law 2011, chapter 241 establishes the Elder Victims Restitution Fund to compensate elder victims of financial crimes who are entitled to receive restitution from offenders but who are not receiving that restitution. The fund receives money from estates passing to the State of people who received restitution.

Chapter 241 prohibits a person convicted of any crime of which the decedent was a victim from benefiting to the extent the convicted person owes restitution to the decedent.

LD 791      **An Act Regarding the Construction of New Court Facilities**

**ONTP**

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

This bill requires that the designs for new court facilities must adequately address the space needs of the district attorneys and the attorneys providing indigent legal services. The Chief Justice or the Chief Justice's designee shall ensure that a statewide organization of district attorneys and the Maine Commission on Indigent Legal Services are consulted when designing the new facilities.

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**LD 811      An Act Relating to Child Support and Visitation by Noncustodial Parents      ONTP**

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

This bill provides that the Department of Health and Human Services is prohibited from issuing an income withholding order against the wages of the financially responsible parent when the parent with whom the child lives either is in violation of a parental rights and responsibilities order requiring contact between the child and the financially responsible parent or, if no order concerning contact is in effect, does not permit contact between the financially responsible parent and the child. If reasonable grounds exist for refusing contact, the prohibition is void.

**LD 824      An Act To Amend Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis      ONTP**

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

This bill requires, in a post-judgment conviction motion for DNA analysis, that:

1. If the State fails to preserve biological evidence or evidence of a DNA analysis gathered on or after January 1, 1988 that is subject to a court order for new trial, then it is considered prima facie evidence favorable to the person bringing the motion;
2. For evidence gathered on or after January 1, 1988, if the results of the DNA analysis show that the person is not the source of the evidence and the DNA analysis is evidence material to the crime, there is a rebuttable presumption that the DNA subject to the analysis is from the perpetrator of the crime and the DNA analysis is admissible at a hearing on the person's motion for new trial; and
3. In a hearing in a motion for new trial, if the results of the DNA analysis is material evidence in the underlying crime, the court shall consider this evidence together with all the other evidence in the case, old and new, admitted in the hearing, likely to influence a conclusion regarding the person's guilt or innocence, when granting or denying the motion.

**LD 877      Resolve, To Streamline the Judicial Process in Maine's Courts      ONTP**

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

This resolve directs the Judicial Department to design and implement a plan to upgrade its computer system to ensure access by Maine citizens and attorneys to electronic filing and scheduling online.

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**LD 917      An Act To Protect Licensing Information Provided to the Department of      ONTP**  
**Inland Fisheries and Wildlife and To Require a Review of Public Access**  
**to Other Personal Information**

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

This bill provides that names, addresses, telephone numbers, e-mail addresses and other identifying information provided to the Department of Inland Fisheries and Wildlife for purposes of obtaining a license are not public records and directs the Right To Know Advisory Committee to review instances when public agencies maintain name of, contact information for and other personal information regarding individuals and make recommendations to the Joint Standing Committee on Judiciary regarding statutory changes necessary to protect individual personal information from disclosure if that disclosure would serve no reasonable public purpose.

**LD 924      An Act To Educate Women on the Medical Risks Associated with      MAJORITY**  
**Abortion      (ONTP) REPORT**

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

The bill requires that in order to ensure that informed consent is obtained from a woman seeking an abortion, specific information must be provided both orally and in writing to a woman seeking an abortion at least 24 hours before the abortion is performed. The Department of Health and Human Services shall develop a brochure that contains required information and provide copies to physicians and make the brochure available online.

See also LD 116 and LD 1457.

**Committee Amendment "A" (H-467)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment adds a medical emergency exception to the requirement that a pregnant woman be provided with specific information at least 24 hours before an abortion procedure may proceed.

This amendment was not adopted.

**House Amendment "A" (H-470)**

The bill requires that a woman's attending physician provide information to the woman seeking an abortion. This amendment specifies that the information may be provided by a physician or a physician's designee.

This amendment was not adopted.

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**LD 939      An Act To Enhance Mandated Reporting and Prosecution of Elder Abuse, Neglect and Exploitation**

**PUBLIC 291**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS SHERMAN	OTP-AM	H-374

This bill modifies several provisions in the Adult Protective Services Act mandated reporting requirements to be consistent with the Child and Family Services and Child Protection Act mandated reporting requirements. Specifically, when a report must be made and by whom have been brought into alignment as appropriate. In addition, several provisions have been added to enhance prosecution of elder abuse, neglect and exploitation, including requirements that photographic evidence of abuse be secured when possible in relation to an incapacitated or dependent adult and that the Department of Health and Human Services notify the district attorney when it receives a report of suspected abuse, neglect or exploitation. The bill also clarifies that "dependent adults" includes adults who are not institutionalized but who are dependent upon others for their day-to-day care. Finally, the bill proposes to increase the penalty a court may impose for a person's failure to report elder abuse, neglect or exploitation as required under the Adult Protective Services Act.

**Committee Amendment "A" (H-374)**

This amendment deletes from the proposed list of mandated reporters municipal code enforcement officials and firefighters. The amendment also adds naturopathic doctors to the list of mandated reporters.

**Enacted Law Summary**

Public Law 2011, chapter 291 modifies several provisions in the Adult Protective Services Act mandated reporting requirements to be to expand who is a mandated reporter and when a report must be made. In addition, several provisions have been added to enhance prosecution of elder abuse, neglect and exploitation, including requirements that photographic evidence of abuse be secured when possible in relation to an incapacitated or dependent adult and that the Department of Health and Human Services notify the district attorney when it receives a report of suspected abuse, neglect or exploitation. Chapter 291 clarifies that "dependent adults" includes adults who are not institutionalized but who are dependent upon others for their day-to-day care. Chapter 291 increases the penalty a court may impose for a person's failure to report elder abuse, neglect or exploitation as required under the Adult Protective Services Act.

**LD 951      Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts**

**RESOLVE 104**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	H-678 NASS S-213 S-334 COURTNEY

This resolve establishes the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts. The commission is directed to study the priority and timing of judicial proceedings in state courts, including, but not limited to, judicial proceedings that require priority treatment pursuant to statute. No later than December 7, 2011, the commission shall submit a report that includes its findings and recommendations, including suggested

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legislation, to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 125th Legislature.

### **Committee Amendment "A" (S-213)**

This amendment reduces the size of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts and revises the membership to include 3 Senators, instead of 2 as proposed by the resolve. It deletes as required members representatives of the Maine State Bar Association, the Maine Prosecutors Association and Pine Tree Legal Assistance. Instead, this amendment requires the commission to seek the participation of these organizations as well as the Maine Commission on Indigent Legal Services and the Maine Association of Criminal Defense Lawyers. It also authorizes the commission to seek the participation of any other individuals or organizations.

### **Senate Amendment "A" To Committee Amendment "A" (S-334)**

This amendment reduces the size of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts from eleven to nine and revises the membership to include two Senators instead of three and three members of the House of Representatives instead of four as proposed by Committee Amendment "A." It also eliminates authorization for reimbursement of expenses for public members and explicitly exempts that reimbursement provision from the requirements of Joint Rule 353.

### **House Amendment "A" (H-678)**

This amendment removes the emergency preamble and emergency clause.

### **Enacted Law Summary**

Resolve 2011, chapter 104 establishes the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts. The commission is directed to study the priority and timing of judicial proceedings in state courts, including, but not limited to, judicial proceedings that require priority treatment pursuant to statute. No later than December 7, 2011, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary. The Joint Standing Committee on Judiciary is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 125th Legislature.

### **LD 978      An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship**

**Carried Over**

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

This bill contains recommendations of the Kinship Task Force. It:

1. Extends the duration of a guardianship under the Probate Code for a minor or incapacitated person from 6 months to 12 months (see also LD 170);
2. Authorizes the Probate Court in issuing, modifying or terminating a guardianship of a minor to enter an order providing transition arrangements that are in the best interests of the minor (see also LD 170);
3. Defines "kinship parent" as an adult who assumes responsibility for a child but is not a parent of that child. The kinship parent must hold power of attorney for the kinship family child or apply to the Probate Court for guardianship of the kinship family child in order to enroll the kinship family child in school and participate in

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educational decisions made for the kinship family child; and

4. Allows a superintendent to deny enrollment of a kinship family child in the superintendent's school administrative unit if the superintendent determines that enrollment is not in the best interest of the kinship family child and provides an appeal process for the kinship parent to appeal this denial.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 983 An Act To Amend the Maine Limited Liability Company Act**

**PUBLIC 113  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST GERZOFSKY	OTP-AM	H-135

This bill makes several changes to the Maine Limited Liability Company Act, which takes effect July 1, 2011. Most of the changes are technical, but several are substantive.

### **Committee Amendment "A" (H-135)**

This amendment makes two changes.

It clarifies the language concerning making false statements on documents executed and filed with the office of the Secretary of State to identify that such an act is the crime of unsworn falsification, which is consistent with the current limited liability company laws and the current limited liability partnership laws.

This amendment also requires the minimum disclosure on the annual report of one person who can accept service of process on the entity when the agent has resigned without providing a new service of process contact, or when the agent cannot be located. Providing the name and address of a member, manager or other authorized person to accept service of process is consistent with the Model Registered Agents Act.

### **Enacted Law Summary**

Public Law 2011, chapter 113 makes several changes to the Maine Limited Liability Company Act, which takes effect July 1, 2011. The technical changes remove redundant language, correct cross-references, clarify definitions and make grammatical changes. Chapter 113 deletes the unnecessary inclusion of the word "domestic" when referring to limited liability companies formed in this State.

Chapter 113 makes the following substantive changes.

1. The bill amends the definition of "low-profit limited liability company" by striking all references to foreign limited liability companies. The change allows the laws of the state of organization to govern whether a foreign limited liability company is a low-profit limited liability company. The change conforms the statute to those of other states that have adopted low-profit limited liability company legislation.
2. Under the current law, the articles of organization require the organizer to designate whether the limited liability company will be a member-run limited liability company or a manager-run limited liability company. This designation establishes apparent authority for the limited liability company. If the limited liability company is a member-run entity, each of the members has authority to bind the limited liability company; if the limited liability company is manager-run, each manager has the authority to bind the limited liability company. The Maine Limited Liability Company Act, which takes effect July 1, 2011, abandons authority by designation. The certificate of

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formation under the Maine Limited Liability Company Act generally will not contain any information about authority. Further, the new provisions concerning apparent authority do not acknowledge or give any effect to designations in articles of organization filed under the current law. As a consequence, once the Maine Limited Liability Company Act takes effect, the designations in articles of organization filed under the existing law will have no significance, yet many practitioners will continue to rely on designations in filed articles of organization as though the designations mattered. To accommodate this likelihood, Title 31, section 1693, subsection 2, paragraph B provides that the designations will be treated as being included in the limited liability company's limited liability company agreement. Chapter 113 strikes language that treats the designation as part of the limited liability company agreement. In its place, chapter 113 adds provisions that treat the designation as a statement of authority. The change significantly alters apparent authority for limited liability companies formed under the existing law that have not actually filed a statement of authority pursuant to section 1542. In the absence of a statement of authority, every member, manager, president and treasurer has authority to bind the limited liability company with third parties. By treating the designation as a statement of authority, the change to section 1693, subsection 2, paragraph B limits the scope of persons having apparent authority to those designated in the filed articles. As a consequence, chapter 113 gives meaning to the designation that closely conforms to the meaning intended by the designation under the existing law, at least for purposes of apparent authority.

Chapter 113 clarifies the language concerning making false statements on documents executed and filed with the office of the Secretary of State to identify that such an act is the crime of unsworn falsification, which is consistent with the current limited liability company laws and the current limited liability partnership laws.

Chapter 113 also requires the minimum disclosure on the annual report of one person who can accept service of process on the entity when the agent has resigned without providing a new service of process contact, or when the agent cannot be located. Providing the name and address of a member, manager or other authorized person to accept service of process is consistent with the Model Registered Agents Act.

Public Law 2011, chapter 113 was enacted as an emergency measure effective July 1, 2011.

**LD 988      An Act Concerning Immunity for School Administrative Units in the      ONTP**  
**Discharge of Their Responsibilities**

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

This bill provides immunity for school administrative units providing medical services to students as authorized by state law.

**LD 1005      An Act To Clarify the Standard of Proof for Traffic Infractions      PUBLIC 156**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON	OTP-AM	H-220

This bill places the burden of proof of a traffic infraction on the State and establishes a standard of clear and convincing evidence for proof of a violation.

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**Committee Amendment "A" (H-220)**

This amendment changes the bill to make the law consistent with the Maine Rules of Civil Procedure, Rule 80F, which establishes that the adjudication of a traffic infraction is based on a preponderance of the evidence. The statute is currently silent on the standard of proof. This amendment also changes the title of the bill.

**Enacted Law Summary**

Public Law 2011, chapter 156 places the burden of proof of a traffic infraction on the State and makes the law consistent with the Maine Rules of Civil Procedure, Rule 80F, which establishes that the adjudication of a traffic infraction is based on a preponderance of the evidence.

**LD 1021 An Act To Transfer Jurisdiction of Traffic Adjudications**

**MAJORITY  
(ONTP) REPORT**

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

This bill transfers the jurisdiction over traffic infractions from the District Court to the Secretary of State, effective January 1, 2014.

The Secretary of State, in consultation with the Administrative Office of the Courts, shall submit a report on the transition to the First Regular Session of the 126th Legislature.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment incorporates a fiscal note.

This amendment was not adopted.

**LD 1034 An Act To Amend the Law Regarding Comparative Negligence**

**MAJORITY  
(ONTP) REPORT**

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

Currently, the comparative negligence law prohibits recovery if the claimant is equally at fault with or more at fault than the defendant. This bill amends the law to prohibit recovery if the claimant is found to be more at fault than the defendant.

*Joint Standing Committee on Judiciary*

**LD 1046    An Act To Amend the Application of the Maine Human Rights Act  
Regarding Public Accommodations**

**MAJORITY  
(ONTP) REPORT**

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

This bill provides that it is not unlawful public accommodations discrimination, in violation of the Maine Human Rights Act, for a public or private entity to restrict rest room or shower facilities that are part of public accommodations to restrict the use of single-sex facilities to members of a biological sex regardless of sexual orientation. Unless otherwise indicated, a rest room or shower facility designated for one biological sex is presumed to be restricted to that biological sex.

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

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the text of the bill to clarify that if a public or private entity restricts access to a rest room, locker room, shower facility or bathroom in a way that takes into account the legitimate privacy concerns of all members of a biological sex regardless of sexual orientation, the restriction is not unlawful public accommodations discrimination. Stating that a restriction is not unlawful public accommodations discrimination creates a defense to a complaint under the Maine Human Rights Act.

This amendment deletes the language contained in the bill that provides that a rest room or shower facility designated for one biological sex creates a presumption that the rest room or shower facility is restricted to that biological sex.

This amendment was not adopted.

**House Amendment "A" To Committee Amendment "A" (H-559)**

This amendment amends the Committee Amendment to remove rest rooms and bathrooms from the list of facilities for which it is not unlawful public accommodations discrimination to restrict access based on privacy concerns.

This amendment was not adopted.

**LD 1053    An Act To Impose a Mandatory Minimum Award in Small Claims  
Actions**

**ONTP**

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

This bill amends the small claims laws to require the court to award a minimum of \$25 to a prevailing plaintiff. This award may not be suspended or waived by the court.

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**LD 1070 An Act To Expedite the Eviction Process and Lower the Eviction Workload of the Courts**

**ONTP**

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

This bill addresses forcible entry and detainer actions in which the landlord alleges that the tenant has not paid the rent. The bill requires the tenant, when answering the forcible entry and detainer complaint, to pay to the court clerk the amount stated in the complaint that the tenant owes in accrued rent. If the tenant disputes the amount, the court determines the appropriate amount to be paid to the court clerk. The court clerk deposits the funds received in an account and maintains records of the amounts paid. The court may require the tenant to pay rent as it accrues during the pendency of the action.

When the court enters the judgment in the action, the court determines who is to receive the funds that the tenant paid to the clerk.

If the tenant fails to pay as required by the court, the tenant is deemed to have waived all defenses and a judgment must be issued for the landlord.

The court may disburse money from the account to the landlord before the judgment if the landlord is in actual danger of loss of the premises or faces other hardship from the loss of rental income.

**LD 1076 An Act To Protect Maine Laws under the United States Constitution and the Constitution of Maine**

**MAJORITY  
(ONTP) REPORT**

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

This bill is based on Tennessee Public Acts, 2010, Public Chapter Number 983. The bill addresses the application of foreign law in this State.

The bill provides that the factor in considering whether to grant comity to a decision rendered under any foreign law, legal code or legal system against a natural person in this State is whether the constitutional rights under the United States Constitution and the Constitution of Maine of the person would be protected. Similarly, if a contract or other agreement provides for the choice of a foreign law, legal code or legal system, the primary factor in the interpretation, enforcement or application of the agreement is the preservation of the constitutional rights of the natural person in this State. The right of a natural person to voluntarily restrict or limit that person's own constitutional rights consistent with constitutional principles is not limited by the bill; however, a contract or specific waiver restricting or limiting rights must be strictly construed in favor of preserving the constitutional rights of the natural person.

The bill provides that the primary factor to be considered in interpreting or construing a choice of venue or forum provision is whether it can be interpreted or construed to preserve the constitutional rights of the natural person in this State against whom enforcement is sought. A claim for forum non conveniens or a related claim must be denied

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if the court determines that granting the claim violates or would likely violate the constitutional rights of the nonclaimant in the foreign forum with respect to the matter in dispute.

The bill does not apply to a corporation, partnership or other legal business entity.

The bill applies only to actual or to foreseeable violations of the constitutional rights of a natural person in this State from a foreign law, legal code or legal system.

**LD 1082     An Act Concerning the Protection of Personal Information in  
Communications with Elected Officials**

**PUBLIC 264**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-361

This bill consists of the recommendations of the majority of the members of the legislative subcommittee of the Right to Know Advisory Committee in response to Resolve 2009, chapter 184.

This bill amends the definition of "public record" in the freedom of access laws to provide that certain information in communications between constituents and elected officials is not a public record. Specifically, information is not a public record if the information would be confidential if it were in the possession of another public agency or official or if the information is of a personal nature.

**Committee Amendment "A" (H-361)**

This amendment directs the Right To Know Advisory Committee to examine the benefit of public disclosure of elected officials' e-mails and other records balanced with the availability of technology and other systems necessary to maintain the records and to provide public access. The Right To Know Advisory Committee's findings and recommendations must be included in its 2012 annual report pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 10.

**Enacted Law Summary**

Public Law 2011, chapter 264 consists of the recommendations of the majority of the members of the legislative subcommittee of the Right to Know Advisory Committee in response to Resolve 2009, chapter 184.

Chapter 264 amends the definition of "public record" in the freedom of access laws to provide that certain information in communications between constituents and elected officials is not a public record. Specifically, information is not a public record if the information would be confidential if it were in the possession of another public agency or official or if the information is of a personal nature.

Chapter 264 directs the Right To Know Advisory Committee to examine the benefit of public disclosure of elected officials' e-mails and other records balanced with the availability of technology and other systems necessary to maintain the records and to provide public access. The Right To Know Advisory Committee's findings and recommendations must be included in its 2012 annual report pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 10.

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**LD 1087     An Act To Modernize the Procedure for Appeals in Criminal Cases**

**MAJORITY  
(ONTP) REPORT**

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

Current law provides that a prosecutor is prohibited from filing an appeal in certain criminal matters without the written approval of the Attorney General. This bill allows the prosecutor to proceed with the appeal even after the Attorney General does not approve the appeal if at least 3 other district attorneys give their written approval.

**LD 1093     An Act To Require the State To Pay Costs and Fees in Actions against  
Certain State Agencies**

**ONTP**

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

This bill authorizes the award of administrative costs or litigation costs to the prevailing party in an administrative action or a court action involving the Department of Administrative and Financial Services, Maine Revenue Services or the Department of Environmental Protection if the State is not the prevailing party.

**LD 1101     An Act To Require Specificity in Deed Restrictions**

**ONTP**

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

This bill requires that if a deed delivered after September 30, 2011 contains a provision or covenant restricting commercial activity, it must specifically state "timber harvesting" or "agricultural activity" in order for timber harvesting or agricultural activity to be restricted by the restrictive provision or covenant in that deed.

**LD 1103     An Act To Speed Recovery of Amounts Due the State**

**PUBLIC 181**

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



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The owner is due compensation 180 days after making a written demand for payment. If the public entity does not pay the compensation, the owner may file the claim in Superior Court and is entitled to attorney's fees and other costs. If compensation is not paid within 2 years, the owner may use the property as permitted at the time the owner acquired the property.

See also LD 1477.

### Committee Amendment "A" (S-241)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment provides that compensation is due when land use regulations that are enacted after the effective date of this legislation reduce by at least 50% the fair market value of property or an interest in property.

This amendment was not adopted.

### LD 1152 An Act To Amend the Child and Family Services and Child Protection Act

PUBLIC 402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-294

This bill makes changes to the Child and Family Services and Child Protection Act concerning notification of relatives when a child is removed from the child's parents' home, youth in foster care, permanency guardianship subsidies, adoption by the permanency guardian and reinstatement of parental rights.

### Committee Amendment "A" (S-294)

This amendment replaces the bill but retains some of the sections with minor changes and continues to carry out the intent of the bill.

This amendment authorizes hospitals, medical personnel and law enforcement personnel to submit emergency reports of child abuse or neglect to the Department of Health and Human Services via an e-mail or a faxed report.

This amendment clarifies that the District Court has jurisdiction over petitions for adoption from permanency guardianship filed by the department.

This amendment revises the provisions on extended care for persons who are 18, 19 or 20 years of age who attained 18 years of age while in the care and custody of the State. In addition to reformatting the language, it provides additional details on the District Court's required review that must occur at least once every 12 months. The person or the department may terminate the agreement of extended care and support without approval by the court; the department must notify the court of the termination. Guardians ad litem and attorneys may not be appointed for persons who are at least 18 years of age.

This amendment provides specific elements that must be included in a petition for adoption from permanency guardianship. A background check of each prospective adoptive parent must be included, as well as the home study of the permanency guardian or an updated home study if the original home study was completed more than 2 years before the filing of the petition. This amendment requires a case management conference after a petition has been filed and requires the court to appoint a guardian ad litem and attorneys for indigent parents and custodians. This amendment also requires service of the petition for adoption and the notice of the case management conference on the child's parents. If the parents do not consent, the court must dismiss the adoption petition.

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This amendment revises the language on the reinstatement of parental rights. As provided in the bill, only the department may petition to have parental rights reinstated, and only in specific circumstances. This amendment includes specific elements of the petition for reinstatement and includes a specific process that the court must follow.

### **Enacted Law Summary**

Public Law 2011, chapter 402 makes the following changes to the Child and Family Services and Child Protection Act.

1. It requires that the Department of Health and Human Services, within 30 days of the removal of a child from the custody of the child's parents, exercise due diligence to identify and provide notice to all grandparents and other adult relatives of the child, except in cases of family or domestic violence. This legislation is required under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351.
2. It provides services for youth who are in foster care at 18 years of age and are at risk of leaving care without a permanent family or sufficient life skills and supports to manage independence. This legislation is consistent with provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351 that allow states to draw federal funds to support older youth but require judicial oversight and support by a state agency.
3. It amends language in the statutes governing permanency guardianship. It removes the requirement that a child must be identified as a special needs child to receive a guardianship subsidy. It amends the law to allow permanency guardians the option of receiving nonrecurring reimbursement for expenses associated with becoming permanency guardians. It removes language that allows the guardianship subsidy to be transferred to a new permanency guardian upon death or disability of the original permanency guardian. It provides that a permanency guardian is subject to a fingerprint-based background check.
4. It establishes a new category of licensure in child welfare services, the resource family license. This license is for a person or persons who are foster parents, adoptive parents or members of a child's extended birth family who provide care to a child.
5. It provides for the adoption of a child who was previously in foster care and is the subject of a permanency guardianship order when the permanency guardian and the child determine adoption is in the best interest of the child. Chapter 402 provides that the District Court has jurisdiction over petitions for adoption from permanency guardianship filed by the department.
6. It allows for the reinstatement of parental rights for a parent after a period of 12 months after a termination of parental rights upon a finding that there has been a material change in circumstances that indicate the parent is now able to provide a safe home and is willing to care for the child. Chapter 402 allows the court to hold a hearing to determine reinstatement in accordance with the best interest of the child, whether the parent has remedied conditions and the child's wishes. Only the department may petition to reinstate parental rights.
7. It authorizes hospitals, medical personnel and law enforcement personnel to submit emergency reports of child abuse or neglect to the Department of Health and Human Services via an e-mail or a faxed report.

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**LD 1154    An Act To Implement the Recommendations of the Right To Know  
Advisory Committee**

**PUBLIC 320**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-441

This bill implements the recommendations of the Right to Know Advisory Committee as included in the Advisory Committee's 5th annual report.

**Committee Amendment "A" (H-441)**

This amendment adds a mandate preamble.

**Enacted Law Summary**

Public Law 2011, chapter 320 is the recommendations of the Right to Know Advisory Committee.

The recommendations resulting from the review of existing public records exceptions are contained in Part A.

Part B is in response to Resolve 2009, chapter 171. Part B amends the public policy section of the freedom of access laws to specifically allow communications outside of public proceedings between members of a public body if those communications are not used to defeat the purposes of the freedom of access laws.

Part C contains the advisory committee's recommendations pursuant to Resolve 2009, chapter 186. Part C requires that public bodies keep records of their meetings if they are required under the freedom of access laws to give notice of their meetings and the public body is not purely advisory in its authority.

Part D consists of the advisory committee's recommendations to broaden the review requirements for both existing public records exceptions and the Legislature's review of proposed public records exceptions. Part D provides that the review and evaluation process includes language that affects the public accessibility of a public record. Any factors that affect the accessibility may be considered, including but not limited to fees, request procedures and timeliness of responses.

Part E exempts social security numbers from the definition of "public records" under the freedom of access laws.

The mandate preamble exempts the State from paying the costs that may result from the requirement that records be kept of public proceedings.

**LD 1172    An Act To Prohibit Enforcement of Federal Laws in Violation of the  
Constitution of the United States**

**MAJORITY  
(ONTP) REPORT**

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

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This bill expresses the findings of the Legislature that the Commerce Clause of the United States Constitution is valid for the regulation of interstate commerce but not intrastate commerce. The bill prohibits a federal or state official, agent or employee from enforcing a federal act, order, law, statute, rule or regulation that attempts to regulate goods grown, manufactured or made in this State or services performed in this State. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in prison and a fine of up to \$2,000.

**Committee Amendment "A" (H-516)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the provision in the bill that prohibits any person from interfering with intrastate goods and services and created Class C and Class D crimes. This amendment prohibits a state official or employee from enforcing a federal law that regulates or attempts to regulate goods grown, manufactured or made in this State or services performed in this State when those goods or services are sold, maintained, retained or performed exclusively in this State, unless the official or employee is authorized to do so by state law. This amendment also directs state courts to not give force or effect to any action by a state official or employee that is inconsistent with the prohibition.

This amendment was not adopted.

**LD 1186 An Act To Amend the Probate Code Relating to the Authority of the Probate Court To Approve Transfers from a Protected Person's Estate**

**PUBLIC 155**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-75

This bill amends the Probate Code to provide that the Probate Court does not need to make a finding about the adequacy of the protected person's estate when approving a gift or transfer for less than fair market value from the protected person's estate if the gift or transfer is to the protected person's spouse or blind or disabled child. The bill incorporates the federal change in the look-back period from 36 months to 60 months.

**Committee Amendment "A" (S-75)**

This amendment clarifies that any gift or transfer that can be made without a transfer penalty under applicable federal law may be approved by the Probate Court without the court's making findings about the adequacy of the estate or the potential eligibility for MaineCare coverage.

**Enacted Law Summary**

Public Law 2011, chapter 155 amends the Probate Code to provide that the Probate Court does not need to make a finding about the adequacy of the protected person's estate when approving a gift or transfer for less than fair market value from the protected person's estate if the gift or transfer can be made without a transfer penalty under applicable federal law. Chapter 155 also incorporates the federal change in the look-back period from 36 months to 60 months.

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**LD 1193 An Act To Strengthen Confidentiality Laws for Child Victims of Crime**

**ONTP**

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

Current law requires the Department of Health and Human Services to grant access to confidential records held by the department in connection with the department's child protective activities if a court determines that the records may be necessary for the determination of an issue before the court. Access is limited to counsel of record unless otherwise produced by the court.

This bill requires counsel of record to establish a basis for the counsel's claim that the confidential records contain evidence that is both material and favorable to the counsel's case before the court may grant access.

**LD 1198 An Act To Reduce Regulations for Residential Rental Property Owners**

**PUBLIC 405**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI SNOWE-MELLO	OTP-AM	H-575 H-595 NASS

This bill makes changes to the residential rental property laws, including:

1. Eliminating the presumption that a forcible entry and detainer action commencing after a tenant files a fair housing complaint is retaliatory;
2. Removing, in a forcible entry and detainer action, the tenant's affirmative defense that the landlord failed to provide reasonable accommodation pursuant to the Maine Human Rights Act or the federal Fair Housing Act;
3. Preventing the tenant from raising the presumption of retaliation if the forcible entry and detainer action is being brought for failure to pay the rent or substantial damage to the premises by the tenant;
4. Requiring a tenant disputing a forcible entry and detainer action to submit an affidavit to the court that the tenant is not in arrears in payment of the rent as of the date of the filing of the forcible entry and detainer action;
5. Changing the responsibilities of a landlord regarding property abandoned by the tenant, including allowing the landlord to require that the tenant pay any rent or storage fees to the landlord prior to the landlord's releasing the property;
6. Removing the requirement that the landlord disclose to a prospective tenant the existence of a bedbug infestation in a neighboring unit and the history of inspection of the rental units;
7. Requiring the landlord to provide energy efficiency disclosures only upon request by a prospective tenant; and
8. Amending the radon testing requirements to require testing only when the residential rental property is acquired

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by a landlord and only for those units on the lowest level of that residential property.

### **Committee Amendment "A" (H-575)**

This amendment replaces the bill and does the following:

1. It provides that there must be a reasonable basis for the fair housing complaint for it to be a defense to an eviction and provides that the presumption of retaliation does not apply if the fair housing complaint was filed after the tenant was served with an eviction notice;
2. It defines the term "reasonable accommodation" and provides that there must be a causal link between the reasonable accommodation and the conduct that is the subject of the eviction action;
3. It provides that if an action for forcible entry and detainer is brought for failure to pay rent or for causing substantial damages to the premises, there is no presumption of retaliation unless the tenant has asserted that tenant's rights under the Maine Revised Statutes, Title 14, section 6026, which allows the tenant to offset rent with expenditures made by the tenant for repairs or heating costs if included in the rent;
4. It provides that the tenant must attach an affidavit to a Notice of Appeal stating that the tenant has complied with the law in order to stay the issuance of a writ of possession pending an appeal;
5. It provides that a lease or tenancy at will agreement may permit a landlord to dispose of property abandoned by the tenant without liability as long as the landlord complies with the applicable notice requirements;
6. It reduces the time a tenant has to respond to a notice to dispose of the tenant's property that is being stored by the landlord from 14 days to 7 days;
7. It reduces the time a landlord must continue to store the tenant's property if that tenant responds to the notice to dispose within the required time frame from 24 days to 14 days;
8. It provides that a tenant may waive the rights provided in law addressing unclaimed property. If the tenant's waiver is oral the landlord must confirm this waiver in writing;
9. It provides that the notice of disposal may be sent after entry of judgment for the landlord but prior to the service of the writ of possession or the tenant's vacating the premises. However, if the tenant is still in possession of the rental unit, the tenant would still have at least 7 days after the notice is sent or 48 hours after the writ of possession is served, whichever is later, to claim the property;
10. It repeals the law that requires a landlord to provide financial assistance to tenants to control bed bugs;
11. It requires landlords to disclose the cost of the tenant's compliance with the requested inspection or bed bug control measures and allows a landlord to provide financial assistance in preparing the unit for bed bug treatment and provides that the landlord is not liable to provide the tenant with alternate lodging or to replace the tenant's personal property;
12. It provides that the presumption of retaliation only applies if the tenant complained about the bed bugs prior to being served with the eviction notice and the presumption of retaliation does not apply if the action for forcible entry and detainer was brought for failure to pay rent or causing substantial damages to the premises;
13. It provides that a prospective tenant who would be paying for a utility has the right to obtain from the regulated utility or the vendor the amount of consumption for the prior 12 months;
14. It requires the landlord to provide an energy efficiency disclosure statement to the tenant or lessee who is paying

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for an energy supply for the unit or upon the request of a tenant or lessee;

15. It allows a landlord to either place a disclosure of the tenant's right to obtain the energy use history of the rental unit in the application or give the tenant the energy efficiency disclosure statement; and

16. It removes the requirement that the landlord post the disclosure statement in a prominent location in the property that is being offered for rent or lease and reduces the time a landlord must retain the statement signed by the tenant from a minimum of 7 years to 3 years.

### **House Amendment "A" To Committee Amendment "A" (H-595)**

Committee Amendment "A" provides that a landlord may send a notice at any time after entry of judgment in favor of the landlord to a tenant of the landlord's intent to dispose of property remaining in a rental unit. It clarifies that the notice may also be sent at any time after the tenant vacates the rental unit.

This amendment also includes a provision inadvertently left out of Committee Amendment "A" that provides that a lease or tenancy at will agreement may permit a landlord to dispose of property abandoned by a tenant without liability as long as the landlord complies with applicable notice requirements.

### **Enacted Law Summary**

Public Law 2011, chapter 405 does the following:

1. It provides that there must be a reasonable basis for the fair housing complaint for it to be a defense to an eviction and provides that the presumption of retaliation does not apply if the fair housing complaint was filed after the tenant was served with an eviction notice;
2. It defines the term "reasonable accommodation" and provides that there must be a causal link between the reasonable accommodation and the conduct that is the subject of the eviction action;
3. It provides that if an action for forcible entry and detainer is brought for failure to pay rent or for causing substantial damages to the premises, there is no presumption of retaliation unless the tenant has asserted that tenant's rights under the Maine Revised Statutes, Title 14, section 6026, which allows the tenant to offset rent with expenditures made by the tenant for repairs or heating costs if included in the rent;
4. It provides that the tenant must attach an affidavit to a Notice of Appeal stating that the tenant has complied with the law in order to stay the issuance of a writ of possession pending an appeal;
5. It provides that a lease or tenancy at will agreement may permit a landlord to dispose of property abandoned by the tenant without liability as long as the landlord complies with the applicable notice requirements;
6. It reduces the time a tenant has to respond to a notice to dispose of the tenant's property that is being stored by the landlord from 14 days to 7 days;
7. It reduces the time a landlord must continue to store the tenant's property if that tenant responds to the notice to dispose within the required time frame from 24 days to 14 days;
8. It provides that a tenant may waive the rights provided in law addressing unclaimed property. If the tenant's waiver is oral the landlord must confirm this waiver in writing;
9. It provides that the notice of disposal may be sent after entry of judgment for the landlord but prior to the service of the writ of possession or at any time after the tenant vacates the premises. However, if the tenant is still in possession of the rental unit, the tenant would still have at least 7 days after the notice is sent or 48 hours after the writ of possession is served, whichever is later, to claim the property;

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- 10. It repeals the law that requires a landlord to provide financial assistance to tenants to control bed bugs;
- 11. It requires landlords to disclose the cost of the tenant's compliance with the requested inspection or bed bug control measures and allows a landlord to provide financial assistance in preparing the unit for bed bug treatment and provides that the landlord is not liable to provide the tenant with alternate lodging or to replace the tenant's personal property;
- 12. It provides that the presumption of retaliation only applies if the tenant complained about the bed bugs prior to being served with the eviction notice and the presumption of retaliation does not apply if the action for forcible entry and detainer was brought for failure to pay rent or causing substantial damages to the premises;
- 13. It provides that a prospective tenant who would be paying for a utility has the right to obtain from the regulated utility or the vendor the amount of consumption for the prior 12 months;
- 14. It requires the landlord to provide an energy efficiency disclosure statement to the tenant or lessee who is paying for an energy supply for the unit or upon the request of a tenant or lessee;
- 15. It allows a landlord to either place a disclosure of the tenant's right to obtain the energy use history of the rental unit in the application or give the tenant the energy efficiency disclosure statement; and
- 16. It removes the requirement that the landlord post the disclosure statement in a prominent location in the property that is being offered for rent or lease and reduces the time a landlord must retain the statement signed by the tenant from a minimum of 7 years to 3 years.

**LD 1199     An Act To Expedite the Eviction Process in Certain Types of Cases**

**ONTP**

Sponsor(s)

CELLI

Committee Report

ONTP

Amendments Adopted

Current law allows a tenant who is at least 7 days in arrears in the payment of rent to pay the full amount of rent due by the expiration of the notice of the termination of tenancy, in which case the notice is void.

This bill amends the forcible entry and detainer process to give the landlord the choice as to whether to allow an opportunity to cure an arrearage of 7 or more days in the payment of rent if the tenant has paid rent for 2 or fewer months.

It direct the court to establish an expedited process to handle the determination of the cases in which the tenant has paid rent for 2 or fewer months and is at least 7 days in arrears. It requires the hearing on the complaint to be held no later than 5 days after the return day. This bill also provides that if the landlord is successful in the action, either because the tenant fails to appear and is defaulted or because the court determines that the tenant failed to show sufficient cause, the court shall issue a judgment for the landlord and shall issue the writ of possession at the time the judgment is issued. Current law delays the writ of possession for 7 days after the judgment.

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**LD 1256 An Act Concerning Tort Claims and Governmental Entities**

**DIED BETWEEN  
HOUSES**

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

This bill amends the Maine Tort Claims Act to clarify the liability of a governmental entity for its negligent acts and omissions in the use of equipment, vehicles and machinery. "Use" is defined as being employed by the governmental entity for its purposes or in connection with its activities.

The bill imposes liability for the governmental entity's negligent acts or omissions regardless of whether an employee of the governmental entity is operating the vehicle, machinery or equipment at the time of the occurrence causing property damage or bodily injury. The governmental entity is not, however, liable for the negligence of any nongovernmental person or entity in the connection with the use of the vehicle, machinery or equipment.

The bill provides that a governmental entity may be jointly and severally liable with a nongovernmental person or entity, but only if the negligent acts or omissions of the governmental entity were a cause of the property damage or bodily injury.

**Committee Amendment "A" (S-266)**

This amendment, which is the majority report of the committee, strikes and replaces the bill. It retains provisions from the bill regarding a governmental entity's liability for negligent acts or omissions and adds an application date of January 1, 2013 to provide sufficient time for governmental entities to obtain insurance or provide for self-insurance. This amendment adds a mandate preamble and an appropriations and allocations section.

This amendment was not adopted.

**LD 1272 An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections**

**MAJORITY  
(ONTP) REPORT**

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

This bill creates a family ombudsman in both the court system and the Department of Corrections. The bill:

1. Directs the State Court Administrator to appoint a member of court system personnel as the family ombudsman for the court system to act as an intermediary between the accused and their families and court officials; and
2. Directs the Commissioner of Corrections to appoint a member of the department as the family ombudsman for the corrections system to act as an intermediary among prisoners, their families and the Department of Corrections.

**Committee Amendment "A" (S-172)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It adds an appropriations and

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allocations section.

This amendment was not adopted.

**LD 1276 An Act To Increase Efficiency of the State Court Library Committee**

**PUBLIC 204**

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

This bill eliminates the requirement that the State Court Library Committee meet at least four times a year and gives the State Court Library Committee flexibility in the provision of resources to law libraries.

**Enacted Law Summary**

Public Law 2011, chapter 204 eliminates the requirement that the State Court Library Committee meet at least four times a year and gives the State Court Library Committee flexibility in the provision of resources to law libraries.

**LD 1310 An Act To Amend the Laws Governing the Address Confidentiality Program**

**PUBLIC 195**

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

This bill makes the following changes to the laws governing the Address Confidentiality Program administered by the Secretary of State.

1. It adds geographically specific descriptions or coordinates that identify a residential address to the definition of "address."
2. It adds the Address Confidentiality Program's e-mail account to the information that must be kept confidential.

**Enacted Law Summary**

Public Law 2011, chapter 195 makes the following changes to the laws governing the Address Confidentiality Program administered by the Secretary of State.

1. It adds geographically specific descriptions or coordinates that identify a residential address to the definition of "address."
2. It adds the Address Confidentiality Program's e-mail account to the information that must be kept confidential.

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LD 1332 An Act To Amend the Maine Condominium Act

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COLLINS	OTP-AM MAJ OTP-AM MIN	H-454

This bill amends the Maine Condominium Act.

The bill allows the condominium owners' association to assign its right to future income, including the right to receive assessments, but only if a majority of the unit owners have approved.

The bill revises the law governing the record requirements of condominium owners' associations to list specific records that must be retained. The records must be available for examination and copying by a unit owner or the owner's authorized agent, with certain exceptions.

The bill provides that assessments for common expenses accrue, free from a lien of a foreclosing first mortgagee, from and after the initial date set for public sale of a condominium unit.

The bill defines the term "priority amounts" to mean the amount of the association's regular assessments that would have become due during the 6-month period immediately prior to initiating a lawsuit to enforce a lien. It establishes that a lien securing priority amounts is prior to a first mortgage. The association's failure to notify a first mortgagee that the owner of the unit is delinquent by 60 days in the payment of common expenses or that the association intends to file an action to enforce the lien does not affect the priority of the lien, but failure to send at least one notice means that the association is not entitled to receive any costs or attorney's fees. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted with 5 years after the full amount of assessments becomes due. Current law extinguishes the lien after 3 years.

The bill gives an association the power to suspend any right or privilege of a unit owner that fails to pay an assessment, but the association may not deny access or withhold services if it would endanger the health, safety or property of any person.

The bill amends the law concerning the executive board to require the board to provide notice of meetings. Unit owners have the right to attend meetings, subject to reasonable rules. The board may prohibit attendance by unit owners and others during executive session, which may be held for only specific reasons.

**Committee Amendment "A" (H-453)**

This amendment is the majority report of the Joint Standing Committee on Judiciary.

This amendment revises the definition in the bill of "priority amounts" that can be collected through a priority lien on a condominium by deleting the inclusion of the condominium association's costs and reasonable attorney's fees in enforcing the lien. As does the bill, this amendment provides that a lien securing priority amounts is prior to a first mortgage, but the amendment limits the lien to those entered into on or after the effective date of this legislation. The amendment corrects a cross-reference in the language providing that full payment of the priority amounts discharges the priority lien.

This amendment provides that assessments for common expenses accrue, free from the lien of a foreclosing first mortgagee, from and after the date of sale of the condominium unit. The bill states the starting time is the initial date set for public sale.

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This amendment was not adopted.

### Committee Amendment "B" (H-454)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment deletes the proposed priority lien for condominium assessments that would take priority over a first mortgage.

This amendment provides that assessments for common expenses accrue, free from the lien of a foreclosing first mortgagee, from and after the date of sale of the condominium unit. The bill states the starting time is the initial date set for public sale.

### Enacted Law Summary

Public Law 2011, chapter 368 amends the Maine Condominium Act.

Chapter 368 allows the condominium owners' association to assign its right to future income, including the right to receive assessments, but only if a majority of the unit owners have approved.

Chapter 368 revises the law governing the record requirements of condominium owners' associations to list specific records that must be retained. The records must be available for examination and copying by a unit owner or the owner's authorized agent, with certain exceptions.

Chapter 368 provides that assessments for common expenses accrue, free from a lien of a foreclosing first mortgagee, from and after the date of sale of the condominium unit.

Chapter 368 gives an association the power to suspend any right or privilege of a unit owner that fails to pay an assessment, but the association may not deny access or withhold services if it would endanger the health, safety or property of any person.

Chapter 368 amends the law concerning the executive board to require the board to provide notice of meetings. Unit owners have the right to attend meetings, subject to reasonable rules. The board may prohibit attendance by unit owners and others during executive session, which may be held for only specific reasons.

### LD 1349 An Act To Amend the Laws Governing the Handling of Medical Examiner Cases

PUBLIC 182

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

Current law requires that the medical examiner or the person expressly authorized by the Chief Medical Examiner conduct a thorough examination of a body in a medical examiner case. This bill provides an exception for a case in which the Chief Medical Examiner or the Deputy Chief Medical Examiner determines, after review of available records and known circumstances, that the report of the death of the decedent may be certified and completed without examining the body.

### Enacted Law Summary

Current law requires that the medical examiner or the person expressly authorized by the Chief Medical Examiner conduct a thorough examination of a body in a medical examiner case. Public Law 2011, chapter 182 provides an

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exception for a case in which the Chief Medical Examiner or the Deputy Chief Medical Examiner determines, after review of available records and known circumstances, that the report of the death of the decedent may be certified and completed without examining the body.

**LD 1353 An Act To Amend the Discovery Rule Laws**

**ONTP**

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

This bill codifies the discovery rule for product liability cases to specify that the cause of action, for statute of limitation purposes, accrues when a person suffers a personal injury due to a defective product or good or, if the defect was not reasonably discoverable, when the person knew or should have known of the defective good or product.

**LD 1360 An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process**

**PUBLIC 269**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT HILL	OTP-AM	H-373

This bill allows a mortgagor to recover court costs and attorney's fees if the mortgagor prevails in a foreclosure action.

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

This amendment carries out the intent of the bill and clarifies when the court may award reasonable costs and attorney's fees in a foreclosure action.

The court may award reasonable costs and attorney's fees to the mortgagor in a foreclosure action if the mortgagee does not prevail or if the court finds evidence that the mortgagee did not bring the action in good faith. In either case, the court may deny in full or in part the award of costs and attorney's fees to the mortgagee. This amendment provides that the term "does not prevail" does not include a stipulation of dismissal entered into by the parties, an agreed-upon motion to dismiss the action without prejudice to facilitate settlement or successful mediation of the foreclosure action.

**Enacted Law Summary**

Public Law 2011, chapter 269 allows the court to award reasonable costs and attorney's fees in a foreclosure action. The court may award reasonable costs and attorney's fees to the mortgagor in a foreclosure action if the mortgagee does not prevail or if the court finds evidence that the mortgagee did not bring the action in good faith. In either case, the court may deny in full or in part the award of costs and attorney's fees to the mortgagee. Chapter 269 provides that the term "does not prevail" does not include a stipulation of dismissal entered into by the parties, an agreed-upon motion to dismiss the action without prejudice to facilitate settlement or successful mediation of the foreclosure action.

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LD 1365 An Act Regarding Protection Orders

PUBLIC 265

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK SHERMAN	OTP-AM	H-362

This bill amends the laws pertaining to domestic violence as follows.

1. It creates an exception to the hearsay rule to allow an out-of-court statement to be admitted as evidence in a court proceeding even if the person who made the statement is available if the statement meets certain criteria. The statement must purport to narrate, describe, report or explain an incident of domestic violence assault as defined in the Maine Revised Statutes, Title 17-A, section 207-A and must have been made by a victim of the domestic violence assault within 24 hours after the incident occurred. The statement must have been recorded, either electronically or in writing, or made to a law enforcement officer, provider of emergency medical services or firefighter. The statement must have sufficient indicia of reliability. The court may use specific criteria to determine reliability of the statement. The fact that the declarant withdrew the statement cannot be used to deny admission if the statement is otherwise reliable. This hearsay exception is modeled on a recently enacted Oregon statute.
2. It allows the offering into evidence at a hearing for a protection from abuse order the defendant's prior convictions for domestic violence assault.
3. It requires the Board of Trustees of the Maine Criminal Justice Academy to adopt a model policy for the serving of protection from abuse orders as quickly as possible. It also requires law enforcement agencies to adopt such policies.

**Committee Amendment "A" (H-362)**

This amendment removes from the bill the provisions creating a hearsay exception and that allow a defendant's prior conviction of domestic violence assault to be offered into evidence at a hearing for a protection from abuse order. It retains the sections of the bill that require the Maine Criminal Justice Academy and law enforcement agencies to adopt policies to ensure that the service of a protection from abuse order is done as quickly as possible.

**Enacted Law Summary**

Public Law 2011, chapter 265 requires the Board of Trustees of the Maine Criminal Justice Academy to adopt a model policy for the serving of protection from abuse orders as quickly as possible. It also requires law enforcement agencies to adopt such policies.

LD 1374 An Act To Protect Seniors and Incapacitated or Dependent Adults from Abuse

PUBLIC 201

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

This bill allows an adult who is 60 years of age or older or an incapacitated or dependent adult to seek a protection from abuse order if that adult is a victim of abuse by an extended family member or an unpaid care provider.

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Currently, an adult can only secure relief under the protection from abuse laws if the abuse is perpetrated by a family or household member or a dating partner and that definition does not include spouses of adult children, grandchildren, other relatives and caregivers.

### Enacted Law Summary

Public Law 2011, chapter 201 allows an adult who is 60 years of age or older or an incapacitated or dependent adult to seek a protection from abuse order if that adult is a victim of abuse by an extended family member or an unpaid care provider.

### LD 1377      **An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**      **Carried Over**

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

This bill enacts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act as a new Part of Article 5 of the Probate Code. The uniform comments adopted by the National Conference of Commissioners on Uniform State Laws are included.

The bill addresses the issue of jurisdiction over adult guardianships, conservatorships and other protective proceedings, providing an effective mechanism for resolving multistate jurisdictional disputes. It contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. The objective is that only one state will have jurisdiction at any one time.

The bill takes effect January 1, 2012, but applies to all guardianships and conservatorships, including those created prior to that date.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

### LD 1415      **An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions**      **PUBLIC 203 EMERGENCY**

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

This bill amends Maine's bankruptcy laws to conform with the United States Code as it pertains to bankruptcy exemptions.

### Enacted Law Summary

Public Law 2011, chapter 203 amends Maine's bankruptcy laws to conform with the United States Code as it pertains to bankruptcy exemptions.

Public Law 2011, chapter 203 was enacted as an emergency measure effective June 2, 2011.

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**LD 1426      An Act Concerning Notification to an Employer of Misrepresented Medical Information under the Maine Human Rights Act      ONTP**

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

Under current law, information obtained through a so-called "post-offer, preemployment physical" may be shared with supervisors and managers only for purposes of informing supervisors and managers about work restrictions or accommodations necessary for that employee. This bill authorizes such disclosure for the additional purpose of informing supervisors, managers and members of an employer's management team of any misrepresentation, untruthful statement or omission of information by the applicant or employee on any medical form, record or file.

**LD 1448      An Act To Protect Time-share Condominium Associations      ONTP**

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

This bill provides an alternative to existing law for foreclosing time-share liens and mortgages. The bill allows the mortgagee or lienholder to foreclose the mortgage or lien by entry, if not opposed. The entry must be peaceable and must be in the presence of 2 witnesses. The notarized certificate of fact of the entry, signed by the witnesses, must be recorded in the registry of deeds. Possession obtained in this manner and continued for one year extinguishes the right of redemption.

**LD 1457      An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons      MAJORITY (ONTP) REPORT**

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

This bill repeals the current law concerning consent for a minor's abortion.

This bill requires the notarized written consent of a parent or legal guardian before an abortion may be performed on a minor or an incapacitated person. Consent may be given in certain circumstances by a brother or sister who is at least 21 years of age or by a stepparent or a grandparent. Consent is not required in a medical emergency. The Probate Court or District Court may issue an order for the purpose of consenting to the abortion in two circumstances. First, the court may waive the need for parental consent if it finds by clear and convincing evidence that the petitioner is both sufficiently mature and well-informed to decide whether to have an abortion. Second, the court may waive the need for parental consent if the court finds by clear and convincing evidence that there is a pattern of physical or sexual abuse or neglect of the petitioner by one or both of her parents or her guardian, or that notification of a parent or guardian is not in the best interests of the petitioner.

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See also LD 116 and LD 914.

**Committee Amendment "A" (H-468)**

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment gives the Probate Court or the District Court 96 hours to rule and issue findings of fact and conclusions of law on a minor's or incapacitated person's request for an abortion without the consent of the parent or legal guardian. The bill requires a decision within 48 hours.

This amendment was not adopted.

**LD 1465 An Act To Amend the Laws Governing Freedom of Access**

**Carried Over**

Sponsor(s)

ROSEN R

Committee Report

Amendments Adopted

This bill increases governmental transparency by enhancing the existing freedom of access laws to provide deadlines for responses to requests for public records, to ensure that requesters can access public records in the format requested and to require the designation of public access officers for every agency and political subdivision.

The bill provides funding for an Assistant Attorney General position located in the Office of the Attorney General to act as the public access ombudsman, which is a part-time position.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 1473 An Act To Clarify Rights-of-way Laws**

**PUBLIC 312**

Sponsor(s)

WEAVER  
SHERMAN

Committee Report

OTP-AM

Amendments Adopted

H-440

Current law allows a person who owns land that abuts a proposed, unaccepted way ownership to the center line of that proposed way. This bill allows a person who owns land in a subdivision that abuts a proposed, unaccepted way to own the entire width of the way if the land on the opposite side of the way is not part of the subdivision and allows the person to own an extension of that portion of the way beyond the boundary of the person's land that is not bounded by another owner's land on the person's side of the way.

**Committee Amendment "A" (H-440)**

This amendment inserts into the Maine Revised Statutes, Title 33, section 469-A the actual effective date of Public Law 1987, chapter 385, which originally enacted section 469-A, to make explicit the proper application of that section.

**Enacted Law Summary**

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Public Law 2011, chapter 312 allows a person who owns land in a subdivision that abuts a proposed, unaccepted way to own the entire width of the way if the land on the opposite side of the way is not part of the subdivision and allows the person to own an extension of that portion of the way beyond the boundary of the person's land that is not bounded by another owner's land on the person's side of the way.

**LD 1477      Resolve, To Review Issues Dealing with Regulatory Takings**

**RESOLVE 111  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-600 S-335 COURTNEY

This bill establishes a cause of action for property owners when the impact of government regulation on real property imposes an undue burden on the value of private property and it streamlines the process for seeking relief in court. At any time before a judgment is entered, the government regulator may choose either to pay damages or compensation to the affected property owner or not to impose the regulation on that parcel.

**Committee Amendment "A" (H-600)**

This amendment replaces the bill with a resolve that establishes the Committee to Review Issues Dealing with Regulatory Takings. The committee consists of 13 members including seven Legislators as well as representatives of various interested groups, appointed by the President of the Senate and the Speaker of the House, and the Attorney General or the Attorney General's designee.

The committee will study issues associated with property rights and the public welfare and report to the Joint Standing Committee on Judiciary by December 7, 2011.

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

This amendment reduces the size of the Committee to Review Issues Dealing with Regulatory Takings from 13 to 11 and revises the membership to include two Senators instead of three and three Representatives instead of four as proposed by Committee Amendment "A." It also eliminates authorization for reimbursement of expenses for public members and explicitly exempts the legislation from the requirements of Joint Rule 353.

**Enacted Law Summary**

Resolve 2011, chapter 111 establishes the Committee to Review Issues Dealing with Regulatory Takings. The committee consists of 11 members including five Legislators as well as representatives of various interested groups, appointed by the President of the Senate and the Speaker of the House, and the Attorney General or the Attorney General's designee.

The committee will study issues associated with property rights and the public welfare and report to the Joint Standing Committee on Judiciary by December 7, 2011.

Resolve 2011, chapter 111 was finally passed as an emergency measure effective July 8, 2011.

*Joint Standing Committee on Judiciary*

LD 1480 An Act To Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 420  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-656 H-657 NASS H-667 NASS H-668 NASS H-669 NASS H-670 NASS H-674 NASS

This bill makes technical changes in the Laws of Maine.

**Committee Amendment "A" (H-656)**

This amendment includes both technical and substantive changes to the laws.

This amendment designates the provisions of the bill as Part A.

Part B includes technical corrections to sections originally printed in the bill.

Part C makes technical corrections.

Part D includes changes that may be considered substantive. Section 1 clarifies that the new subsection added by Public Law 2011, chapter 122 applies to only residential leases or contracts. Sections 2 to 5 correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 passed earlier in the session and ensure that implementation of the law occur. Section 6 provides that the changes in Part D take effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is the effective date of Public Law 2011, chapter 122 and chapter 60.

Part E makes substantive changes to carry out the intent of the Joint Standing Committee on Environment and Natural Resources concerning mercury-added thermostats. Part E includes a retroactive effective date provision to make the entire Part apply retroactively to June 3, 2011.

Part F corrects a clerical error in Public Law 2011, chapter 172 concerning teacher contracts. This is a substantive change that carries out the intent of the Joint Standing Committee on Education and Cultural Affairs. This Part takes effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is when chapter 172 takes effect.

Part G corrects the membership changes in the Advisory Committee on College Savings enacted by Public Law 2011, chapter 150 as intended by the Joint Standing Committee on Education and Cultural Affairs. Part G deletes wording that was inadvertently retained and corrects the effective date and transition language.

**House Amendment "A" To Committee Amendment "A" (H-657)**

This amendment amends Committee Amendment "A" by adding a part that amends Public Law 2011, chapter 302 to

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correct inconsistent terminology concerning reciprocity in the enforcement of tolls.

### **House Amendment "E" To Committee Amendment "A" (H-670)**

This amendment corrects inconsistencies in terminology in Public Law 2011, chapter 402, which establishes a process to allow a child who is the subject of a permanency guardianship to be adopted by the permanency guardian.

This amendment adds an effective date section to make this correction take effect when Public Law 2011, chapter 402 takes effect, which is 90 days after the adjournment of the First Regular Session of the 125th Legislature.

### **House Amendment "B" To Committee Amendment "A" (H-667)**

This amendment corrects language relating to transfers of certain sales tax revenue to the State Transit, Aviation and Rail Transportation Fund to incorporate changes inadvertently omitted from Public Law 2011, chapter 209 and Public Law 2011, chapter 380, Part G.

### **House Amendment "D" To Committee Amendment "A" (H-669)**

This amendment deletes an unnecessary word inadvertently included in the description of the Department of Public Safety, Bureau of State Police's accident report database in Public Law 2011, chapter 390.

### **House Amendment "C" To Committee Amendment "A" (H-668)**

This amendment amends Committee Amendment "A" by adding a part that amends the option for state employees and teachers who return to work subsequent to their retirement to apply to those individuals who retire after September 1, 2011 rather than those who retire on or after July 1, 2011.

### **House Amendment "F" To Committee Amendment "A" (H-674)**

This amendment makes corrections to resolve conflicts and inconsistencies created by Public Law 2011, chapter 286 and Public Law 2011, chapter 406. Both chapters amended statutes concerning the licensing of electricians. Chapter 406 repealed the requirement that electrical companies be licensed as entities. This Part amends provisions in the electrician licensing laws to be consistent with that repeal by eliminating references to violations by firms and corporations. The requirements that apply to the different licenses for electricians are not affected.

### **Enacted Law Summary**

Public Law 420 includes both technical and substantive changes to the laws.

Parts A, B and C make technical corrections.

Part D includes changes that may be considered substantive. Section 1 clarifies that the new subsection added by Public Law 2011, chapter 122 applies to only residential leases or contracts. Sections 2 to 5 correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 passed earlier in the session and ensure that implementation of the law occur. Section 6 provides that the changes in Part D take effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is the effective date of Public Law 2011, chapter 122 and chapter 60.

Part E makes substantive changes to carry out the intent of the Joint Standing Committee on Environment and Natural Resources concerning mercury-added thermostats. Part E includes a retroactive effective date provision to make the entire Part apply retroactively to June 3, 2011.

Part F corrects a clerical error in Public Law 2011, chapter 172 concerning teacher contracts. This is a substantive change that carries out the intent of the Joint Standing Committee on Education and Cultural Affairs. This Part takes effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is when chapter 172 takes effect.

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Part G corrects the membership changes in the Advisory Committee on College Savings enacted by Public Law 2011, chapter 150 as intended by the Joint Standing Committee on Education and Cultural Affairs. Part G deletes wording that was inadvertently retained and corrects the effective date and transition language.

Part H amends Public Law 2011, chapter 302 to correct inconsistent terminology concerning reciprocity in the enforcement of tolls. Part H applies retroactively to June 20, 2011.

Part I corrects inconsistencies in terminology in Public Law 2011, chapter 402, which establishes a process to allow a child who is the subject of a permanency guardianship to be adopted by the permanency guardian. Part G takes effect when Public Law 2011, chapter 402 takes effect, which is 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Part J corrects language relating to transfers of certain sales tax revenue to the State Transit, Aviation and Rail Transportation Fund to incorporate changes inadvertently omitted from Public Law 2011, chapter 209 and Public Law 2011, chapter 380, Part G.

Part K deletes an unnecessary word inadvertently included in the description of the Department of Public Safety, Bureau of State Police's accident report database in Public Law 2011, chapter 390.

Part L amends the option for state employees and teachers who return to work subsequent to their retirement to apply to those individuals who retire after September 1, 2011 rather than those who retire on or after July 1, 2011, as was enacted by Public Law 2011, chapter 380, Part MMM.

Part M makes corrections to resolve conflicts and inconsistencies created by Public Law 2011, chapter 286 and Public Law 2011, chapter 406. Both chapters amended statutes concerning the licensing of electricians. Chapter 406 repealed the requirement that electrical companies be licensed as entities. This Part amends provisions in the electrician licensing laws to be consistent with that repeal by eliminating references to violations by firms and corporations. The requirements that apply to the different licenses for electricians are not affected. Part M is effective 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Public Law 2011, chapter 420 was enacted as an emergency measure effective July 6, 2011 unless otherwise provided.

**LD 1482 An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable**

**PUBLIC 200**

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

This bill provides that private transfer fee obligations on real property are void and unenforceable.

**Enacted Law Summary**

Public Law 2011, chapter 200 provides that private transfer fee obligations on real property are void and unenforceable.

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**LD 1496 An Act To Enforce Immigration Laws and Restrict Benefits to Legal Citizens**

**ONTP**

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

This bill requires a law enforcement officer who legally detains a person for a suspected criminal or civil violation to require that person to provide proof of citizenship in addition to name, address and date of birth. If a law enforcement officer has a reasonable suspicion that the person is an illegal alien, the officer must attempt to determine the immigration status of the person. A person illegally in the United States who has been convicted of a crime in this State, following completion of the punishment, must be transferred immediately to the custody of the United States Immigration and Customs Enforcement or the United States Customs and Border Protection.

This bill also requires an applicant for state assistance under the Temporary Assistance for Needy Families program, the MaineCare program or the food stamp program or for municipal assistance to be a legal resident of the United States and a resident of this State.

**LD 1502 An Act To Amend the Maine Business Corporation Act**

**PUBLIC 274**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST HASTINGS	OTP-AM	H-363

This bill amends the Maine Business Corporation Act to reflect recent changes made to the model act on which the Maine Business Corporation Act is based.

**Committee Amendment "A" (H-363)**

This amendment retains the provisions of the bill and does the following:

1. It provides that if more than one form of communication is used, a notice or other communication is effective when the earliest of the applicable methods occurs;
2. It specifically allows articles of incorporation and bylaws to authorize or require electronic notice of directors' meetings; and
3. It provides that the execution of a certificate or articles containing one or more false statements constitutes unsworn falsification under the Maine Revised Statutes, Title 17-A, section 453.

**Enacted Law Summary**

Public Law 2011, chapter 274 amends the Maine Business Corporation Act to reflect recent changes made to the model act on which the Maine Business Corporation Act is based. It also provides that the execution of a certificate or articles containing one or more false statements constitutes unsworn falsification under the Maine Revised Statutes, Title 17-A, section 453. Public Law 2011, chapter 274 provides that if more than one form of communication is used, a notice or other communication is effective when the earliest of the applicable methods occurs. It also specifically allows articles of incorporation and bylaws to authorize or require electronic notice of

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directors' meetings.

LD 1517 An Act To Amend the Uniform Principal and Income Act

PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-167

This bill incorporates the 2008 amendments to the Uniform Principal and Income Act approved by the National Conference of Commissioners on Uniform State Laws. The Uniform Comments as updated in 2008 are included for the changes to current law in the Uniform Principal and Income Act, the Maine Revised Statutes, Title 18-A, sections 7-749 and 7-765. According to the National Conference of Commissioners on Uniform State Laws, these amendments were drafted to clarify two discrete portions of the Uniform Principal and Income Act, sections 409 (Title 18-A, section 7-749 in Maine law) and 505 (Title 18-A, section 7-765 in Maine law), and a new transition section 606 (Title 18-A, section 7-774 in Maine law) to facilitate the technical implementation of the amendments. The amendments to Title 18-A, section 7-749 should serve to resolve issues brought about by IRS Revenue Ruling 2006-26 and assist separate funds within a trust in qualifying for the IRS estate tax marital deduction safe harbors. The Title 18-A, section 7-765 amendments should allow mandatory income trusts that own an entity to retain the proper amount of funds from distributions to meet their existing tax obligations.

Title 18-A, section 7-774 is added to provide that the changes in Title 18-A, section 7-749 apply on the date of the decedent's death for trusts not funded as of January 1, 2012, the effective date provided in this bill, and for trusts initially funded during 2012. For all other trusts, the changes apply on January 1, 2012.

**Committee Amendment "A" (S-167)**

This amendment provides that an election that qualifies for a marital deduction under federal law also applies to property that will not be used to qualify for the federal marital deduction but will be needed for qualification as a Maine qualified terminable interest property.

**Enacted Law Summary**

Public Law 2011, chapter 256 incorporates the 2008 amendments to the Uniform Principal and Income Act approved by the National Conference of Commissioners on Uniform State Laws. The Uniform Comments as updated in 2008 are included for the changes to current law in the Uniform Principal and Income Act, the Maine Revised Statutes, Title 18-A, sections 7-749 and 7-765. It clarifies two discrete portions of the Uniform Principal and Income Act, sections 409 (Title 18-A, section 7-749 in Maine law) and 505 (Title 18-A, section 7-765 in Maine law), and a new transition section 606 (Title 18-A, section 7-774 in Maine law) to facilitate the technical implementation of the amendments. Changes made to Title 18-A, section 7-749 serve to resolve issues brought about by IRS Revenue Ruling 2006-26 and assist separate funds within a trust in qualifying for the IRS estate tax marital deduction safe harbors.

Public Law 2011, chapter 256 allows mandatory income trusts that own an entity to retain the proper amount of funds from distributions to meet their existing tax obligations.

It adds Title 18-A, section 7-774 to provide that the changes in Title 18-A, section 7-749 apply on the date of the decedent's death for trusts not funded as of January 1, 2012 and for trusts initially funded during 2012. For all other trusts, the changes apply on January 1, 2012.

Public Law 2011, chapter 256 also provides that an election that qualifies for a marital deduction under federal law also applies to property that will not be used to qualify for the federal marital deduction but will be needed for

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qualification as a Maine qualified terminable interest property.

**LD 1530     An Act To Amend the Housing Provisions of the Maine Human Rights Act** **Carried Over**

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

This bill amends the Maine Human Rights Act in order to maintain its substantial equivalency with the federal Fair Housing Act and to update the accessible building requirements in public housing.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 1531     An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards** **PUBLIC 322**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-214

This bill amends the Maine Human Rights Act to update the accessible building requirements in the Maine Revised Statutes, Title 5, chapter 337, subchapter 5 in light of the adoption of the 2010 ADA Standards for Accessible Design by the federal Department of Justice on September 15, 2010.

### **Committee Amendment "A" (S-214)**

This amendment makes four changes to the bill.

First, this amendment deletes the additional accessibility standards that would apply for alterations subject to the new standards when the alterations to an existing building exceed \$100,000.

Second, this amendment adjusts the threshold of construction or alterations that trigger barrier-free certification from \$50,000 to \$75,000. The \$50,000 threshold was established in 1995, and raising the threshold to \$75,000 roughly approximates the effect of inflation.

Third, this amendment applies the waiver for structural impracticability to all facilities that require mandatory plan review and certification that standards are met, rather than limiting the waiver to private entities as provided in the bill.

Fourth, this amendment authorizes the Joint Standing Committee on Judiciary to introduce a bill in the Second Regular Session of the 125th Legislature to implement any recommendations after a review of the new standards and a comparison with the federal standards that take effect March 15, 2012.

### **Enacted Law Summary**

Public Law 2011, chapter 322 amends the Maine Human Rights Act to update the accessible building requirements in the Maine Revised Statutes, Title 5, chapter 337, subchapter 5 in light of the adoption of the 2010 ADA Standards for Accessible Design by the federal Department of Justice on September 15, 2010.

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Chapter 322 authorizes the Joint Standing Committee on Judiciary to introduce a bill in the Second Regular Session of the 125th Legislature to implement any recommendations after a review of the new standards and a comparison with the federal standards that take effect March 15, 2012.

**LD 1543      An Act To Allow Counties To Opt Out of Maine Judicial Marshal Service** **MAJORITY (ONTP) REPORT**

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

This bill provides that if a county elects to have its court security services provided by its qualified deputy sheriffs, the State Court Administrator shall contract with that county sheriff's office for the performance of court security-related functions and services.

**Committee Amendment "A" (H-605)**

This amendment is the minority report of the Joint Standing Committee on Judiciary and incorporates a fiscal note.

This amendment was not adopted.

**LD 1546      An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions** **Carried Over**

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

This bill requires a court, in an appeal of an agency's interpretation of the statutes in making or administering rules under the Maine Administrative Procedure Act, to conduct a de novo review. The bill also clarifies that, on questions of fact, the court is required to defer to the agency unless the court finds that the agency's findings of fact are unsupported by substantial evidence.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

**LD 1576      An Act To Clarify the Award of Fees in Domestic Violence Cases** **PUBLIC 303 EMERGENCY**

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

This bill limits the award of court costs and reasonable attorney's fees to a defendant in a protection from abuse matter to cases when a judgment is entered against the plaintiff after a hearing where both parties are present and the

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court finds that the complaint is frivolous.

### **Enacted Law Summary**

Public Law 2011, chapter 303 limits the award of court costs and reasonable attorney's fees to a defendant in a protection from abuse matter to cases when a judgment is entered against the plaintiff after a hearing where both parties are present and the court finds that the complaint is frivolous.

Public Law 2011, chapter 303 was enacted as an emergency measure effective June 10, 2011.

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**SUBJECT INDEX**

*Abortion Issues*

Not Enacted

LD 90	An Act Regarding Graphic Images Displayed with the Intention of Interfering with Civil Rights	ONTP
LD 116	An Act To Require a 24-hour Waiting Period prior to an Abortion	MAJORITY (ONTP) REPORT
LD 924	An Act To Educate Women on the Medical Risks Associated with Abortion	MAJORITY (ONTP) REPORT
LD 1457	An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons	MAJORITY (ONTP) REPORT

*Arbitration and Mediation*

Enacted

LD 486	An Act To Clarify the Uniform Arbitration Act	PUBLIC 80
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*Attorney General*

Enacted

LD 1349	An Act To Amend the Laws Governing the Handling of Medical Examiner Cases	PUBLIC 182
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*Business & Nonprofit Organizations*

Enacted

LD 983	An Act To Amend the Maine Limited Liability Company Act	PUBLIC 113 EMERGENCY
LD 1502	An Act To Amend the Maine Business Corporation Act	PUBLIC 274

Not Enacted

LD 237	An Act To Make Public the Names of Members of Limited Liability Companies	ONTP
LD 448	An Act To Allow a Valid Claim against a Dissolved Corporation	MAJORITY (ONTP) REPORT

## *Child Protection*

### Enacted

LD 1152      **An Act To Amend the Child and Family Services and Child Protection Act**      PUBLIC 402

### Not Enacted

LD 1193      **An Act To Strengthen Confidentiality Laws for Child Victims of Crime**      ONTP

## *Confidentiality/Freedom of Access*

### Enacted

LD 609      **An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential**      PUBLIC 260

LD 1082      **An Act Concerning the Protection of Personal Information in Communications with Elected Officials**      PUBLIC 264

LD 1154      **An Act To Implement the Recommendations of the Right To Know Advisory Committee**      PUBLIC 320

LD 1310      **An Act To Amend the Laws Governing the Address Confidentiality Program**      PUBLIC 195

### Not Enacted

LD 917      **An Act To Protect Licensing Information Provided to the Department of Inland Fisheries and Wildlife and To Require a Review of Public Access to Other Personal Information**      ONTP

LD 1465      **An Act To Amend the Laws Governing Freedom of Access**      Carried Over

## *Constitutional Issues*

### Not Enacted

LD 58      **An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act**      ONTP

LD 573      **An Act To Protect the Civil Rights of Citizens**      MAJORITY (ONTP) REPORT

LD 1076      **An Act To Protect Maine Laws under the United States Constitution and the Constitution of Maine**      MAJORITY (ONTP) REPORT

LD 1172      **An Act To Prohibit Enforcement of Federal Laws in Violation of the Constitution of the United States**      MAJORITY (ONTP) REPORT

LD 1496      **An Act To Enforce Immigration Laws and Restrict Benefits to Legal Citizens**      ONTP

## *Courts and Court Procedure*

**Enacted**

LD 95	An Act To Repeal the Restriction on Serving or Executing Civil Process on Sunday	PUBLIC 32
LD 281	An Act To Create a 6-year Statute of Limitations for Environmental Violations	PUBLIC 350
LD 380	An Act To Enhance Enforcement of Civil Orders of Arrest	PUBLIC 177
LD 951	Resolve, Establishing the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts	RESOLVE 104
LD 1005	An Act To Clarify the Standard of Proof for Traffic Infractions	PUBLIC 156
LD 1103	An Act To Speed Recovery of Amounts Due the State	PUBLIC 181
LD 1104	An Act To Direct the Judicial Branch To Take Requisite Measures To Collect Fines and Penalties	PUBLIC 131
LD 1276	An Act To Increase Efficiency of the State Court Library Committee	PUBLIC 204
LD 1415	An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions	PUBLIC 203 EMERGENCY

**Not Enacted**

LD 317	An Act To Improve Efficiency and Compliance within the Judicial System	ONTP
LD 665	An Act To Limit Claims of Exempt Property	ONTP
LD 791	An Act Regarding the Construction of New Court Facilities	ONTP
LD 877	Resolve, To Streamline the Judicial Process in Maine's Courts	ONTP
LD 1021	An Act To Transfer Jurisdiction of Traffic Adjudications	MAJORITY (ONTP) REPORT
LD 1053	An Act To Impose a Mandatory Minimum Award in Small Claims Actions	ONTP
LD 1093	An Act To Require the State To Pay Costs and Fees in Actions against Certain State Agencies	ONTP
LD 1272	An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections	MAJORITY (ONTP) REPORT
LD 1543	An Act To Allow Counties To Opt Out of Maine Judicial Marshal Service	MAJORITY (ONTP) REPORT
LD 1546	An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions	Carried Over

*Courts, Justices and Judges*

Enacted

LD 39      An Act Related to Family Law Magistrates      PUBLIC 3

*Criminal Law and Procedure*

Enacted

LD 51      An Act Regarding Access to Sexually Explicit Material      PUBLIC 39

LD 373      An Act To Provide for Equal Rights of Appeal for the State and  
Defendants Concerning Post-judgment DNA Analysis      PUBLIC 230

Not Enacted

LD 824      An Act To Amend Certain Provisions Regarding Evidence under  
the Law Concerning Post-judgment DNA Analysis      ONTP

LD 1087      An Act To Modernize the Procedure for Appeals in Criminal  
Cases      MAJORITY  
(ONTP) REPORT

*Domestic Violence/Protection from Abuse*

Enacted

LD 1365      An Act Regarding Protection Orders      PUBLIC 265

LD 1576      An Act To Clarify the Award of Fees in Domestic Violence Cases      PUBLIC 303  
EMERGENCY

*Elder Issues*

Enacted

LD 787      An Act To Establish an Elder Victims Restitution Fund      PUBLIC 241

LD 939      An Act To Enhance Mandated Reporting and Prosecution of  
Elder Abuse, Neglect and Exploitation      PUBLIC 291

LD 1374      An Act To Protect Seniors and Incapacitated or Dependent  
Adults from Abuse      PUBLIC 201

*Family Law, General*

Enacted

LD 138      An Act To Allow a Nonresident To Perform a Single Marriage  
Ceremony      PUBLIC 111

Not Enacted

LD 165	An Act To Require Divorce Actions To Go to Mediation	ONTP
LD 585	An Act To Amend the Child Custody Laws	ONTP
LD 811	An Act Relating to Child Support and Visitation by Noncustodial Parents	ONTP

*Family Law, Child Support*

Enacted

LD 202	An Act To Modify Child Support Enforcement Procedures	PUBLIC 34
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Not Enacted

LD 115	An Act To Amend the Laws Governing Child Support Enforcement	MAJORITY (ONTP) REPORT
LD 318	An Act To Require Consideration of Higher Education for Children during Divorce Deliberations	ONTP
LD 374	An Act To Change the Method of Calculation of Child Support	ONTP
LD 511	Resolve, Directing the Department of Health and Human Services To Examine the Issue of Revocation of Licenses for Nonpayment of Child Support	ONTP

*Foreclosure*

Enacted

LD 1360	An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process	PUBLIC 269
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Not Enacted

LD 145	An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents	Carried Over
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*Human Rights and Medical Rights*

Enacted

LD 744	An Act To Amend the Definition of "Service Animal" To Conform with Federal Law	PUBLIC 369
LD 1531	An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards	PUBLIC 322

Not Enacted

LD 31	An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor	MAJORITY (ONTP) REPORT
LD 746	An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid	MAJORITY (ONTP) REPORT
LD 785	An Act Relating to Identification of Service Animals	ONTP
LD 1046	An Act To Amend the Application of the Maine Human Rights Act Regarding Public Accommodations	MAJORITY (ONTP) REPORT
LD 1426	An Act Concerning Notification to an Employer of Misrepresented Medical Information under the Maine Human Rights Act	ONTP
LD 1530	An Act To Amend the Housing Provisions of the Maine Human Rights Act	Carried Over

### *Landlord and Tenant Issues*

#### Enacted

LD 1198	An Act To Reduce Regulations for Residential Rental Property Owners	PUBLIC 405
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#### Not Enacted

LD 1070	An Act To Expedite the Eviction Process and Lower the Eviction Workload of the Courts	ONTP
LD 1199	An Act To Expedite the Eviction Process in Certain Types of Cases	ONTP

### *Legal Services*

#### Enacted

LD 593	Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 22 EMERGENCY
LD 602	An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services	PUBLIC 141

#### Not Enacted

LD 325	Resolve, To Examine the Representation of Families by Nonattorney Advocates at Special Education Due Process Hearings	VETO SUSTAINED
LD 551	An Act To Allow a Member, Manager or Authorized Employee of a Limited Liability Company To Appear for That Company in an Action for Eviction	MAJORITY (ONTP) REPORT

### *Mechanics's Liens*

Not Enacted

LD 335      **An Act To Allow Foresters, Soil Scientists and Geologists To Use Mechanics Liens**      ONTP

*Probate Code and Trust Code*

Enacted

LD 170      **An Act To Extend the Maximum Time Period for Powers of Attorney for Minors and Incapacitated Persons**      PUBLIC 43

LD 532      **An Act To Update the Maine Uniform Trust Code**      PUBLIC 42

LD 1186      **An Act To Amend the Probate Code Relating to the Authority of the Probate Court To Approve Transfers from a Protected Person's Estate**      PUBLIC 155

LD 1517      **An Act To Amend the Uniform Principal and Income Act**      PUBLIC 256

Not Enacted

LD 324      **An Act To Authorize Parents with Power of Attorney To Make Decisions Regarding the Education of Their Adult Children**      Carried Over

LD 419      **An Act To Ensure the Payment of Survivor Benefits to Certain Children**      Carried Over

LD 978      **An Act To Amend the Probate Code Regarding Powers of Attorney, Education of Children and Guardianship**      Carried Over

LD 1377      **An Act To Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**      Carried Over

*Real Property, Property Rights and Eminent Domain*

Enacted

LD 3      **An Act To Clarify Joint Tenancy Reinstatement**      PUBLIC 41

LD 10      **An Act To Clarify the Method of Creating or Severing Joint Tenancy**      PUBLIC 4

LD 482      **An Act To Amend the Laws Dealing with Limitation of Actions**      PUBLIC 124

LD 1332      **An Act To Amend the Maine Condominium Act**      PUBLIC 368

LD 1473      **An Act To Clarify Rights-of-way Laws**      PUBLIC 312

LD 1477      **Resolve, To Review Issues Dealing with Regulatory Takings**      RESOLVE 111  
EMERGENCY

LD 1482      **An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable**      PUBLIC 200

Not Enacted

LD 526	An Act To Protect Persons Who Have Buildings on Leased Land	ONTP
LD 621	An Act To Clarify Adverse Possession	ONTP
LD 1101	An Act To Require Specificity in Deed Restrictions	ONTP
LD 1135	An Act To Protect the Rights of Property Owners	MAJORITY (ONTP) REPORT
LD 1448	An Act To Protect Time-share Condominium Associations	ONTP

*Statutes*

Enacted

LD 1480	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 420 EMERGENCY
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*Torts and Immunity, General*

Not Enacted

LD 616	An Act To Clarify Landowner Liability for Environmental Damage Caused by Others	ONTP
LD 988	An Act Concerning Immunity for School Administrative Units in the Discharge of Their Responsibilities	ONTP
LD 1034	An Act To Amend the Law Regarding Comparative Negligence	MAJORITY (ONTP) REPORT
LD 1256	An Act Concerning Tort Claims and Governmental Entities	DIED BETWEEN HOUSES

*Torts and Immunity, Medical Malpractice*

Not Enacted

LD 1111	An Act To Ensure Timely Resolution of Professional Negligence Claims	LEAVE TO WITHDRAW
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*Torts and Immunity, Statutes of Limitation*

Not Enacted

LD 1353	An Act To Amend the Discovery Rule Laws	ONTP
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*Tribal-State Relations*

**Enacted**

<b>LD 194</b>	<b>An Act To Make Permanent the Direction of Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation</b>	<b>PUBLIC 426</b>
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**Not Enacted**

<b>LD 427</b>	<b>An Act To Extend the Same Privileges to the Wesget Sipu - Fish River Tribe as Are Extended to Other Maine Indian Tribes</b>	<b>ONTP</b>
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<b>LD 651</b>	<b>An Act To Improve Tribal-State Relations</b>	<b>Carried Over</b>
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<b>LD 655</b>	<b>An Act To Provide Tribal Representation in the Senate</b>	<b>ONTP</b>
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***Uncategorized***

**Enacted**

<b>LD 247</b>	<b>An Act To Amend the Gift Card Laws</b>	<b>PUBLIC 433</b>
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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

July 2011

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*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 30**      **An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts**      **ONTP**

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

Current law provides that non-compete provisions in broadcasting industry contracts are presumed to be unreasonable. This bill clarifies the language to specifically prohibit the inclusion of a non-compete provision in a broadcasting industry contract.

**LD 43**      **An Act To Repeal the Maine Uniform Building and Energy Code**      **ONTP**

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

This bill repeals the laws establishing the Maine Uniform Building and Energy Code and makes adjustments to certain other laws to make them consistent with law that existed prior to the enactment of Public Law 2007, chapter 699, which created the uniform code. This bill does not reenact the Maine Model Building Code or the energy efficiency building standards that were repealed by Public Law 2007, chapter 699 and replaced by the Maine Uniform Building and Energy Code.

**LD 46**      **An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System**      **PUBLIC 6**

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

This bill requires that job classifications adopted by the Director of Human Resources within the Department of Administrative and Financial Services must allow a licensed marriage and family therapist to qualify for mental health therapist positions within the civil service system.

**Enacted Law Summary**

Public Law 2011, chapter 6 requires that job classifications adopted by the Director of Human Resources within the Department of Administrative and Financial Services must allow a licensed marriage and family therapist to qualify for mental health therapist positions within the civil service system.

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**LD 118      An Act To Protect Private Enterprise from Tax-subsidized Competition      ONTP**  
**by Imposing Requirements on Certain Postsecondary Institutions**

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

This bill requires that a state-supported postsecondary institution obtain the same licenses, certificates and registrations required of a private corporation or business that does not receive state financial assistance if the postsecondary institution competes with a private corporation or business that does not receive state financial assistance and obtain a seller's registration certificate.

**LD 129      An Act To Eliminate Dual Certification Requirements for      PUBLIC 49**  
**Speech-language Pathologists**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM	H-68

This bill requires the State Board of Education to accept a speech-language pathologist licensed by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting as meeting the education and professional requirements to work in schools as a speech and language clinician. It directs the State Board of Education to revise its rules establishing eligibility requirements for speech and language clinicians accordingly.

**Committee Amendment "A" (H-68)**

This amendment provides that a person holding a valid license as a speech-language pathologist by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting is not required to receive certification from the Department of Education in order to provide speech-language pathology services in a public school or an approved private school. The amendment removes the provision of the bill that amended the exception to licensure for individuals holding a valid certificate from the Department of Education. It also directs the State Board of Education to revise its rules regarding the approval process of education personnel to include speech-language pathologists that provide speech-language pathology services in a public school or approved private school and designates these rules as routine technical rules.

**Enacted Law Summary**

Public Law 2011, chapter 49 provides that a person holding a valid license as a speech-language pathologist by the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting is not required to receive certification from the Department of Education in order to provide speech-language pathology services in a public school or an approved private school. The law directs the State Board of Education to revise its rules regarding the approval process of education personnel to include speech-language pathologists that provide speech-language pathology services in a public school or approved private school and designates these rules as routine technical rules.

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**LD 136      An Act To Amend the Unemployment Compensation Law Regarding      ONTP**  
**Denial of Benefits for Refusing To Accept Work**

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

This bill disqualifies an individual who unreasonably forfeits a license or other credential necessary for employment from receipt of unemployment compensation.

**LD 152      An Act To Prohibit Employment Discrimination Based on a Prior      ONTP**  
**Criminal Conviction**

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

This bill protects persons who have a prior conviction of a crime from employment discrimination by providing that a person with a prior conviction may not be disqualified from employment or an occupation that requires a license, permit or certificate on the basis of that conviction unless the offense for which the person was convicted has a reasonable relationship to the functions of the employment or occupation or the person is disqualified from that occupation by state statute.

**LD 166      An Act To Exempt Seasonally Restricted Cottages from the Newly      ONTP**  
**Adopted Maine Uniform Building and Energy Code**

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

This bill defines "seasonally restricted cottage" and exempts such cottages from the Maine Uniform Building and Energy Code.

**LD 169      An Act To Allow Veterans Who Work for Employers with More than 50      ONTP**  
**Employees To Take Veterans Day Off with Full Pay**

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

This bill requires an employer who has 51 or more employees to provide Veterans Day, November 11th, as a day off with pay to an employee who is a veteran at the request of that employee.

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**LD 177      An Act To Authorize Licensed Veterinarians To Honor Prescriptions  
from Other Licensed Veterinarians**

**PUBLIC 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW THIBODEAU	OTP-AM	H-46

This bill requires that a licensed veterinarian's prescriptions be honored by other licensed veterinarians.

**Committee Amendment "A" (H-46)**

This amendment removes the language in the bill that required a licensed veterinarian's prescriptions to be honored by other licensed veterinarians and instead provides a licensed veterinarian with the authority to sell and dispense the written prescription of another licensed veterinarian.

**Enacted Law Summary**

Public Law 2011, chapter 30 provides a licensed veterinarian with the authority to sell and dispense the written prescription of another licensed veterinarian.

**LD 186      An Act To Repeal Laws Prohibiting Certain Businesses from Operating  
on Sunday**

**ONTP**

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

This bill repeals the so-called "Sunday blue laws," which prohibit certain businesses, such as automobile dealerships, from operating on Sundays.

**LD 187      An Act To Amend the Laws Regulating Dealers of Agricultural,  
Industrial, Construction and Forestry Equipment**

**PUBLIC 236**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD BRANNIGAN	OTP-AM	H-324

This bill expands the definition of "dealer" in the Maine Revised Statutes, Title 10, chapter 208-B to include persons engaged in retail sales of forestry equipment and light industrial equipment. Chapter 208-B contains provisions pertaining to agreements between suppliers and dealers of farm and utility machinery and yard and garden equipment. It contains repurchase provisions and warranty obligations.

This bill defines "single-line dealer" and excludes a single-line dealer from the protections and obligations under this chapter. It extends from 90 days to 120 days the advance notice required for a supplier or a dealer to notify the other of intent to terminate a supplier-dealer agreement. It revises the requirements for a supplier to repurchase inventory from a dealer. It reduces the period within which payment must be made from 60 to 45 days after receipt of the

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inventory by the supplier. It requires repurchase at 100% of net cost for all new and undamaged equipment purchased from the supplier within 36 months of an agreement termination, instead of the current 30-month period. It establishes rates for repurchase of parts and tools not covered under current law.

It extends from 45 to 90 days the time period a supplier is allowed to consider a dealer's request to transfer a dealership. It specifies that a dealer performing work under a supplier's warranty is entitled to compensation at the suggested retail price for parts.

### **Committee Amendment "A" (H-324)**

This amendment changes the title of the bill to include construction and industrial equipment. It also makes the following changes to the bill.

1. It amends the definition of "dealer" to restore the inclusion of persons that sell all industrial equipment, instead of light industrial equipment as in the bill, and adds persons that sell construction equipment. It removes the exclusion in the definition of "dealer" for heavy construction, industrial and utility equipment.
2. It amends the definition of "inventory" to restore the inclusion of all industrial equipment, instead of light industrial equipment as in the bill, and adds construction equipment.
3. It amends the definition of "single-line dealer" by increasing the total annual average sales volume for the previous 3 years to in excess of \$100,000,000 instead of \$20,000,000 for the entire territory subject to the agreement with the supplier.
4. It makes changes to the repurchase terms by decreasing the penalty the supplier is required to pay to the dealer from 2% to 1 1/2% per day on any outstanding balance over 45 days.
5. It makes changes to the laws governing warranty obligations by requiring that the dealer that performs warranty work be compensated for parts in fulfilling the warranty work in an amount that is not less than the dealer's costs for such parts plus 20% or the supplier's suggested retail price for such parts, whichever is greater, plus freight and handling charges.
6. It prohibits a supplier from mandating, coercing or attempting to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier; requiring any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; or preventing, coercing or attempting to coerce a dealer from selling competing products lines or makes of equipment or requiring the dealer to provide separate facilities for competing product lines or makes of equipment.
7. It adds a statement of legislative findings and intent and adds an application section that provides that the provisions of the bill apply to all contracts and agreements in effect on the effective date of the bill that have no expiration date and are continuing contracts and all other contracts and agreements entered into, amended, renewed or extended after the effective date of the bill.

### **Enacted Law Summary**

Public Law 2011, chapter 236 makes the following changes to the laws pertaining to agreements between suppliers and dealers of farm machinery dealerships:

1. It expands the definition of "dealer" in the Maine Revised Statutes, Title 10, chapter 208-B to include persons engaged in retail sales of forestry equipment, industrial equipment, construction equipment and it amends the

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definition of "inventory";

2. It contains repurchase provisions and warranty obligations;
3. It defines "single-line dealer" and excludes a single-line dealer from the protections and obligations under this chapter;
4. It extends from 90 days to 120 days the advance notice required for a supplier or a dealer to notify the other of intent to terminate a supplier-dealer agreement, revises the requirements for a supplier to repurchase inventory from a dealer and reduces the period within which payment must be made from 60 to 45 days after receipt of the inventory by the supplier;
5. It requires repurchase at 100% of net cost for all new and undamaged equipment purchased from the supplier within 36 months of an agreement termination, instead of the current 30-month period;
6. It establishes rates for repurchase of parts and tools not covered under current law and requires the supplier to pay to the dealer a penalty on any outstanding balance of 1 1/2% per day on any outstanding balance over 45 days;
7. It extends from 45 to 90 days the time period a supplier is allowed to consider a dealer's request to transfer a dealership;
8. It specifies that a dealer performing work under a supplier's warranty is entitled to compensation for parts in fulfilling the warranty work in an amount that is not less than the dealer's costs for such parts plus 20% or the supplier's suggested retail price for such parts, whichever is greater, plus freight and handling charges.
9. It prohibits a supplier from mandating, coercing or attempting to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier; requiring any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; or preventing, coercing or attempting to coerce a dealer from selling competing products lines or makes of equipment or requiring the dealer to provide separate facilities for competing product lines or makes of equipment;
10. It adds a statement of legislative findings and intent and adds an application section that provides that the provisions of the bill apply to all contracts and agreements in effect on the effective date of the bill that have no expiration date and are continuing contracts and all other contracts and agreements entered into, amended, renewed or extended after the effective date of the bill.

**LD 188      An Act To License Residential Builders and Register Specialty Contractors**

**MAJORITY  
(ONTP) REPORT**

Sponsor(s)

PILON  
JACKSON

Committee Report

ONTP MAJ  
OTP-AM MIN

Amendments Adopted

This bill creates the Maine Residential Builders and Specialty Contractors Act and establishes the Maine Residential Builders and Specialty Contractors Board within the Department of Professional and Financial Regulation, Office of Licensing and Registration. Beginning January 1, 2014, the board will authorize persons to practice residential building activities by issuing a license to residential builders and a registration certificate to residential specialty contractors. It establishes the requirements for licensure as a residential builder and for registration as a residential specialty contractor and includes certain specific exemptions from licensure and registration. The bill also provides

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for staggered initial appointments to the board and requires that all members be appointed to the board no later than May 1, 2012. The board is required to convene its first meeting no later than July 15, 2012.

**Committee Amendment "A" (H-450)**

This amendment is the minority report of the committee. It adds an appropriations and allocations section. This amendment was not adopted.

**LD 204 An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees**

**DIED BETWEEN HOUSES**

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

This bill provides that a member appointed to the board of trustees of the Midcoast Regional Redevelopment Authority may not be an employee who serves at the pleasure of a person who holds elected office in municipal, county or state government.

**Committee Amendment "A" (S-19)**

This amendment is the majority report of the committee. It amends the language in the bill that prevents a member of the board of trustees of the Midcoast Regional Redevelopment Authority from being an employee who serves at the pleasure of a person who holds elected office in municipal, county or state government to clarify that this restriction does not apply to the commissioner of a department of State Government that serves as an ex officio member on the authority, since the commissioner serves at the pleasure of the Governor.

**LD 207 An Act To Amend the Laws Regarding Tips Used in Payment of Service Employees**

**PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-58

This bill changes the laws regarding the tip credit for employers as used in the payment of service employees by eliminating the provision that specifies that tips received by a service employee are the property of the employee and may not be shared with the employer. It eliminates the provision that makes tip splitting voluntary and also eliminates the provision that tips automatically included in a customer's bill or charged to a customer's credit card must be given to the service employee. It also eliminates the provision that directs the employer to pay the service employee by the next regular payday for tips charged to a credit card.

**Committee Amendment "A" (S-58)**

This amendment replaces the proposed changes in the bill regarding the tip credit for employers. The amendment defines "tip" and clarifies that a sum presented by a customer in recognition of service performed is considered a tip for the service employee even if it is automatically included in the customer's bill or charged to a credit card. It also states that a service charge included in a bill in a banquet or private club setting is not a tip and that the customer must be notified of this, that all employees in the banquet or private club setting must be compensated in accordance with the State's minimum wage and overtime laws and that the service charge can be used to meet these obligations.

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The amendment further clarifies that tip pooling is a valid practice as described by federal laws and regulations.

**Enacted Law Summary**

Public Law 2011, chapter 118 simplifies the definition of "service employee" and defines "tip" as a sum presented by a customer in recognition of services performed; it also clarifies that a tip does not include an agreed upon service charge added to a customer's bill in a banquet or private club setting. Public Law 2011, chapter 118 does not prohibit an employer from establishing a valid tip pooling arrangement among service employees that is consistent with the federal Fair Labor Standards Act and regulations. It further requires an employer in a banquet or private club setting that adds a service charge to notify the customer that the service charge does not represent a tip for service employees.

**LD 224      An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010**

**PUBLIC 2  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-3

On December 17, 2010, the United States Congress passed the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312, which made changes to the laws governing the federal-state unemployment extended benefits program. These changes continued the full federal funding of the extended benefits program through December 31, 2011 and additionally changed the formula for determining when the program "triggers on" to include a look back at the State's unemployment rate experience for the preceding three calendar years instead of the two years in current statute. This temporary three-year look-back provision change is tied to the continued federal funding of benefits paid out under the extended benefits program and therefore is also set to expire on December 31, 2011.

This bill temporarily changes Maine law to reflect the trigger calculation change. If this change is not made, Maine is projected to "trigger off" extended benefits in March 2011, and it is estimated that approximately 7,100 unemployed Maine workers will lose their benefits under this program.

**Committee Amendment "A" (S-3)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2011, chapter 2 temporarily changes Maine law to reflect the trigger calculation change necessitated by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312. If this change was not made, approximately 7,100 unemployed Maine workers may have lost their benefits under this program.

Public Law 2011, chapter 2 was enacted as an emergency measure effective February 18, 2011.

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**LD 230      Resolve, To Establish a Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State**

**RESOLVE 67**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROCKI	OTP-AM MAJ ONTP MIN	H-319

This bill expands the permitted functions of an independent practice dental hygienist by allowing an independent practice dental hygienist to perform x-rays and to own x-ray equipment.

**Committee Amendment "A" (H-319)**

This amendment is the majority report of the committee. It replaces the bill with a resolve that requires that the Department of Professional and Financial Regulation, Board of Dental Examiners establish a 2-year pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. The rules for the pilot project must require that the independent practice dental hygienist have an agreement in writing to have a licensed dentist available to interpret all dental radiographs within 21 days from the date a radiograph is taken and for the dentist to sign a radiographic review and findings form. It requires the Board of Dental Examiners to provide a report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the status of the pilot project and its ability to improve access to dental health services in federally designated dental health professional shortage areas and recommendations for continuance, discontinuance or modification of the pilot project. It also terminates the project March 15, 2014. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Resolve 2011, chapter 67 requires the Department of Professional and Financial Regulation, Board of Dental Examiners to establish a 2-year pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas. The rules for the pilot project must require the independent practice dental hygienist to have an agreement in writing to have a licensed dentist available to interpret all dental radiographs within 21 days from the date a radiograph is taken and for the dentist to sign a radiographic review and findings form. It requires the Board of Dental Examiners to provide a report to the joint standing committee of the Legislature having jurisdiction over economic development matters regarding the status of the pilot project and its ability to improve access to dental health services in federally designated dental health professional shortage areas and recommendations for continuance, discontinuance or modification of the pilot project. It also terminates the project March 15, 2014.

**LD 266      An Act To Expand Access to Oral Health Care**

**MAJORITY  
(ONTP) REPORT**

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

## *Joint Standing Committee on Labor, Commerce, Research and Economic Development*

This bill establishes a licensure process and scope of practice for oral health practitioners. It provides rule-making authority for the Board of Dental Examiners.

This amendment is the minority report of the committee. It replaces the bill with a resolve directing the Commissioner of Professional and Financial Regulation to conduct stakeholder meetings with the Board of Dental Examiners, the Maine Dental Association, the Maine Dental Hygienists' Association and other interested parties to review options for expanding access to oral health care in areas of rural Maine through the creation of a new mid-level license category for oral health practitioners and to submit a report. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

### **LD 269      An Act To Implement a Maine Unemployment Insurance Work-sharing Program**

**PUBLIC 91**

Sponsor(s)

RUSSELL

Committee Report

OTP-AM

Amendments Adopted

H-91

This bill creates a work-sharing program that provides an alternative to layoffs during a temporary slowdown in business. Under a work-sharing plan, an employer elects to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment.

A work-sharing plan is voluntary on the part of the employer. A plan must be approved by the Commissioner of Labor or the commissioner's designee and, if the employees are unionized, by their collective bargaining agent.

#### **Committee Amendment "A" (H-91)**

This amendment clarifies that a public employer is included in the definition of "eligible employer" within the work-sharing program. It directs the Commissioner of Labor to adopt routine technical rules to implement the work-sharing program. The amendment requires two separate reports from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters. It also establishes an effective date of March 1, 2012 and a repeal date of February 28, 2014 for the work-sharing program.

#### **Enacted Law Summary**

Public Law 2011, chapter 91 establishes a work-sharing program that provides an alternative to layoffs during a temporary slowdown in business. Under a work-sharing plan, a public or private employer elects to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment.

A work-sharing plan is voluntary on the part of the employer. A plan must be approved by the Commissioner of Labor or the commissioner's designee and, if the employees are unionized, by their collective bargaining agent.

Public Law 2011, chapter 91 directs the Commissioner of Labor to adopt routine technical rules to implement the work-sharing program. It requires two separate reports from the Commissioner of Labor to the joint standing committee of the Legislature having jurisdiction over labor matters. It also establishes an effective date of March 1, 2012 and a repeal date of February 28, 2014 for the work-sharing program.

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LD 273      **An Act Regarding Penalties for Opting Out of Paperless Billing**

PUBLIC 226

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM MAJ ONTP MIN	S-118 S-132 SULLIVAN

This bill prohibits penalizing a customer for opting out of receiving a billing statement in electronic form rather than paper form, but allows an incentive to be offered to a customer to accept a billing statement electronically rather than in paper form.

**Committee Amendment "A" (S-118)**

This amendment is the majority report of the committee. The bill provides that certain fees for customers choosing to opt out of receiving a billing statement in electronic form rather than paper form are prohibited. The amendment makes the prohibition subject to federal law and regulation. It also adds an exemption for a depository institution, or a subsidiary that is owned and controlled by a depository institution, and that is regulated by a state or federal banking agency.

**Senate Amendment "A" To Committee Amendment "A" (S-132)**

This amendment adds an exemption for an affiliate of a depository institution.

**Enacted Law Summary**

Public Law 2011, chapter 226 provides that certain fees for customers choosing to opt out of receiving a billing statement in electronic form rather than paper form are prohibited, subject to federal law and regulation. The law provides an exemption for a depository institution, or a subsidiary that is owned and controlled by a depository institution, and that is regulated by a state or federal banking agency. It also includes an exemption for an affiliate of a depository institution.

LD 304      **An Act To Promote the Hiring of Seasonal Workers**

ONTP

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

This bill changes from five weeks to 10 weeks the amount of time an employer may employ an employee without being charged for unemployment benefits.

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**LD 309      An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR SNOWE-MELLO		

This bill amends the State's labor laws to ensure that each public sector union represents only those public employees who voluntarily are members of that union.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 314      An Act To Improve Employment Opportunities for Workers in the Forest Industry      MAJORITY (ONTP) REPORT**

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

This bill requires a landowner to notify the Department of Conservation, Bureau of Forestry if forest land is harvested using bonded labor under the federal H2 bonded labor program under 20 Code of Federal Regulations, Section 655.200 et seq. If a landowner or a harvester employed by or under contract to the landowner uses bonded labor under the federal H2 bonded labor program or the landowner fails to provide the required notification, the land must be suspended from the Maine Tree Growth Tax Law for the year in which bonded labor is used and a penalty must be assessed under the commercial forestry excise tax to compensate the State for the General Fund contribution to the cost of forest fire protection activities.

**Committee Amendment "A" (S-32)**

This amendment, which is the minority report of the committee, clarifies that the Department of Conservation, Bureau of Forestry must notify landowners of their suspension from the Maine Tree Growth Tax Law and that the land must be taxed at just value for all property tax years of the years of suspension. This amendment was not adopted.

**LD 315      An Act Relating to the Status of a Private Investigator as an Independent Contractor      PUBLIC 66**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-38

This bill excepts a private investigator from the definition of "employment" in the Employment Security Law if there is a written contract between the parties; the private investigator operates independently; compensation for services

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is negotiated; and the party requesting services furnishes neither equipment nor the place of employment to the private investigator.

**Committee Amendment "A" (S-38)**

This amendment clarifies that in order to be excepted from the definition of "employment" in the Employment Security Law a private investigator may not be subject to coverage under the Federal Unemployment Tax Act.

**Enacted Law Summary**

Public Law 2011, chapter 66 excepts a private investigator from the definition of "employment" in the Employment Security Law if there is a written contract between the parties; the private investigator operates independently; compensation for services is negotiated; and the party requesting services furnishes neither equipment nor the place of employment to the private investigator. It clarifies that in order to be excepted from the definition of "employment" in the Employment Security Law a private investigator may not be subject to coverage under the Federal Unemployment Tax Act.

**LD 316 An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances**

**PUBLIC 75  
EMERGENCY**

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

Consistent with the principle that Maine law does not have an extraterritorial effect, this bill confirms that Maine's franchise laws regarding dealers of power equipment, machinery and appliances apply to dealerships located within this State and are not intended to cover dealerships located outside the State.

**Enacted Law Summary**

Public Law 2011, chapter 75 provides that consistent with the principle that Maine law does not have an extraterritorial effect, this law confirms that Maine's franchise laws regarding dealers of power equipment, machinery and appliances apply to dealerships located within this State and are not intended to cover dealerships located outside the State.

Public Law 2011, chapter 75 was enacted as an emergency measure effective May 16, 2011.

**LD 323 An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand**

**Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a public-private partnership at the state level with responsibility for the development and delivery of a comprehensive, coordinated and coherent strategy for economic development in Maine. This private-public partnership shall work with regional and local economic development councils and businesses to

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provide an array of services to companies seeking to locate or expand in Maine. It proposes the development of a "Maine brand" to consistently promote the quality of life in Maine, the quality of Maine recreation and vacation experiences and the quality of Maine-made products. This bill proposes to examine existing economic development programs and appropriations and allocations to each and to redirect funds to support a coherent strategy and maximize positive outcomes.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 340      An Act Regarding Timber Harvesting on State Land      VETO  
SUSTAINED**

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

This bill prohibits the Department of Conservation, Bureau of Parks and Lands from permitting timber on land under its jurisdiction to be harvested using persons employed under the federal H2 bonded labor program.

**LD 375      Resolve, Directing the Commissioner of Professional and Financial      RESOLVE 45  
Regulation To Convene a Working Group To Review the Laws and      EMERGENCY  
Rules Governing Boilers**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY	OTP-AM	H-176

Under current law, all steam heating boilers, hot water heating boilers and hot water supply boilers that are constructed and installed in accordance with the rules adopted by the Department of Professional and Financial Regulation, Board of Boilers and Pressure Vessels are exempt from a state-level boiler inspection program except for the boilers owned and operated by municipalities and schoolhouses. This bill includes municipalities and schoolhouses in the general exemption.

**Committee Amendment "A" (H-176)**

This amendment replaces the bill with an emergency resolve directing the Commissioner of Professional and Financial Regulation to convene a working group with the Board of Boilers and Pressure Vessels as well as other interested parties to review the current lack of uniformity in the laws and rules governing boilers and to consider options for expanding inspections of boilers located in public places. The amendment requires the commissioner to submit a report no later than January 15, 2012 of the findings and recommendations of the working group to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2011, chapter 45 is an emergency resolve directing the Commissioner of Professional and Financial Regulation to convene a working group with the Board of Boilers and Pressure Vessels as well as other interested parties to review the current lack of uniformity in the laws and rules governing boilers and to consider options for expanding inspections of boilers located in public places. The resolve requires the commissioner to submit a report

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no later than January 15, 2012 of the findings and recommendations of the working group to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It also authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

Resolve 2011, chapter 45 was finally passed as an emergency measure effective May 23, 2011.

**LD 384      An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State      Carried Over**

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

This bill establishes the Tourism and Industry Film Production Cash Rebate Program in the Department of Economic and Community Development, Office of Tourism. The purpose of the program is to attract film production companies to Maine by providing cash rebates for certain expenses of the film production company. In order to qualify, the company must spend at least \$50,000 for direct production costs in Maine and at least \$250,000 in investment in infrastructure in this State and have ties to Maine, such as using a Maine bank and payroll processor. The amount of the available rebate ranges from 27% of the expenses related to infrastructure to 51% of the costs of training and employment of Maine residents.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 398      An Act To Require Criminal History Record Information for Licensure of Nurses      VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM MAJ ONTP MIN	S-249

This bill allows the State Board of Nursing to obtain criminal history record information with respect to applicants for licensure or renewal of licensure or licensees who are under investigation by the board. The bill also requires fingerprinting of applicants for licensure or renewal of licensure and licensees under investigation by the board and allows the board to require fingerprinting of licensees and applicants who take educational preparation courses for licensure. The criminal history record information under this bill is required to be kept confidential except under certain circumstances, and any action taken by the board based upon this information against an applicant or licensee is subject to the procedures under state law for occupational license disqualification based upon criminal record.

**Committee Amendment "A" (S-249)**

This amendment is the majority report of the committee and it replaces the bill. It requires a person applying for licensure with the State Board of Nursing to submit to having fingerprints taken by a law enforcement officer in order for the board to obtain state and national criminal history record information from the Federal Bureau of Investigation. It provides that the criminal history record information is confidential and any action taken by the board based upon this information against an applicant is subject to the procedures under state law for occupational license disqualification based upon criminal record. It establishes a fund to reimburse the Department of Public

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Safety for the cost of conducting the fingerprinting and state and national criminal history record checks. It also adds an appropriations and allocations section.

**LD 406      Resolve, To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use      ONTP**

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

This resolve directs the Department of Professional and Financial Regulation, State Board of Alcohol and Drug Counselors to adopt rules for the licensure of alcohol and drug counselors by October 1, 2011 to include tobacco addiction as a drug addiction and clarify that treatment for tobacco addiction is within an alcohol and drug counselor's scope of practice.

**LD 438      An Act To Provide Seed Money for the Construction of Senior Housing in the Town of Newport      ONTP**

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

This bill provides funding to seed a public-private partnership for construction of senior housing in the Town of Newport contingent upon the community's contributing matching funds on a one-to-one basis.

**LD 447      An Act To Raise the Minimum Wage      MAJORITY (ONTP) REPORT**

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

This bill requires the minimum wage to increase to \$7.75 per hour starting October 1, 2011 and \$8.00 per hour starting October 1, 2012.

**LD 453      An Act To Facilitate the Establishment of a Business in Maine by Providing Assistance with Document Completion      ONTP**

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

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This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish within the Department of Environmental Protection's office of innovation and assistance a program of industry promotion that will provide assistance to individuals and businesses as they navigate through the multiple and varied documents and forms required by the department in its issuance of permits.

**LD 457      An Act To Provide a Livable Wage for Maine Families      ONTP**

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

This bill requires the minimum hourly wage to be adjusted for inflation on October 1st of each year.

**LD 465      An Act To Provide Efficient Delivery of Economic Development Services      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to consolidate the administration of state programs and funding that support economic development. Services that should be centralized and consolidated include, but are not limited to, marketing, business development and development assistance provided to municipalities.

This bill seeks to coordinate the utilization of federal, state and local economic development funds to provide the most efficient and effective delivery of services.

**LD 516      An Act To Amend Maine Law Regarding Employment Practices for Certain Minors      PUBLIC 174**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM MAJ ONTP MIN	S-79 S-97 SULLIVAN

This bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It repeals all limitations on the hours a minor 17 years of age may work. It also conforms Maine law to federal law.

**Committee Amendment "A" (S-79)**

This amendment extends the hours a student may work when school is in session. It extends the hours of work permitted per week from 20 to 24 and it extends the hours of work permitted per day from four to six. The amendment removes language pertaining to authorized school closures and hours of employment. The amendment also changes the hour to which a student may work on a day preceding a scheduled school day from 10 p.m. to 11

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p.m.

**Senate Amendment "C" To Committee Amendment "A" (S-97)**

This amendment changes the hour to which a student may work on a day preceding a school day from 11:00 p.m. to 10:15 p.m.

**Enacted Law Summary**

Public Law 2011, chapter 174 extends the hours a student may work when school is in session. It extends the hours of work permitted per week from 20 to 24 and it extends the hours of work permitted per day from four to six. Public Law 2011, chapter 174 removes language pertaining to authorized school closures and hours of employment. It also changes the hour to which a student may work on a day preceding a scheduled school day from 10 p.m. to 10:15 p.m.

**LD 534      An Act To Clarify Successor Liability under the Employment Security Law      ONTP**

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

This bill exempts licensed eating establishments from having experience and assignment rates under the Employment Security Law transferred to them from previous similar employers that may have operated within an existing property when the prior employer has no connection to the new restaurant.

**LD 537      Resolve, To Design and Implement a Demonstration Project on Recertification of Certified Nursing Assistants      RESOLVE 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER JACKSON	OTP-AM	H-107

This bill expands the options for listing on the Maine Registry of Certified Nursing Assistants by:

1. Requiring reasonable accommodations for persons with disabilities for the certified nursing assistant test;
2. Allowing supervision of a certified nursing assistant by a registered nurse in a home care setting for the purposes of meeting the 8-hour certified nursing recertification requirement; and
3. Directing the offices within the Department of Health and Human Services concerning elder services and licensing and regulatory services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants to allow a person who is working as an unlicensed assistive person to work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants.

**Committee Amendment "A" (H-107)**

This amendment changes the bill to a resolve. The amendment eliminates the provisions of the bill requiring

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reasonable accommodations for persons with disabilities for the certified nursing assistant test and allowing supervision of a certified nursing assistant by a registered nurse in a home care setting for purposes of recertification and retains the provisions of the bill requiring certain offices within the Department of Health and Human Services to implement a demonstration project on certified nursing assistant qualification.

**Enacted Law Summary**

Resolve 2011, chapter 35 requires certain offices within the Department of Health and Human Services to work together with licensed home health agencies and nursing facilities to design and implement a demonstration project on certified nursing assistant qualification for continued listing on the Maine Registry of Certified Nursing Assistants beginning January 1, 2012. The resolve requires the project to provide a mechanism by which a person who is working as an unlicensed assistive person may work or serve as a trainee in a licensed home health agency or nursing facility under required supervision in order to qualify for certification on the Maine Registry of Certified Nursing Assistants.

**LD 555      An Act To Utilize a Dental Complaint Review Panel      ONTP**

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

This bill provides for a preliminary review of all complaints filed with the Board of Dental Examiners by a review panel of 3 members of the board. The review panel has the power, by a unanimous vote, to dismiss complaints it believes are without merit or do not state complaints within the jurisdiction of the board. All other complaints must be forwarded to the full board for further action.

**LD 575      An Act To Extend a Deadline under the Regional Economic      PUBLIC 11  
Development Revolving Loan Program      EMERGENCY**

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

The bill extends to June 30, 2012 the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program.

**Enacted Law Summary**

Public Law 2011, chapter 11 extends to June 30, 2012 the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program.

Public Law 2011, chapter 11 was enacted as an emergency measure effective March 31, 2011.

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**LD 584 An Act To Appropriate Funds for the Maine Downtown Center**

**PUBLIC 459**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN T	OTP-AM	S-348 ROSEN R S-37

This bill provides ongoing funding to support the statewide Main Street programs administered by the Maine Downtown Center.

**Committee Amendment "A" (S-37)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-348)**

This amendment eliminates the funding in fiscal year 2011-12.

**Enacted Law Summary**

Public Law 2011 chapter 459 provides ongoing funds to support the statewide Main Street programs administered by the Maine Downtown Center beginning in fiscal year 2012-13.

**LD 613 An Act To Clarify the Definition of "Employment" in the Employment Security Law**

**PUBLIC 70**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-35

This bill excludes licensed tattoo artists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of "employment" for purposes of unemployment compensation law.

**Committee Amendment "A" (S-35)**

This amendment clarifies that in order for a tattoo artist to be excepted from the definition of "employment" in the Employment Security Law, the tattoo artist may not be subject to coverage under the Federal Unemployment Tax Act and must operate within an establishment under a rental agreement.

**Enacted Law Summary**

Public Law 2011, chapter 70 excludes licensed tattoo artists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of "employment" for purposes of unemployment compensation law as long as the services performed by the tattoo artist are not subject to federal unemployment tax.

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**LD 679      Resolve, To Leverage Federal Opportunities for Job Creation in Maine**

**RESOLVE 29**

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

This resolve directs the Department of Economic and Community Development to review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department shall identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

**Enacted Law Summary**

Resolve 2011, chapter 29 directs the Department of Economic and Community Development to review federal initiatives and pending federal legislation that promote the development of new employment, particularly employment in the manufacturing sector. The department is required to identify initiatives to be undertaken on a state and local level that have the potential to leverage federal funding and report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

**LD 691      An Act To Establish Continuing Education Requirements for  
Manufactured Housing Installers**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER HASTINGS	LV/WD	

This bill requires 10 hours of continuing education for manufactured housing installers licensed in Maine as prescribed in the rules of the Manufactured Housing Board. The bill requires that courses approved by the board must be designed to maintain and enhance the knowledge and skills of licensees related to the installation of manufactured housing.

**LD 698      An Act To Bring Wage Equity to the Workplace**

**ONTP**

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

This bill prohibits the payment of wages to the highest paid employee that are 10 times higher than the wages paid to the lowest paid employee at the same workplace if the employer has 50 or more employees and the employer receives a state tax credit, state tax break or state funds or is a contractor for public works construction.



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**Committee Amendment "A" (H-130)**

This amendment incorporates a fiscal note.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 767      An Act To Amend and Clarify Certain Portions of the Dental Practice      PUBLIC 184**  
**Laws**

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

This bill clarifies that dental practice, such as dentistry and dental hygiene, without a license, including while a license is suspended, is a strict liability crime. In addition, this bill amends the law regarding unlicensed practice by including 2 categories of licensure, denturists and dental radiographers, that were inadvertently omitted and makes other minor corrections.

**Enacted Law Summary**

Public Law 2011, chapter 184 clarifies that dental practice, such as dentistry and dental hygiene, without a license, including while a license is suspended, is a strict liability crime. In addition, this bill amends the law regarding unlicensed practice by including 2 categories of licensure, denturists and dental radiographers, that were inadvertently omitted and makes other minor corrections.

**LD 771      An Act To Establish the St. John Valley Regional Planning Commission      Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish the St. John Valley Regional Planning Commission. Under this bill, the following Aroostook County communities would be represented on the executive board of the commission: Allagash, Caswell Plantation, Cyr Plantation, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, Portage Lake, St. Agatha, St. Francis, St. John Plantation, Stockholm, Van Buren, Wallgrass Plantation and Winterville Plantation as well as the unorganized townships in Aroostook County Commissioner District Number 3.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 784      An Act To Exempt Persons Performing Simple Electrical Repairs from  
Licensing Requirements**

**PUBLIC 272**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS JACKSON	ONTP A OTP-AM B OTP-AM C	H-300

This bill establishes requirements for a limited license for persons who wish to do basic home repairs of electrical systems.

**Committee Amendment "A" (H-300)**

This amendment replaces the bill and is a minority report of the committee. This amendment exempts persons doing certain incidental electrical work from the electrician licensing requirements.

**Committee Amendment "B" (H-301)**

This amendment replaces the bill with a resolve and is a minority report of the committee. The amendment directs the Commissioner of Professional and Financial Regulation to convene a working group with the Electricians' Examining Board, as well as other interested parties, to review the possible benefits and safety risks in creating a limited exception to the electrician licensing requirements for incidental work performed by persons whose occupations involve miscellaneous jobs of manual labor. The amendment requires the Commissioner of Professional and Financial Regulation to submit a report no later than January 15, 2012 following the review by the working group to the Joint Standing Committee on Labor, Commerce, Research and Economic Development. It authorizes the Joint Standing Committee on Labor, Commerce, Research and Economic Development to introduce a bill based on the report to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Public Law 2011, chapter 272 exempts persons doing certain incidental electrical work from the electrician licensing requirements.

**LD 788      An Act To Prohibit Forced Payment of Labor Union Dues or Fees by  
Workers**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	JT RULE 309	

This bill guarantees workers free choice in deciding whether to join or refrain from joining labor unions. It prohibits employers from deducting fees from nonunion employees.

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**LD 799      An Act To Provide Capital for Economic Development in Aroostook County      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to have the Finance Authority of Maine and the Department of Economic and Community Development work with an economic development entity from Aroostook County to identify loan or grant programs offered by the authority or the department that would provide capital for a qualified business entity to purchase and operate a wood mill and processing center in Aroostook County to benefit the logging and timber harvest industries.

**LD 816      An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings      PUBLIC 94**

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

This bill replaces the term "inspector of buildings" with the term "building official" in 2 locations in the statutes and corrects cross-references.

**Enacted Law Summary**

Public Law 2011, chapter 94 replaces the term "inspector of buildings" with the term "building official" in 2 locations in the statutes and corrects cross-references.

**LD 818      Resolve, To Improve the Training and Retention of Maine's Professional Direct Care and Personal Supports Workforce      ONTP**

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

This resolve directs the Department of Health and Human Services and the Department of Labor to develop and to provide information about professional and career development, training and related credentialing and certification to all professional direct care and personal supports workers.

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**LD 841      Resolve, To Establish the Blue Ribbon Commission on Affordable Housing**

**RESOLVE 108**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING ALFOND	OTP-AM	H-511 S-333 COURTNEY

This resolve establishes the Blue Ribbon Commission on Affordable Housing. The commission is directed to conduct a study of affordable housing policy, review the status of housing and make recommendations to maximize the investment of available resources and best meet the housing needs of the people of this State. The commission is required to submit a report for presentation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

**Committee Amendment "A" (H-511)**

This amendment adds a representative of the board of trustees of the Midcoast Regional Redevelopment Authority to the membership of the Blue Ribbon Commission on Affordable Housing and specifies that the commission may not receive General Fund money but may seek outside funding to fulfill the commission's duties. The amendment also adds an appropriations and allocations section.

**Senate Amendment "A" (S-333)**

This amendment removes the emergency preamble and emergency clause. The amendment also explicitly exempts this study from the requirements of Joint Rule 353.

**Enacted Law Summary**

Resolve 2011, chapter 108 establishes the Blue Ribbon Commission on Affordable Housing. The resolve directs the commission to conduct a study of affordable housing policy, review the status of housing and make recommendations to maximize the investment of available resources and best meet the housing needs of the people of this State. It requires the commission to seek outside funding to fulfill the commission's duties and to submit a report for presentation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by February 15, 2012.

**LD 863      An Act To Allow the Maine State Housing Authority To Prepurchase Oil for the Low-income Home Energy Assistance Program**

**ONTP**

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

This bill provides the Maine State Housing Authority with the authority to enable the purchase of heating oil in bulk from qualified vendors at a discount for persons who are eligible to receive assistance from the federal Low-income Home Energy Assistance Program in advance of federal funds.

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**LD 866      Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies**

**MAJORITY  
(ONTP) REPORT**

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

This resolve requires the Department of Professional and Financial Regulation, Bureau of Insurance to establish a workers' compensation business classification for pharmacies so that the workers' compensation insurance rate for employees of a pharmacy located within a larger retail store is identical to the workers' compensation insurance rate for employees of a stand-alone pharmacy.

**LD 878      An Act To Provide a Temporary License To Operate a Public Dance Establishment**

**PUBLIC 333**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY MCCORMICK	OTP-AM	H-299 H-578 PRESCOTT

This bill allows a person who obtains control of a public dancing establishment to apply for a temporary dancing license while the application for a regular dancing license is pending with the Commissioner of Public Safety, but no more than 60 days. The fee for a temporary dancing license is \$100 and the revenue from the fee would be used in the same manner as the fee for the regular dancing license fee of \$117: licensing and enforcement of public dances.

**Committee Amendment "A" (H-299)**

This amendment clarifies that a temporary license for a public dancing establishment would be issued only following the transfer of ownership of a building used for public dances that has an existing license.

**House Amendment "A" To Committee Amendment "A" (H-578)**

This amendment reduces the fee for a temporary license to operate a public dancing establishment from \$100 to \$25.

**Enacted Law Summary**

Public Law 2011, chapter 333 allows a person who obtains control of a public dancing establishment to apply for a temporary dancing license while the application for a regular dancing license is pending with the Commissioner of Public Safety, but no more than 60 days. It provides that the temporary license for a public dancing establishment would be issued only following the transfer of ownership of a building used for public dances that has an existing license. The law provides that the fee for a temporary dancing license is \$25 and the revenue from the fee would be used in the same manner as the fee for the regular dancing license fee.

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**LD 889      An Act To Regulate Boxing and Prizefighting in Maine**

**PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PETERSON MASON	OTP-AM MAJ ONTP MIN	H-451

This bill amends the law that creates the Mixed Martial Arts Authority of Maine to include boxing and renames the authority the Combat Sports Authority of Maine.

**Committee Amendment "A" (H-451)**

This amendment provides that members of the Combat Sports Authority of Maine may be compensated for per diem and expenses from revenue received by the authority in accordance with the bylaws of its board of directors. It requires that rules establishing fees, including promotion fees, are major substantive rules. It also adds a cross-reference to the disclosure and conflict-of-interest requirements of the Maine Revised Statutes, Title 5, section 18.

**Enacted Law Summary**

Public Law 2011, chapter 305 amends the law that creates the Mixed Martial Arts Authority of Maine to include boxing and renames the authority the Combat Sports Authority of Maine. The law provides that members of the Combat Sports Authority of Maine may be compensated for per diem and expenses from revenue received by the authority in accordance with the bylaws of its board of directors. It also provides that rules establishing fees, including promotion fees, are major substantive rules and it adds a cross-reference to the disclosure and conflict-of-interest requirements of the Maine Revised Statutes, Title 5, section 18.

**LD 893      An Act To Require an Employer To Provide Notification Regarding the Employer's Personal Leave Policy to Employees**

**MAJORITY  
(ONTP) REPORT**

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

This bill requires that an employer provide notice to an employee regarding whether the terms of employment include provisions for paid personal leave and whether upon cessation of employment accrued personal leave has the same status as wages earned. The notification may be accomplished by including in an employee handbook the policy on personal leave or by posting the policy on personal leave in a conspicuous common area in the place of employment.

**Committee Amendment "A" (S-48)**

This amendment is the minority report and strikes the bill. It requires employers who have a paid vacation or earned paid time off policy to provide employees with written notice describing how the time is earned and accumulated and whether the time will be paid upon termination of employment. The amendment describes four acceptable notification procedures and defines "earned paid time off." This amendment was not adopted.

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**LD 915      An Act To Clarify the Exemption of Lineworkers from Maine  
Electrician Licensing Laws**

**PUBLIC 290  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS	OTP-AM	H-395

This bill clarifies that lineworkers of public utilities and electric generators, including contractors working on their behalf, are exempt from the electrician licensing laws.

**Committee Amendment "A" (H-395)**

This amendment makes the following changes to the bill:

1. It strikes the generator exception in the bill and replaces it with an exception for electrical work on aboveground electric lines of one kilovolt or more;
2. It removes the references to "generator" in the exception for contractors in the bill; and
3. It repeals the definition of "public service corporation" since it is no longer used in the Maine Revised Statutes, Title 32.

**Enacted Law Summary**

Public Law 2011, chapter 290 provides that lineworkers of public utilities, including contractors working on their behalf, are exempt from the electrician licensing laws, and provides an exception to the electrician licensing laws for electrical work on aboveground electric lines of one kilovolt or more. The law also repeals the definition of "public service corporation" since it is no longer used in the Maine Revised Statutes, Title 32.

Public Law 2011, chapter 290 was enacted as an emergency measure effective June 10, 2011.

**LD 928      An Act To Repeal the Requirement That Electrical Companies Be  
Licensed**

**PUBLIC 406**

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

This bill repeals the requirement that electrical companies be separately licensed by the State. This bill does not affect the existing laws governing the licensing of individual electricians.

**Enacted Law Summary**

Public Law 2011, chapter 406 repeals the requirement that electrical companies be separately licensed by the State.

***Joint Standing Committee on Labor, Commerce, Research and Economic Development***

**LD 937      An Act To Increase Access to Dental Care in Rural Areas**

**LEAVE TO  
WITHDRAW**

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

This bill establishes a limited practice dental hygienist license that allows a person to provide nontherapeutic, limited preventative care. Qualifications for this license may be met through any course of study approved by the American Dental Association Commission on Dental Accreditation or its successor organization that allows distance learning with instruction from qualified practitioners, includes nontraditional clinical instruction and clinical training as a dental assistant with a licensed dentist and involves a number of credit hours equivalent to a 2-year full-time program.

**LD 947      An Act To Encourage Professionals To Move to the State**

**ONTP**

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

This bill requires that a professional license from another jurisdiction be accepted by the State upon application by the licensee if the license is active and the licensee is in good standing and upon payment of the initial license fee in this State for that profession. The license may be denied only upon a showing that acceptance of the license would be detrimental to the health, safety or welfare of the public in the State. A denial of acceptance of a license from another jurisdiction is subject to a hearing under the Maine Administrative Procedure Act.

**LD 955      An Act To Establish the Dental Adjudicatory Panel**

**Carried Over**

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

This bill establishes the Dental Adjudicatory Panel for the purpose of conducting adjudicatory hearings for the Board of Dental Examiners. These adjudicatory hearings must utilize the Maine Rules of Evidence. Members of the panel may not be members of the Board of Dental Examiners.

The bill also makes a change in the process by which the Board of Dental Examiners files a complaint in the District Court to suspend or revoke a license. Before filing such a complaint, the board shall notify the licensee of reasons for the suspension or revocation and provide the licensee with an opportunity for an informal conference with the members of the board.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 957      Resolve, Directing the Plumbers' Examining Board To Amend Its Rules      LEAVE TO**  
**Governing Installation Standards      WITHDRAW**

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

This resolve directs the Department of Professional and Financial Regulation, Plumbers' Examining Board to amend its rules governing plumbing installation standards to provide that drainage and vent pipes, including plastic pipes, may be tested with air.

**LD 972      An Act To Provide Administrative Support to the Citizen Trade Policy      HELD BY**  
**Commission      GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO JACKSON	OTP-AM	H-249 S-353 ROSEN R

This bill provides General Fund appropriations to the Legislature of \$12,000 annually for administrative support for the Citizen Trade Policy Commission.

**Committee Amendment "A" (H-249)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-353)**

This amendment removes the appropriation in fiscal year 2011-12.

**Enacted Law Summary**

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. The enacted bill provides \$12,000 in funding for administrative support for the Citizen Trade Policy Commission for fiscal year 2012-13.

**LD 994      An Act To Promote Responsible Business Practices through a Livable      ONTP**  
**Wage**

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

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This bill requires businesses, in order to receive tax credits, tax reimbursement or tax forgiveness from the State, to pay their employees a livable wage.

**LD 995      An Act To Require Dental Professionals To Provide Education to the      ONTP**  
**Public on Oral Hygiene**

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

This bill requires dentists, certain dental assistants, dental hygienists and denturists to provide each year, as a condition of relicensing or recertification, at least 6 hours of free public education on good oral hygiene. The Department of Professional and Financial Regulation, Board of Dental Examiners is required to adopt rules governing this requirement.

**LD 998      Resolve, Directing the Finance Authority of Maine To Develop a      ONTP**  
**Business Development Loan Program for Legal Immigrants**

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

This resolve directs the Finance Authority of Maine to create a business development loan program for legal immigrants. The Finance Authority of Maine will report the specifics of the program to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011. The Joint Standing Committee on Labor, Commerce, Research and Economic Development may report out a bill to the Second Regular Session of the 125th Legislature to implement the program.

**LD 1004      An Act To Clarify Training Requirements for Funeral Service      ONTP**  
**Providers**

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

This bill allows a person licensed for the practice of funeral service by the Department of Professional and Financial Regulation who is required to meet annual training requirements to fulfill those requirements by completing training no more than 30 days prior to the beginning of the licensing year for which that training is required. The person must continue to complete annual training.

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**LD 1007      An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SULLIVAN	OTP-AM	H-320

This bill provides additional details of the process for municipalities or multimunicipal regions with regard to development of affordable housing as part of a comprehensive plan.

**Committee Amendment "A" (H-320)**

This amendment replaces the bill. It amends the statute governing land use regulation that allows a municipality to enact an ordinance to require the construction of off-site capital improvements or payment of impact fees instead of capital improvements, including the construction, expansion or replacement of infrastructure facilities, by adding affordable housing to the list of infrastructure facilities.

**LD 1026      An Act To Regulate the Distribution of Feature Motion Pictures in the State      ONTP**

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

This bill establishes fair business practices for the licensing and distribution of feature motion pictures in the State to ensure timely public access to artistic expression and opinion in feature motion pictures at reasonable prices and in reasonable locations, to regulate unfair practices and to promote competition in the licensing and distribution of feature motion pictures.

This bill provides requirements for motion picture exhibitors and distributors that are intended to allow independently owned movie theaters to compete with larger theaters and circuits in the State. It is intended to promote the expansion and new construction of motion picture theaters throughout the State, thereby encouraging employment and economic development.

**LD 1050      An Act To Encourage the Promotion of Outdoor Recreational Activities      ONTP**

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

This bill provides that 25% of the Tourism Marketing Promotion Fund within the Department of Economic and Community Development, Office of Tourism must be used for the promotion of noncommercial, outdoor natural resources-based activities. It requires that 85% of the 25% go to promote outdoor activities under the jurisdiction of the Department of Inland Fisheries and Wildlife and that the remaining 15% go to promote outdoor nonconsumptive activities such as cross-country skiing, kayaking, hiking and wildlife watching.

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**LD 1055      An Act Regarding the Computation of Workers' Compensation Rates      ONTP**  
**Based on Past Claims**

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

Under current law, an employer is placed in a high-risk pool if the employer has at least two lost-time claims, each greater than \$10,000 of incurred loss during the previous three-year experience rating period. This bill increases the incurred loss amount from \$10,000 to \$40,000.

**LD 1056      An Act To Increase the Availability of Independent Medical Examiners      PUBLIC 215**  
**under the Workers' Compensation Act of 1992      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER GOODALL	OTP-AM	H-204 H-279 TUTTLE

Under current law, if a physician has examined an employee of a company at the request of an insurance company, employer or employee in accordance with the Maine Revised Statutes, Title 39-A, section 207 during the previous 52 weeks then that physician is not eligible to be an independent medical examiner. This bill amends the law by limiting the 52-week prohibition to a prohibition against the examination of a specific employee who previously has been examined by the physician.

**Committee Amendment "A" (H-204)**

This amendment replaces the bill. It specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39-A, section 207 are limited to 12 such examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. The amendment requires that an independent medical examiner that examines an injured worker at the request of the employer in accordance with Title 39-A, section 207 notify the Workers' Compensation Board of the name of the employee, the employer or the insurer that requested the examination and the date of the examination within 10 days of the date of the examination. The amendment also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature. The amendment adds an emergency preamble and emergency clause.

**House Amendment "A" To Committee Amendment "A" (H-279)**

This amendment clarifies that an independent medical examiner chosen by an employer to conduct an examination

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of an employee is limited to performing 12 independent medical examinations in a calendar year.

**Enacted Law Summary**

Public Law 2011, chapter 215 specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39-A, section 207 are limited to 12 independent medical examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. It requires that an independent medical examiner that examines an injured worker at the request of the employer in accordance with Title 39-A, section 207 notify the Workers' Compensation Board of the name of the employee, the employer or the insurer that requested the examination and the date of the examination within 10 days of the date of the examination. Public Law 2011, chapter 215 also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 215 was enacted as an emergency measure effective June 3, 2011.

**LD 1057    An Act To Increase the Transparency of the Unemployment Compensation Fund**

**PUBLIC 212**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-286

This bill requires a vote of two-thirds of the members of the Senate present and voting for an increase in the unemployment contribution rate that is scheduled to go into effect within five years of the effective date of the increase.

**Committee Amendment "A" (H-286)**

This amendment strikes and replaces the bill. The amendment directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than five years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. This amendment also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications.

**Enacted Law Summary**

Public Law 2011, chapter 212 directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than five years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. It also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications.

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**LD 1065      An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992      ONTP**

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

This bill amends the law governing the determination of permanent impairment for workers' compensation purposes as follows:

1. It specifies that the schedule adopted by the Workers' Compensation Board for determining the existence and degree of permanent impairment based upon medically or scientifically demonstrable findings must be based on the American Medical Association's "Guides to the Evaluation of Permanent Impairment," 4th edition;
2. It requires that a determination of permanent impairment of the spine must be based on a medical opinion formulated using the "diagnosis related estimate" model and may not be based on a medical opinion formulated using the "range of motion" model;
3. It specifies that a determination of permanent impairment may not include an assessment of permanent impairment based on behavioral, emotional or psychiatric conditions; and
4. It requires that the medical findings of the independent medical examiner regarding the extent of permanent impairment must be adopted by the board.

**LD 1069      An Act To Promote Visual and Digital Media Productions, Tourism and Job Creation in the State      PUBLIC 372**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	H-517

This bill establishes the Tourism and Industry Collaborative Film Grant Program within the Department of Economic and Community Development, Office of Tourism to promote Maine tourism and industry and assist in job creation through grants for feature film projects that promote Maine's natural resources and industries. The program will provide grants from the Tourism and Industry Collaborative Film Grants Fund of up to \$500,000 for eligible feature film projects, not to exceed 40% of the feature film's production budget, to be paid upon the feature film's completion. The bill provides that money in the fund may be distributed to eligible feature film projects initially as a loan during preproduction and production of the feature film. The bill requires that, in order to receive grant funds upon completion, the feature film project must demonstrate to the satisfaction of the Office of Tourism that the feature film has a production budget over \$250,000, features at least one primary Maine industry, tells a story that is set in Maine for at least 75% of the film and features outdoor locations in Maine for at least 25% of the film. The feature film project must also have filmed on location in Maine for at least 75% of the film. The bill requires a feature film project to provide film footage for state tourism promotion activities.

**Committee Amendment "A" (H-517)**

This amendment replaces the bill. It establishes the Visual and Digital Media Loan Program within the Department of Economic and Community Development to promote tourism and job creation through loans to the producers of

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visual and digital media projects and productions. The Visual and Digital Media Loan Fund is established to provide loans for eligible digital media projects or visual media productions of up to \$500,000 per eligible project or production, not to exceed 20% of its proposed preproduction and production budget. It establishes a loan forgiveness process for borrowers if they demonstrate to the satisfaction of the Commissioner of Economic and Community Development that the following criteria have been met upon completion of the project or production:

1. The project or production has a total preproduction, production and postproduction budget that is above \$100,000;
2. Seventy-five percent of the project or production has been filmed in the State;
3. A marketing plan includes promotion and acknowledgment of the project's or production's filming in the State;
4. A signed agreement provides the department with access to a film trailer and all b-roll footage, provided free of charge to the State for tourism promotion activities; and
5. A signed agreement provides that the project or production will not be the basis for an income tax credit or tax reimbursement for visual media productions.

It authorizes the commissioner to contract with the Finance Authority of Maine to administer the fund for the program. It also provides that the program is repealed December 31, 2015.

It also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2011, chapter 372 establishes the Visual and Digital Media Loan Program within the Department of Economic and Community Development to promote tourism and job creation through loans to the producers of visual and digital media projects and productions. The Visual and Digital Media Loan Fund is established to provide loans for eligible digital media projects or visual media productions of up to \$500,000 per eligible project or production, not to exceed 20% of its proposed preproduction and production budget. The law establishes a loan forgiveness process for borrowers if they demonstrate to the satisfaction of the Commissioner of Economic and Community Development that the following criteria have been met upon completion of the project or production:

1. The project or production has a total preproduction, production and postproduction budget that is above \$100,000;
2. Seventy-five percent of the project or production has been filmed in the State;
3. A marketing plan includes promotion and acknowledgment of the project's or production's filming in the State;
4. A signed agreement provides the department with access to a film trailer and all b-roll footage, provided free of charge to the State for tourism promotion activities; and
5. A signed agreement provides that the project or production will not be the basis for an income tax credit or tax reimbursement for visual media productions.

The law also authorizes the commissioner to contract with the Finance Authority of Maine to administer the fund for the program. It provides that the program is repealed December 31, 2015.

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**LD 1078 An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board**

ONTP

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

This bill amends the audit and enforcement functions of the Workers' Compensation Board.

1. It eliminates the duty of the board to monitor the claims handling practices of insurers, self-insurers, the Maine Insurance Guaranty Association and third-party administrators and eliminates the monitoring program.
2. It requires that, in order for the board to audit an insurer, self-insurer, the Maine Insurance Guaranty Association or a third-party administrator, the board have probable cause to believe that an insurer, self-insurer, the Maine Insurance Guaranty Association or a third-party administrator has not met an obligation under the Maine Workers' Compensation Act of 1992.
3. It eliminates the board's authority to assess penalties on employers, insurers or third-party administrators that engage in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.

**LD 1099 An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries**

PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM MAJ ONTP MIN	S-102

This bill establishes a set of factors to determine whether an individual engaged in the business of freight transportation or courier and messenger services is an employee or an independent contractor for purposes of the workers' compensation laws.

**Committee Amendment "A" (S-102)**

This amendment strikes the bill and allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status described in the bill or by being able to provide proof of coverage under a workers' compensation policy. This amendment changes one of the factors to require that there be a statement signed by both the person providing the services and the hiring entity that the person meets all of the requirements for being an independent contractor and is considered an independent contractor. Finally, this amendment provides for the repeal of these provisions on October 1, 2013.

**Enacted Law Summary**

Public Law 2011, chapter 176 allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status or by being able to provide proof of coverage under a workers' compensation policy. It provides for the repeal of these provisions on October 1, 2013.

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**LD 1117      Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements**

**RESOLVE 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE	OTP-AM   MAJ OTP-AM   MIN	H-271

This bill changes from five weeks to eight weeks the amount of time an employer may employ an employee without being charged for unemployment benefits.

**Committee Amendment "A" (H-271)**

This amendment, which is the majority report of the committee, strikes and replaces the bill, makes the bill a resolve and directs the Commissioner of Labor to establish a stakeholder group to determine the most appropriate amount of time an employer may employ an employee without the employer being subject to unemployment compensation requirements.

**Committee Amendment "B" (H-272)**

This amendment, which is the minority report, changes from eight weeks to seven weeks the amount of time an employer may employ an employee without the employer being charged for unemployment benefits. This amendment was not adopted.

**Enacted Law Summary**

Resolve 2011, chapter 85 directs the Commissioner of Labor to establish a stakeholder group to determine the most appropriate amount of time an employer may employ an employee without the employer being subject to unemployment compensation requirements.

**LD 1127      An Act To Amend the Authority of the Washington County Development Authority**

**PUBLIC 136  
EMERGENCY**

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

This bill grants to the Washington County Development Authority the same authority given to the Midcoast Regional Redevelopment Authority to borrow money and issue bonds.

**Enacted Law Summary**

Public Law 2011, chapter 136 grants to the Washington County Development Authority the authority to borrow money and issue bonds.

Public Law 2011, chapter 136 was enacted as an emergency measure effective May 25, 2011.



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**LD 1238      Resolve, Authorizing the Bureau of Unemployment Compensation To  
Study Establishment of a Voluntary Workplace Training Program**

**RESOLVE 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD THOMAS	OTP-AM	H-351

This bill creates the Maine Back to Work Program to provide workplace training to certain eligible unemployment insurance beneficiaries. The bill establishes the program within the Department of Labor, Bureau of Unemployment Compensation to allow an eligible participant who is receiving unemployment insurance benefits pursuant to the Employment Security Law to receive workplace training from an eligible employer.

The department is directed to solicit input from the Georgia Department of Labor regarding the design and implementation of the program. The bill also directs the department to consult and abide by the program guidance and parameters, as necessary, set forth in the federal Training and Employment Guidance Letter No. 12-09, dated January 29, 2010, or any subsequent program guidance relevant to the program, issued by the United States Department of Labor, Employment and Training Administration.

The bill stipulates that the program must be consistent with, and eligible participants afforded the protections provided by, all applicable antidiscrimination statutes.

The bill makes it clear that persons receiving unemployment benefits continue to receive those benefits while participating in the program.

**Committee Amendment "A" (H-351)**

This amendment replaces the bill, makes it a resolve and directs the Director of the Bureau of Unemployment Compensation within the Department of Labor to determine the most cost-effective proposal for establishing a voluntary workplace training program. The director is directed to report the results of the study along with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2011, chapter 84 directs the Director of the Bureau of Unemployment Compensation within the Department of Labor to determine the most cost-effective proposal for establishing a voluntary workplace training program. The director is directed to report the results of the study along with any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which is authorized to submit a bill to the Second Regular Session of the 125th Legislature.

**LD 1241      An Act To Exempt Employers Subject to Federally Mandated Drug and  
Alcohol Programs from Maine Substance Abuse Program Laws**

**PUBLIC 196**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BICKFORD ROSEN R	OTP-AM	H-287

This bill removes the requirement that an employer must provide an opportunity to participate in a substance abuse rehabilitation program to an employee after the employee has received a confirmed positive result on a substance

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abuse test. The bill also requires that an employer that requires, requests or suggests that employees submit to substance abuse testing on a random or arbitrary basis must also require, request or suggest that supervisory personnel submit to a substance abuse test on a random or arbitrary basis and similarly submit to substance abuse testing on a random or arbitrary basis.

The bill also allows an employer to require, request or suggest an employee submit to substance abuse testing if the employee causes a work-related accident that results in property damage, personal injury or loss of life or a citation or summons being issued to the employee by a law enforcement officer. The bill also removes the provision stating that it is the intent of the Legislature to narrowly construe the requirement concerning random testing of an employee who works in a position where being under the influence of a substance of abuse would place the health and safety of the public or coworkers under unreasonable threat.

**Committee Amendment "A" (H-287)**

This amendment replaces the bill. It allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. The amendment directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Public Law 2011, chapter 196 allows an employer subject to a federally mandated substance abuse testing program to extend its United States Department of Transportation mandated program to its entire workforce and its independent contractors. It allows such employers to have the same substance abuse policy for all employees and independent contractors. Public Law 2011, chapter 196 directs the Department of Labor, Bureau of Labor Standards to submit a report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 15, 2012 with recommendations on simplifying and streamlining the labor laws dealing with substance abuse testing. The joint standing committee is authorized to introduce a bill related to the report to the Second Regular Session of the 125th Legislature.

**LD 1244 An Act Regarding Payment of Medical Fees in the Workers' Compensation System**

**PUBLIC 338**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-250

This bill defines "usual and customary charge" regarding payment of a health care service under the workers' compensation laws as the average charge for that health care service for the two preceding calendar quarters. For purposes of calculating the average charge, the charge of each individual rendering of a specific health care service is calculated as the sum of all reimbursements from a private, third-party payor and all payments from the patient.

**Committee Amendment "A" (S-250)**

The amendment replaces the bill. It directs the Workers' Compensation Board to adopt rules to establish a medical fee schedule for services provided under the Maine Workers' Compensation Act of 1992 by individual health care practitioners and health care facilities based upon the Medicare payment methodologies that are the basis for most health care payment systems today. The amendment removes any reference in existing workers' compensation law to "usual and customary charge." The amendment requires an annual update of the medical billing and coding

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systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every three years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private third-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act of 1992 during the previous year. The amendment requires the Workers' Compensation Board to complete its current medical fee rulemaking by December 31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012.

**Enacted Law Summary**

Public Law 2011, chapter 338 directs the Workers' Compensation Board to adopt rules to establish a medical fee schedule for services provided under the Maine Workers' Compensation Act of 1992 by individual health care practitioners and health care facilities based upon the Medicare payment methodologies that are the basis for most health care payment systems today. It removes any reference in existing workers' compensation law to "usual and customary charge." Public Law 2011, chapter 338 requires an annual update of the medical billing and coding systems underlying the medical fee schedule and requires a more comprehensive review of the medical fee schedule every three years beginning in 2014. It directs the executive director of the Workers' Compensation Board to obtain annually from the Maine Health Data Organization the private third-party average payment rates across all private payors and all providers in the Maine Health Data Organization's database for the most common medical services rendered under the Maine Workers' Compensation Act of 1992 during the previous year. It also requires the Workers' Compensation Board to complete its current medical fee rulemaking by December 31, 2011 and to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development regarding the status of the medical fee schedule not later than February 15, 2012.

**LD 1253      An Act To Amend the Laws Governing the Enforcement of Statewide  
Uniform Building Codes**

**PUBLIC 365  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-210

This bill makes several changes to the laws governing the adoption, enforcement and implementation of the Maine Uniform Building and Energy Code. It allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools. It removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire." The bill also expressly authorizes a municipality to review the work of a 3rd-party inspector for accuracy. The bill clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.

The bill amends the law to allow a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official. The bill directs the Department of Public Safety, Technical Building Codes and Standards Board to determine where in Maine and under what circumstances the radon and internal air quality building codes should be applied.

**Committee Amendment "A" (S-210)**

This amendment makes the following changes to the bill:

1. It adds an emergency preamble and emergency clause;

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2. It amends the exceptions to the Maine Uniform Building and Energy Code to include crop storage buildings;
3. It amends the laws governing the Maine Uniform Building and Energy Code to provide that the requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages, but only until June 15, 2012;
4. It requires the Department of Public Safety, Technical Building Codes and Standards Board to adopt the 2006 International Energy Conservation Code standards within the Maine Uniform Building and Energy Code for residential basement wall insulation;
5. It clarifies that a certificate of occupancy demonstrating compliance with the Maine Uniform Building and Energy Code is required only of buildings located in municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options; and
6. It removes the provision of the bill that requires the Technical Building Codes and Standards Board to determine where and under what circumstances the radon and internal air quality building codes should be applied.

### **Enacted Law Summary**

Public Law 2011, chapter 365 makes the following changes to the laws governing the Maine Uniform Building and Energy Code:

1. It allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools;
2. It amends the exceptions to the Maine Uniform Building and Energy Code to include warehouses or silos used to store harvested crops;
3. It amends the laws governing the Maine Uniform Building and Energy Code to provide that the requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages, but only until June 15, 2012;
4. It requires the Department of Public Safety, Technical Building Codes and Standards Board to adopt the 2006 International Energy Conservation Code standards within the Maine Uniform Building and Energy Code for residential basement wall insulation;
5. It clarifies that a certificate of occupancy demonstrating compliance with the Maine Uniform Building and Energy Code is required only of buildings located in municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options;
6. It removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire."
7. It clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.
8. It allows a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official.

Public Law 2011, chapter 365 was enacted as an emergency measure effective June 16, 2011.

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**LD 1268    An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits**

**PUBLIC 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	ONTP MAJ OTP-AM MIN	S-124

Current law authorizes an employer or insurer to recover from an employee overpayments made pending an appeal to the Law Court. This bill extends that authorization to allow an insurer or employer to recover overpayments made to an employee pending a motion for findings of fact and conclusions of law filed with the hearing officer.

**Committee Amendment "A" (S-124)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2011, chapter 361 extends the authorization of an employer or insurer to recover overpayments made to an employee pending an appeal to the Law Court to include authorization pending a motion for findings of fact and conclusions of law filed with a hearing officer.

**LD 1285    An Act To Amend the Assessment Process and Funding of the Maine Workers' Compensation Board**

**ONTP**

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

This bill amends the laws governing the Workers' Compensation Board as follows.

1. Under current law, the Workers' Compensation Board determines an assessment to be levied on insurers that write workers' compensation insurance in the State for deposit in a dedicated fund to support and maintain the Workers' Compensation Board. This bill instead directs that the Superintendent of Insurance determine the assessment and that the funds be credited to the General Fund.
2. It limits the assessments levied to \$10,000,000 in any fiscal year.
3. It directs the Workers' Compensation Board to submit its proposed budget to the Commissioner of Administrative and Financial Services for inclusion in the General Fund appropriation bill provided for in the Maine Revised Statutes, Title 5, section 1581.



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**LD 1346 An Act To Enhance Access to the Workplace for Minors**

**ONTP**

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

This bill amends the laws governing employment practices in the following ways:

1. It establishes a training wage for trainees or secondary students under 20 years of age at \$5.25 per hour for their first 180 days of employment;
2. It eliminates the maximum number of hours a minor 16 years of age or older can work during school days;
3. It allows a minor under 16 years of age to work up to four hours on a school day during hours when school is not in session;
4. It allows a home-schooled student to work during regular public school hours, but not during regularly scheduled home school hours;
5. It exempts a minor under 16 years of age who is enrolled in school from the maximum hour requirements to work in an agricultural setting as long as the minor has written permission from the minor's parent or guardian; and
6. It allows a parent or guardian of a minor who is home schooled to sign a work permit instead of the superintendent of the school administrative unit where the home-schooled minor lives.

**LD 1368 An Act To Adjust Payroll Processor License Fees**

**PUBLIC 308**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	OTP-AM	H-394

This bill amends the payroll processor licensing fees by setting a fee of \$100 for a payroll processor who does not handle money for payroll processor clients.

**Committee Amendment "A" (H-394)**

This amendment limits the new licensing fee category to those payroll processors whose functions consist solely of filing withholding reports on behalf of clients, but retains the bill's reduced \$100 fee for those processors. It also makes several technical changes to improve supervision and employer protections.

**Enacted Law Summary**

Public Law 2011, chapter 308 establishes a new licensing fee category for those payroll processors whose functions consist solely of filing withholding reports on behalf of clients. It also makes several technical changes to improve supervision and employer protections.



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2. Eliminates the requirement that employers be members of a recruitment clearinghouse;
3. Eliminates the financing of the recruitment clearinghouse by members of the forest products industry;
4. Makes the goals of the recruitment clearinghouse permissive for members rather than required;
5. Eliminates the staffed, toll-free telephone number used to inquire for logging employment;
6. Removes the Department of Labor's role of reviewing compliance with 20 Code of Federal Regulations, Part 655, Subpart B (Temporary Agricultural Employment of H2-A Aliens in the US)
7. Promotes matching applicants with logging employers;
8. Provides other assistance to logging employers as appropriate;
9. Modifies the skill test requirement to levels of experience with respect to the "models" of equipment to be operated, and allowing testing at the employer's place of employment in addition to the area of intended employment, a central location, or a location within reasonable distance from the applicant's residence;
10. Eliminates the requirement to submit a copy of the skills testing policy and procedure to the Department of Labor;
11. Makes a provision allowing landowners to terminate a contract if section 873 is violated permissive rather than required; and
12. Eliminates the subsection governing contracts between logging employers and landowners as well as the employers being on the approved list of the recruitment clearinghouse.

Section 3 of the bill repeals the Foreign Labor Certification Process Fund.

Section 4 of the bill gives an agricultural laborer who is an alien the right to collect Maine unemployment if there is an agreement between Canada and the U.S.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1391     An Act To Improve Access to Veterinary Medicine and Improve  
Veterinary Care**

**PUBLIC 189  
EMERGENCY**

Sponsor(s)

RAYE

Committee Report

OTP-AM

Amendments Adopted

S-123

This bill requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory, province of Canada or other jurisdiction.

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## Committee Amendment "A" (S-123)

This amendment strikes "or other jurisdiction" from the provision in the bill that establishes the waiver of the examination requirement so that it applies to veterinarians who have, during the 6 years preceding an application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action by another state, United States territory or province of Canada only.

## Enacted Law Summary

Public Law 2011, chapter 189 requires the State Board of Veterinary Medicine to waive the requirement that a person successfully pass an examination pertaining to the practice of veterinary medicine if the person, during the 6 years preceding the application, actively practiced clinical veterinary medicine for at least 6,000 hours without disciplinary action relating to the practice of veterinary medicine by another state, United States territory or province of Canada.

Public Law 2011, chapter 189 was enacted as an emergency measure effective June 1, 2011.

## LD 1420 An Act To Modify the Laws Regarding Status as an Independent Contractor

PUBLIC 292  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU	OTP-AM	S-150 S-191 RECTOR

This bill defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business; or
2. The individual is engaged in an independently established trade or occupation.

## Committee Amendment "A" (S-150)

This amendment adds an emergency preamble and clause to the bill and creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers' compensation law and labor standards programs. This amendment also repeals, effective December 31, 2012, the presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met.

## Senate Amendment "A" To Committee Amendment "A" (S-191)

This amendment adds the Associated General Contractors of Maine to the list of participants in the stakeholder group convened by the Commissioner of Labor.

## Enacted Law Summary

Public Law 2011, chapter 292 defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business; or

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2. The individual is engaged in an independently established trade or occupation.

Public Law 2011, chapter 292 creates a stakeholder group of interested parties to develop an employment test that can be used across all occupations and in the administration of unemployment compensation law, workers' compensation law and labor standards programs. The presumption that services performed by an individual for remuneration are considered employment unless certain conditions are met is repealed on December 31, 2012.

Public Law 2011, chapter 292 was enacted as an emergency measure effective June 10, 2011.

**LD 1428      An Act To Amend the Laws Governing Self-service Storage in the State**

**PUBLIC 376**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-248

This bill amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed with no liability to any party;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;
7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;
8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property in the rental agreement; and
9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

**Committee Amendment "A" (S-248)**

This amendment removes language that would have given the operator of a self-storage facility the right to take possession of abandoned leased space without any duty of accounting or any liability to any party. This amendment also makes a number of grammatical and technical changes to the bill.

**Enacted Law Summary**

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Public Law 2011, chapter 376 amends the Maine Self-service Storage Act. It:

1. Defines abandoned leased space, electronic mail and verified mail;
2. Adds all-terrain vehicles, off-road vehicles and recreational vehicles to the definition of "personal property";
3. Sets the date that a lien attaches to the property within a leased storage space as the date the occupant leases the space;
4. Clarifies what happens to property with a value of \$750 or more and less than \$750, and if the property is a motor vehicle, it clarifies that the operator of the leased space may have the motor vehicle towed;
5. Clarifies how a notice must be sent;
6. Repeals the requirement that a notice of sale must be published;
7. Indicates that an operator of a self-storage facility must hold a balance from proceeds of a sale for 90 days from the date of the sale and that if the balance is not claimed after 90 days, the balance becomes the property of the operator;
8. In the case of a rental agreement, sets a maximum amount for a claim by an occupant to be the value that was set as the maximum value of the stored property in the rental agreement; and
9. Gives the operator the right to immediately take possession of the leased space and dispose of the property if the occupant abandons the leased space.

**LD 1432      An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives      ONTP**

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

This bill requires the Maine Jobs Council, through the Standing Committee on Apprenticeship, to establish apprenticeships in high-wage, high-demand occupations and requires the Department of Labor to increase the availability of apprenticeship programs and competitive skills scholarships for students in apprenticeship programs. The bill also requires the Maine Community College System to expand training programs for high-demand allied health care occupations. The Commissioner of Administrative and Financial Services is directed to contract with the University of Maine System to evaluate tax expenditures identified as economic development incentives for effectiveness and to identify up to \$10,000,000 in revenue savings to fund the expansions in apprenticeships and scholarships.

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LD 1437    **An Act To Implement Recommendations on Reinventing Government**

Carried Over

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a process by which more profound changes in governance and public policy in Maine can be advanced and implemented. It is intended to accomplish the more fundamental system reforms that elude the traditional legislative process. It proposes a review of work produced over the past 5 years and more by numerous study groups that have convened to assess Maine's policy environment, government systems and public sector costs, with the objective of creating a more prosperous Maine economy. The reports that have emerged from these efforts have been widely praised and overlap substantially in their recommendations, yet the pathways from concept to implementation have been often elusive and ineffective. In the mainstream legislative process, it is too easy for the aggregated influence of more narrowly defined interests to impede the advancement of broader societal aims.

Among the more comprehensive studies and reports produced in recent years are the Brookings Institution report, *Charting Maine's Future*; *Time for Change*, the Final Report of the Joint Select Committee on Future Maine Prosperity; *Measures of Growth in Focus 2011* by the Maine Economic Growth Council; the 2-part series on *Making Maine Work* by the Maine Development Foundation and Maine State Chamber of Commerce; and *Reinventing Maine Government* by *Envision Maine*. Other organizations and policy experts that have advanced concepts for large-scale policy reform are associated with the Margaret Chase Smith Policy Center at the University of Maine, the Muskie School of Public Service at the University of Southern Maine, the Maine Heritage Policy Center, the Maine Center for Economic Policy, the Alliance for Maine's Future, *Grow Smart Maine*, the Maine Public Spending Research Group and others.

This bill is not intended as a replication of these past analytic efforts, though it includes a careful review and evaluation of past work. Instead, the emphasis of the bill is on translating past work into specific implementable changes in governance and policy and laying out a process that accomplishes those changes.

The bill proposes the appointment of a high-profile Commission on Reinventing Maine Government. The commission would be composed of established statesmen and stateswomen who have earned broad respect for their leadership, vision and commitment to Maine, who reflect a range of views and experience and who are sufficiently removed from government to have no direct interest in any particular set of changes. Each appointment to the commission should contribute to the group's credibility among Maine citizens and knowledge of how large organizations or governments function.

While the commission will review the many reports produced by past study groups to identify the substantive areas where legislative language might be crafted, the mission and product of the commission is not a new report, or even a compilation of previous reports. The goal of the commission will be to produce practical and specific legislation that would accomplish large-scale reform in governance and government structure and policy. Those recommendations may encompass the organizational structures of government, the diverse programs and responsibilities of government, the revenue sources and spending composition of government and other related areas of public policy. The legislation recommended by the commission would be treated by the Legislature in the same manner as a citizen-initiated referendum. The Legislature could either pass the recommended legislation, as presented, or send the legislation directly to referendum. Because of the magnitude of change envisioned by the bill, the referendum approach is encouraged as a way to solidify and deepen the public credibility and acceptance of the reforms.

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This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1450     An Act To Enforce Wage Laws     ONTP**

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

This bill defines "employee," "employer" and "independent contractor" for the purposes of the wages and medium of payment provisions of the labor laws in order to prevent misclassification of employees and their exclusion from wage law protection. It strengthens notification and reporting requirements. The bill includes shareholders' liability to protect employees who are hired by corporations that use bankruptcy law to evade payment. It makes each violation of the wage and medium of payment provisions that occurs during a separate week, including discriminatory or retaliatory practices, a separate violation. The bill also prohibits employer retaliation against employees or others who bring complaints under the law.

**LD 1451     An Act To Create Transparency and Accountability in Economic     Carried Over**  
**Development Subsidies**

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

This bill enacts certain safeguards for state and local government expenditures for economic development and job creation by creating a procedure to collect, analyze and make publicly available information regarding those expenditures. It allows the governmental entity making a subsidy to recapture the subsidy if the recipient defaults on the employment, wages, health care or other benefits promised by the recipient in its application for the subsidy.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1472     An Act To Create the State Advanced Practice Registered Nursing     MAJORITY**  
**Board     (ONTP) REPORT**

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

This bill establishes the State Advanced Practice Registered Nursing Board that is independent of the State Board of Nursing and provides separate oversight and regulation of advanced practice registered nurses.

**Committee Amendment "A" (S-137)**

This amendment is the minority report of the committee. It replaces the bill and changes the membership of the State Board of Nursing by adding an additional advanced practice registered nurse and reducing the number of

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public members appointed to the board by one. This amendment was not adopted.

**LD 1475     An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories** **ONTP**

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

This bill allows a licensed dentist who practices within the territory of a federally recognized Indian tribe to train and certify an expanded function dental assistant to perform dental procedures within the territory of the federally recognized Indian tribe.

**LD 1505     An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use** **PUBLIC 222  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN RECTOR	OTP-AM	H-325

This bill clarifies that treatment for nicotine addiction is within an alcohol and drug counselor's scope of practice but does not require those providing nicotine treatment to be licensed as alcohol and drug counselors.

**Committee Amendment "A" (H-325)**

This amendment strikes that section of the bill that proposes a new definition of "drug" in the laws governing alcohol and drug counselors but retains the provision allowing a person to engage in nicotine addiction counseling without a license as an alcohol and drug counselor. It also amends the definition of "alcohol and drug counseling services" to include nicotine addiction counseling and treatment services.

**Enacted Law Summary**

Public Law 2011, chapter 222 amends the definition of "alcohol and drug counseling services" within the laws governing alcohol and drug counselors to include nicotine addiction counseling and treatment services and allows a person to engage in nicotine addiction counseling without a license as an alcohol and drug counselor.

Public Law 2011, chapter 222 was enacted as an emergency measure effective June 3, 2011.

**LD 1515     An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects** **PUBLIC 403**

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

This bill clarifies and simplifies the reporting requirement for general contractors for public construction projects by moving the requirement from the various state agencies to a central reporting site at the Workers' Compensation

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Board. It moves the requirement from the Maine Revised Statutes, Title 26 to Title 39-A and complements the current reporting requirement to the Workers' Compensation Board.

**Enacted Law Summary**

Public Law 2011, chapter 403 clarifies and simplifies the reporting requirement for general contractors for public construction projects by moving the requirement from the various state agencies to a central reporting site at the Workers' Compensation Board. It moves the requirement from the Maine Revised Statutes, Title 26 to Title 39-A and complements the current reporting requirement to the Workers' Compensation Board.

**LD 1519      An Act To Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses      PUBLIC 330**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-247

This bill provides the Department of Professional and Financial Regulation, Board of Dental Examiners with the authority to issue, upon presentation of satisfactory credentials and other criteria established by rules adopted by the board, faculty licenses to an applicant who teaches dentistry, dental hygiene and denturism in this State as part of accredited or approved clinical and didactic programs for professional education of dental students, dental residents, dental hygiene students, dental hygiene residents and denturism students. An applicant for a faculty license must hold the required current license within the United States or Canada. Faculty licenses expire after 2 years and are renewable by the board. The board may assess a fee of up to \$250 for a faculty license. A faculty license allows the licensee to practice only within the dental school setting and any satellite locations approved by the board.

**Committee Amendment "A" (S-247)**

This amendment replaces the bill and establishes a dental school faculty license to allow a licensee to practice dentistry, dental hygiene or denturism in this State within the dental school setting only. It provides that in order to be eligible for a dental school faculty license, the applicant must hold a current dental, dental hygiene or denturism license in another state or a Canadian province and demonstrate, to the satisfaction of the Board of Dental Examiners, full compliance with the requirements of that other jurisdiction's dental laws and submit credentials, satisfactory to the board, including a recommendation letter from an employing school of dentistry, dental hygiene or denturism stating why the board should consider the applicant to be qualified under criteria established by rules adopted by the board. It allows the board to assess a fee of up to \$250 for a dental school faculty license and for renewal.

**Enacted Law Summary**

Public Law 2011, chapter 330 establishes a dental school faculty license to allow a licensee to practice dentistry, dental hygiene or denturism in this State within the dental school setting only. The law provides that in order to be eligible for a dental school faculty license, the applicant must hold a current dental, dental hygiene or denturism license in another state or a Canadian province and demonstrate, to the satisfaction of the Board of Dental Examiners, full compliance with the requirements of that other jurisdiction's dental laws and submit credentials, satisfactory to the board, including a recommendation letter from an employing school of dentistry, dental hygiene or denturism stating why the board should consider the applicant to be qualified under criteria established by rules adopted by the board. The law allows the board to assess a fee of up to \$250 for a dental school faculty license and for renewal.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 1536      Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct Meetings To Review the Issue of Compliance with the Laws Governing Guaranteed Price Home Heating Oil, Kerosene and Liquefied Petroleum Gas Contracts**

**RESOLVE 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX GERZOFKY	OTP-AM	H-526

This bill requires a dealer of home heating oil, kerosene or liquefied petroleum gas to file a quarterly report with the Attorney General concerning all prepaid guaranteed price home heating oil, kerosene or liquefied petroleum gas contracts that the dealer holds and evidence that the dealer is in compliance with the security provisions under state law relating to those contracts. The bill also stipulates that a violation of a prepaid guaranteed price home heating oil, kerosene or liquefied petroleum gas contract is a civil violation with a fine to equal the amount of the contract plus an additional 5% to be collected by the Attorney General. The Attorney General shall disburse a portion of the fine to the consumers whose contracts were not honored.

**Committee Amendment "A" (H-526)**

This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation to convene a working group with interested parties to determine what information could be required of dealers of home heating oil, kerosene and liquefied petroleum gas that would demonstrate compliance with the law requiring security for prepaid guaranteed price contracts, pursuant to the Maine Revised Statutes, Title 10, section 1110, and to develop recommendations to improve the State's ability to ensure compliance with that law. It also requires the commissioner to submit a report of the findings and recommendations of the working group no later than January 15, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and authorizes that committee to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2011, chapter 79 directs the Commissioner of Professional and Financial Regulation to convene a working group with interested parties to determine what information could be required of dealers of home heating oil, kerosene and liquefied petroleum gas that would demonstrate compliance with the law requiring security for prepaid guaranteed price contracts, pursuant to the Maine Revised Statutes, Title 10, section 1110, and to develop recommendations to improve the State's ability to ensure compliance with that law. The resolve requires the commissioner to submit a report of the findings and recommendations of the working group no later than January 15, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development and authorizes that committee to introduce a bill on the subject matter of the report to the Second Regular Session of the 125th Legislature.

**LD 1560      An Act To Update Professional and Occupational Licensing Statutes**

**PUBLIC 286**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	OTP-AM	H-396

## *Joint Standing Committee on Labor, Commerce, Research and Economic Development*

This bill amends the Charitable Solicitations Act to add the word "entity" to certain definitions for consistency; change the disclosure requirement for commercial co-venturers to encompass services as well as goods; authorize the Commissioner of Professional and Financial Regulation to deny the license application of an entity that has been, or whose principals have been, convicted of a felony or of a misdemeanor involving dishonesty; require an applicant whose license previously has lapsed to file an annual fund-raising activity report for the previous calendar year; and change the provision pertaining to the unauthorized use of names to limit this prohibition to those instances in which such use is made in a manner intended to mislead.

The bill changes the name of the Office of Licensing and Registration in the Department of Professional and Financial Regulation to the Office of Professional and Occupational Regulation. The bill also clarifies that an individual who engages in any activity that requires a license, without first obtaining a license, commits a civil violation of unlicensed practice. The bill removes references to boards that have been repealed. It authorizes an office, board or commission to assess a licensee who appeals a board decision for the cost of reproducing and transcribing the hearing record.

The bill provides that a person who assists at an auction may not be a person who has had an auctioneer license denied, suspended or revoked in this State or in any other jurisdiction. In addition, the bill provides for a new ground for disciplinary action by the licensing board if a licensed auctioneer allows another to act as an assistant when that person has held an auctioneer license that was denied, suspended or revoked in this State or another jurisdiction.

The bill removes provisions of law relating to informal conferences with licensees concerning certain disciplinary matters in the statutes of the Board of Chiropractic Licensure, Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy to conform to the provisions of the Maine Revised Statutes, Title 10.

The bill moves provisions of law governing exceptions to the laws governing licensing related to electrical installations from Title 32, section 1102-A to section 1201-A. It clarifies levels of supervision by master electricians of subordinate licensees. The bill also requires that electricians contact state electrical inspectors for a permit inspection before the wiring is enclosed and the sheetrock installed. Under current law, only the owner or occupant of a building is required to comply with an order of correction issued by a state electrical inspector. This bill requires the electrician who performed the work that resulted in the order of correction to also comply with the order.

The bill amends the occupational therapy laws to provide for a 6-month temporary license that may be extended for an additional 6 months, if necessary.

The bill reduces the number of members on the State Board of Alcohol and Drug Counselors from 9 members to 5 members with 4 licensed alcohol and drug counselors and one public member appointed by the Governor. The terms of other existing board member positions will terminate on the effective date of the bill.

The bill reduces the term of a temporary license for a person to practice respiratory care from one year to 90 days. Such a license may be extended for an additional 90 days if necessary. The bill also reduces the required supervision of a temporary permit holder from direct supervision to general supervision.

The bill clarifies that the current branch office licensing requirement for a real estate brokerage business does not extend to home offices of real estate licensees. In addition, the bill requires that a brokerage agreement between a real estate brokerage agency and a client must include a statement that the agreement creates an agency-client relationship.

The bill clarifies that members of the Board of Real Estate Appraisers and investigators are not subject to certain professional appraiser practices when they review complaint matters.

## *Joint Standing Committee on Labor, Commerce, Research and Economic Development*

The bill creates a limited barber license; changes references to "manicuring" to "nail technology" to reflect current industry terminology; increases the time period for initial licensure after passing the examination for applicants seeking licensure in barbering, cosmetology, nail technology or aesthetics; eliminates the student requirement and replaces it with a student roster report at no cost; eliminates certain location restrictions on mobile establishments; and makes other minor technical changes.

The bill amends the laws governing massage therapy to require that a licensee who applies for license renewal more than 90 days after the expiration date is subject to all requirements governing new applicants.

The bill adds an eligibility provision for foreign educated applicants and changes the name of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting to the Board of Speech, Audiology and Hearing.

### **Committee Amendment "A" (H-396)**

This amendment makes technical corrections to the bill by repealing only the references to informal conferences for the Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy within the Department of Professional and Financial Regulation. The amendment replaces the current minimum hour requirements for continuing education courses for real estate appraisers with continuing education requirements that will be determined by rule by the Department of Professional and Financial Regulations, Board of Real Estate Appraisers.

### **Enacted Law Summary**

Public Law 2011, chapter 286 makes the following changes to the professional and occupational licensing statutes:

1. It amends the Charitable Solicitations Act to: add the word "entity" to certain definitions for consistency; change the disclosure requirement for commercial co-venturers to encompass services as well as goods; authorize the Commissioner of Professional and Financial Regulation to deny the license application of an entity that has been, or whose principals have been, convicted of a felony or of a misdemeanor involving dishonesty; require an applicant whose license previously has lapsed to file an annual fund-raising activity report for the previous calendar year; and change the provision pertaining to the unauthorized use of names to limit this prohibition to those instances in which such use is made in a manner intended to mislead.
2. It changes the name of the Office of Licensing and Registration in the Department of Professional and Financial Regulation to the Office of Professional and Occupational Regulation.
3. It clarifies that an individual who engages in any activity that requires a license, without first obtaining a license, commits a civil violation of unlicensed practice and removes references to boards that have been repealed. It authorizes an office, board or commission to assess a licensee who appeals a board decision for the cost of reproducing and transcribing the hearing record. It provides that a person who assists at an auction may not be a person who has had an auctioneer license denied, suspended or revoked in this State or in any other jurisdiction. In addition, the bill provides for a new ground for disciplinary action by the licensing board if a licensed auctioneer allows another to act as an assistant when that person has held an auctioneer license that was denied, suspended or revoked in this State or another jurisdiction.
4. It removes provisions of law relating to informal conferences with licensees concerning certain disciplinary matters in the statutes of the Nursing Home Administrators Licensing Board and the Maine Board of Pharmacy to conform to the provisions of the Maine Revised Statutes, Title 10.
5. It moves provisions of law governing exceptions to the laws governing licensing related to electrical installations from Title 32, section 1102-A to section 1201-A. It clarifies levels of supervision by master electricians of subordinate licensees. It also requires that electricians contact state electrical inspectors for a permit inspection before the wiring is enclosed and the sheetrock installed. Under current law, only the owner or occupant of a building is required to comply with an order of correction issued by a state electrical inspector. It requires the

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electrician who performed the work that resulted in the order of correction to also comply with the order. It amends the occupational therapy laws to provide for a 6-month temporary license that may be extended for an additional 6 months, if necessary.

6. It reduces the number of members on the State Board of Alcohol and Drug Counselors from 9 members to 5 members with 4 licensed alcohol and drug counselors and one public member appointed by the Governor. The terms of other existing board member positions will terminate on the effective date of the bill.

7. It reduces the term of a temporary license for a person to practice respiratory care from one year to 90 days. Such a license may be extended for an additional 90 days if necessary. It also reduces the required supervision of a temporary permit holder from direct supervision to general supervision.

8. It clarifies that the current branch office licensing requirement for a real estate brokerage business does not extend to home offices of real estate licensees. In addition, it requires that a brokerage agreement between a real estate brokerage agency and a client must include a statement that the agreement creates an agency-client relationship.

9. It clarifies that members of the Board of Real Estate Appraisers and investigators are not subject to certain professional appraiser practices when they review complaint matters. It replaces the current minimum hour requirements for continuing education courses for real estate appraisers with continuing education requirements that will be determined by rule by the Department of Professional and Financial Regulations, Board of Real Estate Appraisers

10. It creates a limited barber license; changes references to "manicuring" to "nail technology" to reflect current industry terminology; increases the time period for initial licensure after passing the examination for applicants seeking licensure in barbering, cosmetology, nail technology or aesthetics; eliminates the student requirement and replaces it with a student roster report at no cost; eliminates certain location restrictions on mobile establishments; and makes other minor technical changes.

11. It amends the laws governing massage therapy to require that a licensee who applies for license renewal more than 90 days after the expiration date is subject to all requirements governing new applicants.

12. It adds an eligibility provision for foreign educated applicants and changes the name of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting to the Board of Speech, Audiology and Hearing.

**LD 1566      An Act To Require Disclosures by 3rd-party Vendors Contracted To      ONTP**  
**Perform Fund-raising**

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

Current law places certain restrictions on professional solicitors, who are persons or companies that solicit donations on behalf of charitable organizations.

This bill requires a professional solicitor who receives more than 25% of the solicited donation to disclose to the donor the percentage of the donation the professional solicitor receives, the percentage of the donation the charitable organization receives, whether the donation is sent by the donor to the professional solicitor or to the charitable organization and whether the professional solicitor's fee is paid prior to or after the distribution of the

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donation to the charitable organization.

As under the current law, a failure to make the disclosures required by this bill is a violation of the Maine Unfair Trade Practices Act and an intentional violation is a Class D crime.

**LD 1571 An Act To Amend the Laws Governing Workers' Compensation**

**Carried Over**

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

This bill amends provisions of the Maine Workers' Compensation Act of 1992 and procedures of the Workers' Compensation Board.

1. It amends the law to provide for full reimbursement to an employer from proceeds paid by a third party.
2. It amends the selection process for the Workers' Compensation Board. Under current law, the three representatives of labor on the board must be appointed from a list provided by a bona fide labor organization or association of employees. This bill instead requires that one of the three labor members be appointed from that list; the other two labor representatives must be appointed at the discretion of the Governor.
3. It repeals the troubleshooter program established under the Maine Revised Statutes, Title 39-A, section 153, subsection 2.
4. It amends the mediation provision to require that mediation be requested both by the employer and the employee.
5. It eliminates the board's audit and enforcement oversight of the Maine Insurance Guaranty Association.
6. It amends the law to address the decision in Roy v. Bath Iron Works, 2008 ME 94, to specifically provide that a subsequent nonwork injury, independent of any work-related injury, and unrelated to any work-related injury, that results in total disability results in a cessation of benefits for the duration of the disability.
7. It specifies that, if an award has been entered, the employer, insurer or group self-insurer may petition the board for a reduction and may not reduce or discontinue benefits until the issuance of a decree by a hearing officer, after which benefits may be reduced or discontinued pending an appeal from the hearing officer's decree.
8. It eliminates the requirement that a physician have an active practice in order to be qualified to conduct a medical examination.
9. It provides that if an employee chooses to have a physician present at an employer-required examination, the employee must pay the cost of that physician.
10. Under current law, in establishing standards, schedules or scales of maximum charges, the board is required to consider maximum charges paid by private third-party payors. This bill requires the board to base those standards, schedules or scales on reasonably and customarily negotiated charges between health care providers and third-party insurers and requires that if standards are not established by October 1, 2011, then charges customarily paid by MaineCare apply.
11. It amends the laws governing compensation for partial incapacity.

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- 12. It repeals provisions of the law requiring the board to adjust the 15% impairment threshold, dates of injury and extension of the period of benefit limitation.
- 13. It provides that an employee who is otherwise retired is not presumed to have a loss of earnings or earning capacity regardless of whether the employee terminates active employment.
- 14. It amends the statute of limitations periods when no first report of injury is required to be filed.
- 15. It amends the law to address the decision in *Larochelle v. Crest Shoe*, 655 A. 2d 1245 (Me 1995) to specify that overpayments made during the pendency of a motion for findings of fact and conclusions of law must be repaid.
- 16. It prohibits the board from assessing a fine against an employer or insurer in excess of \$25,000 unless the employer or insurer intentionally and fraudulently failed to pay compensation.
- 17. It provides that, for injuries occurring after January 1, 2005, lump-sum attorney's fees are paid on the indemnity portion of a settlement.
- 18. It prohibits the assessment of an attorney's fee for the amount of any settlement intended to pay for current or future medical costs.
- 19. It repeals provisions regarding the Supplemental Benefits Fund, which was established to reimburse payments of compensation to employees under provisions governing extended benefits for partial incapacity that are repealed in this bill.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1573    An Act To Allow Retired Dentists To Obtain a License To Practice in  
Nonprofit Clinics**

**PUBLIC 450**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX RECTOR	OTP-AM	H-397 H-658 PRESCOTT

This bill permits the Board of Dental Examiners to issue a limited license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice in a nonprofit dental clinic.

**Committee Amendment "A" (H-397)**

This amendment provides that a retired dentist who receives a limited license to practice at a nonprofit dental clinic may not receive any remuneration for work performed at the clinic. The amendment requires the applicant to furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board. It also requires that an applicant licensed to practice dentistry in another state or a Canadian province have professional education that is not less than required in this State and that the applicant must be in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The amendment also adds an appropriations and allocations section.

**House Amendment "A" (H-658)**

This amendment reduces the fee for a limited biennial license and renewal of a limited biennial license from \$200 to \$75.

**Enacted Law Summary**

Public Law 2011, chapter 450 allows the Board of Dental Examiners to issue a limited license to a dentist who has retired from the regular practice of dentistry for the purposes of permitting the dentist to practice in a nonprofit dental clinic. The law provides that a retired dentist who receives a limited license to practice at a nonprofit dental clinic may not receive any remuneration for work performed at the clinic. It requires the applicant to furnish proof satisfactory to the board that the applicant has been licensed to practice dentistry in this State and is in good standing with the board. The law also requires that an applicant licensed to practice dentistry in another state or a Canadian province have professional education that is not less than required in this State and that the applicant must be in good standing and not subject to disciplinary action in the state or Canadian province in which the license was granted. The fee for a limited biennial license and renewal of a limited biennial license is \$75.

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**SUBJECT INDEX**

*Business Regulation*

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LD 187	An Act To Amend the Laws Regulating Dealers of Agricultural, Industrial, Construction and Forestry Equipment	PUBLIC 236
LD 316	An Act To Clarify the Scope of Maine's Franchise Laws for Dealers of Power Equipment, Machinery and Appliances	PUBLIC 75 EMERGENCY
LD 816	An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings	PUBLIC 94
LD 1253	An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes	PUBLIC 365 EMERGENCY

Not Enacted

LD 43	An Act To Repeal the Maine Uniform Building and Energy Code	ONTP
LD 118	An Act To Protect Private Enterprise from Tax-subsidized Competition by Imposing Requirements on Certain Postsecondary Institutions	ONTP
LD 166	An Act To Exempt Seasonally Restricted Cottages from the Newly Adopted Maine Uniform Building and Energy Code	ONTP
LD 186	An Act To Repeal Laws Prohibiting Certain Businesses from Operating on Sunday	ONTP

*Consumer Protection*

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LD 375	Resolve, Directing the Commissioner of Professional and Financial Regulation To Convene a Working Group To Review the Laws and Rules Governing Boilers	RESOLVE 45 EMERGENCY
LD 1536	Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct Meetings To Review the Issue of Compliance with the Laws Governing Guaranteed Price Home Heating Oil, Kerosene and Liquefied Petroleum Gas Contracts	RESOLVE 79

Not Enacted

LD 188	An Act To License Residential Builders and Register Specialty Contractors	MAJORITY (ONTP) REPORT
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*Economic Development- Agencies*

Enacted

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LD 204	An Act Regarding the Membership of the Midcoast Regional Redevelopment Authority Board of Trustees	DIED BETWEEN HOUSES
LD 465	An Act To Provide Efficient Delivery of Economic Development Services	ONTP
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*Economic Development-Programs*

Enacted

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Not Enacted

LD 323	An Act To Implement a Coordinated Strategy To Attract New Businesses, Expand Existing Businesses and Develop a Consistent and Recognizable Maine Brand	Carried Over
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LD 799	An Act To Provide Capital for Economic Development in Aroostook County	ONTP
LD 998	Resolve, Directing the Finance Authority of Maine To Develop a Business Development Loan Program for Legal Immigrants	ONTP

LD 1026	An Act To Regulate the Distribution of Feature Motion Pictures in the State	ONTP
LD 1050	An Act To Encourage the Promotion of Outdoor Recreational Activities	ONTP
LD 1171	An Act To Amend the Pine Tree Development Zone Laws To Provide a Better Measurement of Per Capita Income	ONTP
LD 1288	An Act To Amend the Pine Tree Development Zone Laws Regarding Average Weekly Wages	ONTP
LD 1432	An Act To Expand Apprenticeship Programs and Scholarship Programs with Funding from Identification of Ineffective Economic Development Tax Incentives	ONTP
LD 1437	An Act To Implement Recommendations on Reinventing Government	Carried Over
LD 1451	An Act To Create Transparency and Accountability in Economic Development Subsidies	Carried Over

### *Employee Benefits*

#### Not Enacted

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### *Employment Practices*

#### Enacted

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LD 516	An Act To Amend Maine Law Regarding Employment Practices for Certain Minors	PUBLIC 174
LD 1241	An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws	PUBLIC 196

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LD 30	An Act To Clarify the Laws Governing Non-compete Clauses in Broadcast Industry Contracts	ONTP
LD 152	An Act To Prohibit Employment Discrimination Based on a Prior Criminal Conviction	ONTP
LD 169	An Act To Allow Veterans Who Work for Employers with More than 50 Employees To Take Veterans Day Off with Full Pay	ONTP
LD 314	An Act To Improve Employment Opportunities for Workers in the Forest Industry	MAJORITY (ONTP) REPORT
LD 340	An Act Regarding Timber Harvesting on State Land	VETO SUSTAINED

LD 1207	An Act To Amend the Labor Laws Relating to Certain Agricultural Employees	Carried Over
LD 1346	An Act To Enhance Access to the Workplace for Minors	ONTP
LD 1383	An Act To Improve the Process by Which Logging Contractors Hire Legal Foreign Workers	Carried Over

### *Housing*

#### Enacted

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#### Not Enacted

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LD 751	Resolve, To Examine State Programs That Grant Funds To Improve Real Property and To Establish a Formula for Recouping Certain Funds	ONTP
LD 863	An Act To Allow the Maine State Housing Authority To Prepurchase Oil for the Low-income Home Energy Assistance Program	ONTP
LD 1007	An Act To Amend the Laws Governing Comprehensive Planning To Encourage the Development of Affordable Housing	INDEF PP
LD 1194	An Act Regarding Contracts Awarded by the Maine State Housing Authority for the Installation or Servicing of Energy-efficient Appliances in Low-income Households	MAJORITY (ONTP) REPORT

### *Independent Contractor Status*

#### Enacted

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LD 613	An Act To Clarify the Definition of "Employment" in the Employment Security Law	PUBLIC 70
LD 1420	An Act To Modify the Laws Regarding Status as an Independent Contractor	PUBLIC 292 EMERGENCY

#### Not Enacted

LD 1314	An Act To Standardize the Definition of "Independent Contractor"	Carried Over
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### *Individuals with Disabilities Employment*

#### Not Enacted

LD 765	An Act To Address the Documented Educational and Rehabilitation Needs of Persons Who Are Blind or Visually Impaired	Carried Over
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*Labor Relations*

Not Enacted

LD 309	An Act To Make Voluntary Membership in a Public Employee Labor Organization in the State	Carried Over
LD 788	An Act To Prohibit Forced Payment of Labor Union Dues or Fees by Workers	INDEF PP

*Miscellaneous*

Not Enacted

LD 972	An Act To Provide Administrative Support to the Citizen Trade Policy Commission	HELD BY GOVERNOR
LD 1378	An Act To Create a State-sponsored 401(k) Retirement Plan for Participation by Private Employers	ONTP

*Occupational and Professional Regulation*

Enacted

LD 46	An Act To Allow Marriage and Family Therapists To Serve as Mental Health Professionals in the Civil Service System	PUBLIC 6
LD 129	An Act To Eliminate Dual Certification Requirements for Speech-language Pathologists	PUBLIC 49
LD 177	An Act To Authorize Licensed Veterinarians To Honor Prescriptions from Other Licensed Veterinarians	PUBLIC 30
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LD 537	Resolve, To Design and Implement a Demonstration Project on Recertification of Certified Nursing Assistants	RESOLVE 35
LD 767	An Act To Amend and Clarify Certain Portions of the Dental Practice Laws	PUBLIC 184
LD 784	An Act To Exempt Persons Performing Simple Electrical Repairs from Licensing Requirements	PUBLIC 272
LD 878	An Act To Provide a Temporary License To Operate a Public Dance Establishment	PUBLIC 333
LD 889	An Act To Regulate Boxing and Prizefighting in Maine	PUBLIC 305
LD 915	An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws	PUBLIC 290 EMERGENCY

LD 928	An Act To Repeal the Requirement That Electrical Companies Be Licensed	PUBLIC 406
LD 1368	An Act To Adjust Payroll Processor License Fees	PUBLIC 308
LD 1391	An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care	PUBLIC 189 EMERGENCY
LD 1428	An Act To Amend the Laws Governing Self-service Storage in the State	PUBLIC 376
LD 1505	An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use	PUBLIC 222 EMERGENCY
LD 1519	An Act To Allow the Board of Dental Examiners To Issue Dental School Faculty Licenses	PUBLIC 330
LD 1560	An Act To Update Professional and Occupational Licensing Statutes	PUBLIC 286
LD 1573	An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics	PUBLIC 450
<u>Not Enacted</u>		
LD 266	An Act To Expand Access to Oral Health Care	MAJORITY (ONTP) REPORT
LD 398	An Act To Require Criminal History Record Information for Licensure of Nurses	VETO SUSTAINED
LD 406	Resolve, To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use	ONTP
LD 555	An Act To Utilize a Dental Complaint Review Panel	ONTP
LD 691	An Act To Establish Continuing Education Requirements for Manufactured Housing Installers	LEAVE TO WITHDRAW
LD 937	An Act To Increase Access to Dental Care in Rural Areas	LEAVE TO WITHDRAW
LD 947	An Act To Encourage Professionals To Move to the State	ONTP
LD 955	An Act To Establish the Dental Adjudicatory Panel	Carried Over
LD 957	Resolve, Directing the Plumbers' Examining Board To Amend Its Rules Governing Installation Standards	LEAVE TO WITHDRAW
LD 995	An Act To Require Dental Professionals To Provide Education to the Public on Oral Hygiene	ONTP
LD 1004	An Act To Clarify Training Requirements for Funeral Service Providers	ONTP

LD 1472	An Act To Create the State Advanced Practice Registered Nursing Board	MAJORITY (ONTP) REPORT
LD 1475	An Act To Authorize the Training of Expanded Function Dental Assistants within Tribal Territories	ONTP
LD 1566	An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising	ONTP

### *Unemployment Compensation*

#### Enacted

LD 224	An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010	PUBLIC 2 EMERGENCY
LD 269	An Act To Implement a Maine Unemployment Insurance Work-sharing Program	PUBLIC 91
LD 1057	An Act To Increase the Transparency of the Unemployment Compensation Fund	PUBLIC 212
LD 1117	Resolve, To Require the Commissioner of Labor To Convene a Stakeholder Group To Determine the Most Appropriate Amount of Time an Employer May Employ an Employee without Being Subject to Unemployment Compensation Requirements	RESOLVE 85
LD 1238	Resolve, Authorizing the Bureau of Unemployment Compensation To Study Establishment of a Voluntary Workplace Training Program	RESOLVE 84

#### Not Enacted

LD 136	An Act To Amend the Unemployment Compensation Law Regarding Denial of Benefits for Refusing To Accept Work	ONTP
LD 304	An Act To Promote the Hiring of Seasonal Workers	ONTP
LD 534	An Act To Clarify Successor Liability under the Employment Security Law	ONTP

### *Wages*

#### Not Enacted

LD 447	An Act To Raise the Minimum Wage	MAJORITY (ONTP) REPORT
LD 457	An Act To Provide a Livable Wage for Maine Families	ONTP
LD 698	An Act To Bring Wage Equity to the Workplace	ONTP

LD 994	An Act To Promote Responsible Business Practices through a Livable Wage	ONTP
LD 1450	An Act To Enforce Wage Laws	ONTP

### *Workers' Compensation*

#### Enacted

LD 1056	An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992	PUBLIC 215 EMERGENCY
LD 1099	An Act Concerning Independent Contractors in the Trucking and Messenger Courier Industries	PUBLIC 176
LD 1244	An Act Regarding Payment of Medical Fees in the Workers' Compensation System	PUBLIC 338
LD 1268	An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits	PUBLIC 361
LD 1515	An Act To Clarify the Workers' Compensation Insurance Notification Process for Public Construction Projects	PUBLIC 403

#### Not Enacted

LD 866	Resolve, To Establish a Consistent Workers' Compensation Classification for Pharmacies	MAJORITY (ONTP) REPORT
LD 1055	An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims	ONTP
LD 1065	An Act To Amend the Laws Governing the Determination of Permanent Impairment under the Maine Workers' Compensation Act of 1992	ONTP
LD 1078	An Act To Amend the Audit and Enforcement Functions of the Workers' Compensation Board	ONTP
LD 1285	An Act To Amend the Assessment Process and Funding of the Maine Workers' Compensation Board	ONTP
LD 1571	An Act To Amend the Laws Governing Workers' Compensation	Carried Over

### *Workforce Investment*

#### Not Enacted

LD 818	Resolve, To Improve the Training and Retention of Maine's Professional Direct Care and Personal Supports Workforce	ONTP
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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

July 2011

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*Joint Standing Committee on Marine Resources*

**LD 61 An Act Implementing a Fisheries Permit Banking Program**

**PUBLIC 10**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-5

LD 61 allows the Department of Marine Resources to administer a permit banking program for the groundfish industry for which the State has received a federal appropriation. The department holds the permits and distributes the rights associated with the permits to eligible residents of the State. LD 61 allows the department to lease fisheries allocations from the permits to fund the permit banking program.

**Committee Amendment "A" (S-5)**

This amendment adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2011, chapter 10 allows the Department of Marine Resources to administer a permit banking program for the groundfish industry for which the State has received a federal appropriation. The department holds the permits and distributes the rights associated with the permits to eligible residents of the State. LD 61 allows the department to lease fisheries allocations from the permits to fund the permit banking program.

**LD 85 An Act To Repeal the Sunset on the Law Relating to the Landing of Dragged Crabs**

**PUBLIC 5**

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

LD 85 eliminates the June 30, 2012 repeal date of the law that allows the taking or catching of crabs under certain circumstances. A license is not required if a person catches crabs with bare hands or hook and line. A license is not required if a person with a commercial fishing license takes, possesses and sells crabs taken as bycatch with an otter trawl within the exclusive economic zone.

**Enacted Law Summary**

Public Law 2011, chapter 5 eliminates the June 30, 2012 repeal date of the law that allows the taking or catching of crabs under certain circumstances. A license is not required if a person catches crabs with bare hands or hook and line. A license is not required if a person with a commercial fishing license takes, possesses and sells crabs taken as bycatch with an otter trawl within the exclusive economic zone.

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**LD 110      An Act To Support Large-scale Marketing and Research and      ONTP**  
**Development for Bulk Sales of Maine Seafood Worldwide**

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

This bill makes a one-time General Fund appropriation in fiscal year 2011-12 for large-scale marketing of Maine seafood and for research and development for seafood production and processing to increase bulk sales of Maine seafood worldwide.

**LD 210      An Act Regarding the Saltwater Recreational Fishing Registry      PUBLIC 421**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-136 S-147 SNOWE-MELLO S-343 ROSEN R

LD 210 repeals the laws that established the current saltwater recreational fishing registry and the Marine Recreation Fishing Conservation and Management Fund and does the following.

1. It establishes a saltwater recreational fishing registry under the jurisdiction of the Department of Inland Fisheries and Wildlife.
2. It directs the Commissioner of Inland Fisheries and Wildlife to establish a registry system that allows a person to register online, through an agent or in conjunction with the purchase of a freshwater fishing license.
3. It provides that a fee or online system fee, and in most cases an agent fee, may not be charged to a person registering on the registry.
4. It requires the Commissioner of Inland Fisheries and Wildlife to administer the saltwater recreational fishing registry within the department's existing resources and provides that the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources may not expand enforcement activities regarding the registry beyond existing department resources unless federal funding is secured to cover the costs of those expanded enforcement operations.

**Committee Amendment "A" (S-136)**

The amendment makes the following changes to LD 210.

1. It places the saltwater recreational fishing registry under the jurisdiction of the Department of Marine Resources instead of the Department of Inland Fisheries and Wildlife;
2. It removes the exemption from paying an agent fee for registering for a disabled veteran; a person who is physically or mentally incapacitated; and a resident fishing on July 4th, Memorial Day weekend or Labor Day

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weekend;

3. It increases by \$1 the fee an agent may charge to a person registering through a Department of Inland Fisheries and Wildlife agent if the only transaction conducted by that person is registering. It also allows a \$1 agent fee to be charged to a person registering online or at the department;
4. It requires a person who engages in saltwater recreational fishing in the coastal waters of the State to register on the registry, unless the person is exempt;
5. It provides a free recreational fishing operator's license for the following: a captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; an operator of a smelt fishing camp; an owner of a dock, pier or wharf available to customers for recreational fishing; and an individual who possesses a current guide license for tidewater fishing. A passenger on board a licensed vessel, a person who rents a licensed smelt fishing camp, a person who employs a licensed guide and a person who fishes from a licensed dock, pier or wharf are exempt from registering on the registry and paying agent fees;
6. Members of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs are exempt from registering and paying agent fees if their tribes collect registry data and submit the data to the Commissioner of Marine Resources;
7. A person registered in an exempted state or registered on the National Saltwater Angler Registry through the United States Department of Commerce, National Oceanic and Atmospheric Administration is exempt from registering in Maine;
8. A person who has indicated on a valid freshwater fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Inland Fisheries and Wildlife is required to provide registry data on these persons to the Department of Marine Resources;
9. A person who has indicated on a valid commercial fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Marine Resources is required to collect data on these persons;
10. It continues to provide for a fine of not less than \$100 and removes the provision that a person who violates registration requirements 3 or more times within the previous 5 years commits a Class E crime;
11. It provides that the registration expires on December 31st of the year in which it was issued; if federal requirements allow, the commissioner is allowed to extend the period of time for which a registration is valid;
12. It provides that a person can register through a Department of Inland Fisheries and Wildlife agent, through a publicly accessible online electronic system operated by the Department of Marine Resources or at the Department of Marine Resources; and
13. It adds an appropriations and allocations section.

### **Senate Amendment "B" To Committee Amendment "A" (S-147)**

This amendment restores the exemption in current law that allows a resident to fish on July 4th, Memorial Day weekend or Labor Day weekend without registering on the saltwater recreational fishing registry.

### **Senate Amendment "C" To Committee Amendment "A" (S-343)**

This amendment removes appropriations to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources for fiscal years 2010-11 and 2011-12 for costs of implementing changes to the saltwater recreational fishing registry. The bill remains an emergency.

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### **Enacted Law Summary**

Public Law 2011, chapter 421 does the following.

1. It maintains the saltwater recreational fishing registry under the jurisdiction of the Department of Marine Resources;
2. It provides that a person can register through a Department of Inland Fisheries and Wildlife agent, through a publicly accessible online electronic system operated by the Department of Marine Resources or at the Department of Marine Resources and makes minor changes to the agent fee;
3. It removes the striped bass endorsement and associated fee;
4. It removes the exemption from registering for a disabled veteran and for a person who is physically or mentally incapacitated;
5. It maintains the requirement that a person who engages in saltwater recreational fishing in the coastal waters of the State to register on the registry, unless the person is exempt;
6. It provides a free recreational fishing operator's license for the following: a captain of a vessel licensed to carry passengers for hire for saltwater recreational fishing; an operator of a smelt fishing camp; an owner of a dock, pier or wharf available to customers for recreational fishing; and an individual who possesses a current guide license for tidewater fishing. A passenger on board a licensed vessel, a person who rents a licensed smelt fishing camp, a person who employs a licensed guide and a person who fishes from a licensed dock, pier or wharf are exempt from registering on the registry and paying agent fees;
7. Instead of registering with the Commissioner of the Department of Marine Resources, members of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs are exempt from registering and paying agent fees if their tribes collect registry data and submit the data to the Commissioner of Marine Resources;
8. A person registered in an exempted state or registered on the National Saltwater Angler Registry through the United States Department of Commerce, National Oceanic and Atmospheric Administration is exempt from registering in Maine;
9. A person who has indicated on a valid freshwater fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Inland Fisheries and Wildlife is required to provide registry data on these persons to the Department of Marine Resources;
10. A person who has indicated on a valid commercial fishing license whether or not the person engaged in saltwater recreational fishing during the prior year is not required to register. The Department of Marine Resources is required to collect data on these persons;
11. It continues to provide for a fine of not less than \$100 and removes the provision that a person who violates registration requirements 3 or more times within the previous 5 years commits a Class E crime;
12. It provides that the registration expires on December 31st of the year in which it was issued; if federal requirements allow, the commissioner is allowed to extend the period of time for which a registration is valid; and
13. Appropriations for costs of implementing changes to the saltwater recreational fishing registry begin in fiscal year 2012-2013.

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Public Law 2011, chapter 421 was enacted as an emergency measure effective July 6, 2011.

**LD 244      Resolve, Directing the Department of Marine Resources To Extend the Carrier Vessel Size Limit in the Menhaden Pilot Program      ONTP**

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

LD 244 directs the Department of Marine Resources to amend its rules for the menhaden pilot program to expand the carrier vessel size from 90 feet to 120 feet.

**LD 307      An Act To Encourage Lobstering Traditions and Facilitate Retirement from Lobstering      MAJORITY (ONTP) REPORT**

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

LD 307 authorizes the transfer of a Class I, Class II or Class III lobster and crab fishing license by the license holder to that person's child under certain circumstances. The child who is receiving the license by transfer must have lobstered in Maine for 5 years, maintained Maine residency for at least 10 years and completed a Department of Marine Resources apprentice program for entry into the lobster fishery. The license holder and the transferee must notify the department in writing of the transfer. It also adds a provision to limit a recipient of a license by transfer to 300 traps in the initial year and an increase of 100 traps each subsequent year up to the trap limit.

**LD 308      An Act Regarding the Saltwater Recreational Fishing Registry      MAJORITY (ONTP) REPORT**

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

LD 308 repeals the Maine Revised Statutes, Title 12, section 6312 establishing the saltwater recreational fishing registry and Title 12, section 6032 establishing the Marine Recreation Fishing Conservation and Management Fund and does the following.

1. It provides for voluntary saltwater recreational fishing registration.
2. It directs the Commissioner of Marine Resources to work with the Commissioner of Inland Fisheries and Wildlife to establish a system that allows a person to register on the voluntary saltwater fishing registry online, by checking a box on a freshwater fishing license or watercraft registration or by mailing in a postcard distributed by the departments.

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3. It prohibits the establishment of a fee for registering on the saltwater recreational fishing registry and directs the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to administer the saltwater recreational fishing registry within the departments' existing resources.

**LD 319      An Act To Amend the Saltwater Recreational Fishing Registry      ONTP**  
**Regarding Unauthorized Landing or Possession of Striped Bass**

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

Currently, a saltwater angler may not land or possess striped bass without a striped bass endorsement under the saltwater recreational fishing registry laws or a valid freshwater fishing license. LD 319 provides that the incidental landing or possession of striped bass is not prima facie evidence of a violation.

LD 210 eliminates the striped bass endorsement from the saltwater recreational fishing registry laws.

**LD 337      An Act To Make Technical Changes to Aquaculture Laws      PUBLIC 93**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM	H-106

LD 337 makes the following changes to the aquaculture statutes.

1. It repeals the Maine Revised Statutes, Title 12, section 6072, subsection 8-A, regarding preference for limited-purpose lease areas, and integrates the preference for limited-purpose leaseholders into the list of preferences in Title 12, section 6072, subsection 8. It also makes clear that the standard lease can be for the same area or a portion of the same area covered by the experimental lease.

2. It removes the requirement that the Commissioner of Marine Resources hold a public hearing before deciding whether to renew a limited-purpose lease for scientific research and instead provides for a hearing at the commissioner's option or at the request of 5 or more people.

3. It combines the research and aquaculture lease renewal provisions in a single subsection and makes the renewal requirements consistent among the various types of aquaculture leases. It provides that submitting a renewal application to the Department of Marine Resources is sufficient to extend the existing lease until a decision is reached on the renewal. It eliminates the confusion in the existing language about whether the application first has to be reviewed by the department and found to be complete in order to trigger this lease extension.

4. It makes it clear that simply submitting an application for a standard lease under Title 12, section 6072 for an area or a portion of an area already covered by a limited-purpose lease before the limited-purpose lease expires is sufficient to extend the limited-purpose lease pending a decision on the new application. It eliminates the confusion in the existing language about whether the application has to be reviewed by the department and found to be complete in order to trigger this lease extension. The bill also makes it clear that the standard lease can be for the same area or for a portion of the same area already covered by the limited-purpose lease.

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**Committee Amendment "A" (H-106)**

The amendment changes the number of persons required to request a public hearing for a scientific research lease renewal from 5 to 25.

**Enacted Law Summary**

Public Law 2011, chapter 93 does the following.

1. It repeals the Maine Revised Statutes, Title 12, section 6072, subsection 8-A, regarding preference for limited-purpose lease areas, and integrates the preference for limited-purpose leaseholders into the list of preferences in Title 12, section 6072, subsection 8. It also makes clear that the standard lease application can be for the same area or a portion of the same area covered by the experimental lease.
2. It combines provisions for renewing standard aquaculture leases in a single subsection. It provides that submitting a renewal application to the Department of Marine Resources is sufficient to extend the existing lease until a decision is reached on the renewal. It eliminates the confusion in the existing language about whether the application has to be reviewed by the department and found to be complete in order to trigger the lease extension.
3. It removes the requirement that the Commissioner of Marine Resources hold a public hearing before deciding whether to renew a limited-purpose lease for scientific research and instead provides for a hearing at the commissioner's option or at the request of 25 or more people.
4. It makes it clear that simply submitting an application for a standard lease under Title 12, section 6072 for an area or a portion of an area already covered by a limited-purpose lease before the limited-purpose lease expires is sufficient to extend the limited-purpose lease pending a decision on the new application. It provides that submitting a renewal application to the Department of Marine Resources is sufficient to extend the existing lease until a decision is reached on the renewal.
5. It extends from 60 days to 6 months the time within which the holder of an emergency lease under Title 12, section 6072-B can apply for a standard lease and thus allows the emergency lease to continue in effect while the standard lease application is processed.

**LD 348      An Act To Continue Limited Entry in the Scallop Fishery**

**PUBLIC 237  
EMERGENCY**

Sponsor(s)

KRUGER

Committee Report

OTP-AM

Amendments Adopted

H-333

LD 348 removes the provision of law that repeals the laws providing for limited entry into the scallop fishery and clarifies that a person who is eligible to obtain a license through the limited entry system may be issued a license by the Commissioner of Marine Resources.

**Committee Amendment "A" (H-333)**

The amendment adds to the provisions of the bill. It:

1. Changes rules from routine technical to major substantive for the scallop license limited entry system;
2. Directs the Commissioner of Marine Resources to review the composition of the Scallop Advisory Council to determine whether the number of members on the Scallop Advisory Council representing each type of license holder

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accurately represents the geographic distribution and relative numbers of each type of license holder, and to report the findings to the Joint Standing Committee on Marine Resources by December 7, 2011 and recommend any changes necessary to ensure appropriate representation; and

3. Authorizes the Joint Standing Committee on Marine Resources to report out a bill on the subject of the report to the Second Regular Session of the 125th Legislature.

This amendment incorporates language from LD 997 regarding a review of the Scallop Advisory Council.

**Enacted Law Summary**

Public Law 2011, chapter 237 does the following.

1. Changes rules from routine technical to major substantive for the scallop license limited entry system;
2. Removes the provision of law that repeals the laws providing for limited entry into the scallop fishery;
3. Clarifies that a person who is eligible to obtain a license through the limited entry system may be issued a license by the Commissioner of Marine Resources;
4. Directs the Commissioner of Marine Resources to review the composition of the Scallop Advisory Council to determine whether the number of members on the Scallop Advisory Council representing each type of license holder accurately represents the geographic distribution and relative numbers of each type of license holder, and to report the findings to the Joint Standing Committee on Marine Resources by December 7, 2011 and recommend any changes necessary to ensure appropriate representation; and
5. Authorizes the Joint Standing Committee on Marine Resources to report out a bill on the subject of the report to the Second Regular Session of the 125th Legislature.

Public Law 2011, chapter 237 was enacted as an emergency measure effective June 7, 2011.

**LD 371 An Act To Control Costs to the Lobster Industry**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON SULLIVAN	LV/WD	

LD 371 limits how the Commissioner of Marine Resources may spend trap tag fees. The bill requires the commissioner to provide a separate accounting of trap tag fees to the Lobster Advisory Council.

**LD 418 An Act To Create a Saltwater Fishing License for Owners of Docks, Piers and Wharves**

**ONTP**

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

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Currently, a person may not engage in saltwater recreational fishing or land or possess fish taken from salt water without first registering on the State's saltwater recreational fishing registry. By law, there are a number of exceptions to that registry requirement. LD 418 adds an exception for a person recreationally fishing in salt water from a dock, pier or wharf if the owner or operator of that dock, pier or wharf possesses a valid saltwater fishing structure license pursuant to the Maine Revised Statutes, Title 12, section 6312, subsection 5-A.

LD 210 contains language from LD 418. It exempts a person fishing from a dock, pier or wharf owned by an individual who possesses a valid recreational fishing operator's license pursuant to the Maine Revised Statutes, Title 12, section 6312, subsection 5 from registering on the saltwater recreational fishing registry. See enacted law summary for LD 210.

**LD 538      An Act To Assist the Commercial Fishing Safety Council**

**PUBLIC 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WALSH INNES WOODBURY	OTP-AM	H-168

LD 538 makes the following changes to the membership of the Commercial Fishing Safety Council. It:

1. Reduces the size of the Council from 16 to 9 members.
2. Removes the requirement that a member of and appointed by the Marine Resources Advisory Council serve on the Council.
3. Allows a member of the Scallop Advisory Council to qualify for the Council in the seat that currently requires a member of the Sea Urchin Zone Council only.
4. Decreases the number of members who represent commercial marine harvesting activities from five to three.
5. Allows an expert in fishing industry risk analysis and occupational health as an alternate to fill the seat that currently requires a community-based adult education and volunteer safety training educator instead of requiring both.
6. Removes the requirement for a representative of the marine insurance industry.
7. Removes the requirement for a marine surveyor.
8. Removes the chair of the Marine Resources Advisory Council as an ex officio member.

The bill also:

1. Adds "to the degree possible" after language stating that the council must reflect a geographic distribution along the coast of the State.
2. Removes the council's authority to invite other participants on an ad hoc basis.
3. Removes the requirement that a member may not serve more than 2 consecutive terms.

**Committee Amendment "A" (H-168)**

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The amendment makes the following changes to the bill.

1. It removes the added qualification that the Commercial Fishing Safety Council must reflect a geographic distribution along the coast of the State in its membership only to the degree possible; and
2. It preserves language in current law that the council may invite other participants on an ad hoc basis to carry out the duties of the council.

### Enacted Law Summary

Public Law 2011, chapter 128 makes the following changes to the membership of the Commercial Fishing Safety Council. It:

1. Reduces the size of the Council from 16 to 9 members.
2. Removes the requirement that a member of and appointed by the Marine Resources Advisory Council serve on the Council.
3. Allows a member of the Scallop Advisory Council to qualify for the Council in the seat that currently requires a member of the Sea Urchin Zone Council only.
4. Decreases the number of members who represent commercial marine harvesting activities from five to three.
5. Allows an expert in fishing industry risk analysis and occupational health as an alternate to fill the seat that currently requires a community-based adult education and volunteer safety training educator instead of requiring both.
6. Removes the requirement for a representative of the marine insurance industry.
7. Removes the requirement for a marine surveyor.
8. Removes the chair of the Marine Resources Advisory Council as an ex officio member.
9. Removes the requirement that a member may not serve more than 2 consecutive terms.

**LD 558      An Act To Provide Members of the Penobscot Nation with Marine Resources Licenses**

**PUBLIC 137  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL SCHNEIDER	OTP-AM	H-211

LD 558 permits a member of the Penobscot Nation to engage in certain marine resources harvesting activities if that member holds a tribal license in the same manner as currently provided for members of the Passamaquoddy Tribe. Commercial harvesting activities include:

1. Lobster; trap tags are issued by the nation in a manner consistent with trap tags issued pursuant to §6431-B. Trap tag fees are not charged if tags are issued by the nation.
2. Elver; elver gear tags are issued by the nation in a manner consistent with tags issued pursuant to §6505-B.

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Members of the Penobscot Nation are also permitted to engage in harvesting activities for sustenance or ceremonial tribal use, as the Passamaquoddy Tribe may. This includes:

1. Any marine organism, except lobster, if the member holds a valid sustenance fishing license issued by the nation.
2. Lobsters, if the tribal member holds a valid sustenance lobster license issued by the nation and tags the trap with sustenance use trap tags issued by the nation.
3. Any marine organism for use in a tribal ceremony if the member holds a valid ceremonial tribal permit from the Penobscot Reservation Tribal Council.

Limitations on lobster and sea urchin licenses include:

1. The Penobscot Nation may not issue more than 24 commercial lobster and crab fishing licenses, except for apprenticeship licenses, subject to eligibility requirements in §6421, subsection 5.
2. The Penobscot Nation may not issue more than 24 commercial licenses for the taking of sea urchins. Licenses must be issued by zone in accordance with §6739-P.

### **Committee Amendment "A" (H-211)**

The amendment changes the title of the bill and clarifies that the Passamaquoddy Tribe and the Penobscot Nation each may issue up to 24 lobster and crab fishing licenses annually to their members. The amendment also provides that the Penobscot Nation may issue commercial sea urchin licenses to its members when the sea urchin resource recovers and new entry is allowed in the fishery. As specified by the Commissioner of Marine Resources in rule, the Penobscot Nation may issue 20 or fewer commercial scallop licenses in a calendar year and additional commercial scallop licenses if the scallop fishery opens to new entry, and 8 or fewer commercial elver licenses in a calendar year and additional commercial elver licenses if the commercial elver fishery opens to new entry. The amendment also requires the Passamaquoddy Tribe, the Penobscot Nation and the Department of Marine Resources to report on the status of sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

### **Enacted Law Summary**

Public Law 2011, chapter 137 permits a member of the Penobscot Nation to engage in certain marine resources harvesting activities if that member holds a tribal license in the same manner as currently provided for members of the Passamaquoddy Tribe. Commercial harvesting activities include:

1. **Lobster.** Trap tags are issued by the nation in a manner consistent with trap tags issued pursuant to §6431-B. Trap tag fees are not charged if tags are issued by the nation. The Penobscot Nation each may issue up to 24 lobster and crab fishing licenses annually to its members.
2. **Elver.** Elver gear tags are issued by the nation in a manner consistent with tags issued pursuant to §6505-B. The Penobscot Nation may issue 8 or fewer commercial elver licenses in a calendar year and additional commercial elver licenses if the commercial elver fishery opens to new entry.
3. **Sea urchin.** The Penobscot Nation may issue commercial sea urchin licenses to its members when the sea urchin resource recovers and new entry is allowed in the fishery.
4. **Scallop.** The Penobscot Nation may issue 20 or fewer commercial scallop licenses in a calendar year and additional commercial scallop licenses if the scallop fishery opens to new entry as specified by the Commissioner of Marine Resources in rule.

Members of the Penobscot Nation are also permitted to engage in harvesting activities for sustenance or ceremonial

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tribal use, as the Passamaquoddy Tribe may. This includes:

1. Any marine organism, except lobster, if the member holds a valid sustenance fishing license issued by the nation.
2. Lobsters, if the tribal member holds a valid sustenance lobster license issued by the nation and tags the trap with sustenance use trap tags issued by the nation.
3. Any marine organism for use in a tribal ceremony if the member holds a valid ceremonial tribal permit from the Penobscot Reservation Tribal Council.

Public Law 2011, chapter 137 requires that the Passamaquoddy Tribe, the Penobscot Nation and the Department of Marine Resources to report on the status of sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

Public Law 2011, chapter 137 was enacted as an emergency measure effective May 25, 2011.

**LD 664 An Act To Ensure Apportionment of Scallop Licenses**

**ONTP**

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

LD 664 requires the Commissioner of Marine Resources to adopt rules for the limited entry scallop system that contain a process to ensure that hand fishing scallop licenses and scallop dragging licenses are available in regions where those licenses were previously issued.

The Department of Marine Resources stated it is currently working to generate a means to allow entry into Maine's commercial scallop fishery and will report back to the Joint Standing Committee on Marine Resources regarding entry into the fishery at the beginning of the Second Regular Session of the 125th Legislature.

**LD 725 An Act To Allow the Commissioner of Marine Resources To Use Discretion in Reissuing Scallop Licenses**

**ONTP**

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

LD 725 allows the Commissioner of Marine Resources the discretion of reissuing a hand fishing scallop license to a person who did not meet the eligibility requirements for that license because of a substantial illness or medical condition on the part of that person or a family member.

LD 1522 incorporates the subject matter of this bill with an added military waiver.

*Joint Standing Committee on Marine Resources*

LD 992 An Act To Amend the Depuration Laws

PUBLIC 175

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-105

LD 992 amends the depuration laws. It changes the date when a municipality must inform the Commissioner of Marine Resources whether it intends to develop a pollution abatement plan. It amends the conditions that apply to when the commissioner needs to get approval from a municipality before the commissioner can open an area within a municipality for depuration digging. It also requires that a person holding a depuration certificate may not employ more than 3 people who are not residents of a municipality if there are at least 15 harvesters who are residents of the municipality available for employment in the depuration harvest area.

**Committee Amendment "A" (S-105)**

The amendment does the following.

1. It eliminates the requirement that municipalities with municipal shellfish conservation committees contact the Commissioner of Marine Resources by specific deadlines in regards to pollution abatement plans in reclassified shellfish growing areas. Instead, responsibility for municipal pollution abatement activities is given to the commissioner, who may close a shellfish growing area for municipal pollution abatement activities based on whether or not the commissioner finds pollution abatement activities will succeed. General guidelines for identifying whether pollution abatement activities are likely to succeed in a shellfish growing area are included.
2. It allows a municipality to request the commissioner to allow soft-shelled clam depuration harvesting in a closed area.
3. It moves the requirement that a depuration certificate holder maintain a generalized management plan on file with the commissioner from the Maine Revised Statutes, Title 12, section 6856, subsection 3 to a new subsection 3-D that governs soft-shelled clam depuration harvesting in municipalities with municipal shellfish conservation programs.
4. It requires the depuration certificate holder to include a summary of reports submitted to the Department of Marine Resources when submitting payment to a municipality.
5. It eliminates the requirement in the bill that the person holding the depuration certificate not employ more than 3 nonresidents of the municipality in which depuration harvesting will take place, as long as 15 or more resident harvesters are available. It also eliminates language that the certificate holder employ one resident harvester for every nonresident harvester to the extent possible if fewer than 15 resident harvesters are available. It adds language that the certificate holder shall engage commercial harvesters holding valid municipal and state commercial shellfish licenses, and it allows the depuration certificate holder to supplement with other commercial shellfish harvesters licensed in the State if insufficient municipally licensed commercial harvesters are available.

**Enacted Law Summary**

Public Law 2011, chapter 175 makes changes to the depuration laws.

1. It eliminates the requirement that municipalities with municipal shellfish conservation committees contact the Commissioner of Marine Resources by specific deadlines in regards to pollution abatement plans in reclassified shellfish growing areas. Instead, responsibility for municipal pollution abatement activities is given to the commissioner, who may close a shellfish growing area for municipal pollution abatement activities based on



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**LD 1282     An Act To Increase Fairness in Lobster Fishing Licensure**

**ONTP**

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

LD 1282 allows an individual who has completed the Department of Marine Resources' apprentice program to enter the lobster fishery with the same number of trap tags allowed a license holder at the time of the individual's entrance into the apprentice program, or to enter the lobster fishery with a limited-entry zone as the declared lobster zone based on the limits on new zone entrants that were in effect at the time of the individual's entrance into the apprentice program.

**LD 1284     An Act To Amend the Scallop Advisory Council**

**ONTP**

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

LD 1284 alters the makeup of the Scallop Advisory Council to include one elected scallop harvester with a valid scallop license from each of the lobster management zones to serve on the council. It decreases the number of appointed members and ensures that the makeup of the council includes a mix of harvesters with hand fishing scallop licenses and dragging licenses. The Department of Marine Resources is directed to adopt routine technical rules governing the elections of council members. The bill also provides that the commissioner must seek the council's approval on decisions that affect the scallop fishery.

LD 348 includes a review of the Scallop Advisory Council.

**LD 1409     An Act Concerning the Labeling of Maine Shellfish Products**

**PUBLIC 234  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON TRAHAN	OTP-AM	H-321

LD 1409 requires that shellfish that is labeled as a product of Maine must be harvested in Maine, not just processed in Maine.

**Committee Amendment "A" (H-321)**

The amendment does the following.

1. It adds an emergency preamble and emergency clause to the bill;
2. It specifies that a person authorized to hold or possess shellfish under the Maine Revised Statutes, Title 12,

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chapter 623 may not label shellfish sold alive with the words "product of Maine" or any similar words that suggest the shellfish was taken from the waters of the State unless the shellfish was in fact taken from the waters of this State;

3. It states that a violation of this provision is a deceptive business practice in violation of Title 17-A, section 901; and

4. It specifies that a violation of this provision that results in a conviction is considered a conviction for a violation of a marine resources law.

**Enacted Law Summary**

Public Law 2011, chapter 234 does the following.

1. It specifies that a person authorized to hold or possess shellfish under the Maine Revised Statutes, Title 12, chapter 623 may not label shellfish sold alive with the words "product of Maine" or any similar words that suggest the shellfish was taken from the waters of the State unless the shellfish was in fact taken from the waters of this State;

2. It states that a violation of this provision is a deceptive business practice in violation of Title 17-A, section 901; and

3. It specifies that a violation of this provision that results in a conviction is considered a conviction for a violation of a marine resources law.

Public Law 2011, chapter 234 was enacted as an emergency measure effective June 6, 2011.

**LD 1462 An Act To Amend the Department of Marine Resources' Administrative Suspension Process**

**PUBLIC 311**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-190

LD 1462 amends the ability of the Department of Marine Resources to suspend a license or certificate based on a violation of marine resources law. This bill redirects the license suspension hearing process through the department rather than the District Court for violations of refusing access to department shellfish inspectors. It creates a new administrative hearing process for all other violations of marine resources laws when a license suspension is being considered, clarifies that such suspensions are remedial, and creates a provision to prohibit multiple suspensions for the same violation. It retains the current provision that allows for immediate license or certificate suspension in cases when a person denies the Marine Patrol access for inspection and amends the statute that allows for immediate license suspension when the department's public health division's shellfish inspectors are refused access to a shellfish facility.

**Committee Amendment "A" (S-190)**

The amendment:

1. States that the Commissioner of Marine Resources' determination of whether a suspension without criminal conviction or civil adjudication is necessary must be based on a preponderance of the evidence;

2. Changes from 3 to 10 the number of business days within which a hearing must be held after the commissioner

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receives a request under the Maine Revised Statutes, Title 12, section 6374;

- 3. States that a hearing may be held more than 10, instead of 3, business days after the request if the delay is requested by the person requesting the hearing;
- 4. Adds that a license or certificate holder may request a hearing regarding the length of suspension within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area; and
- 5. Adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2011, chapter 311 does the following. It:

- 1. Amends the ability of the Department of Marine Resources to suspend a license or certificate based on a violation of marine resources law.
- 2. Redirects the license suspension hearing process through the department rather than the District Court for violations of refusing access to department shellfish inspectors.
- 3. Creates a new administrative hearing process for all other violations of marine resources laws when a license suspension is being considered, clarifies that such suspensions are remedial and creates a provision to prohibit multiple suspensions for the same violation.
- 4. Amends the statute that allows for immediate license suspension when the department's public health division's shellfish inspectors are refused access to a shellfish facility.
- 5. States that the Commissioner of Marine Resources' determination of whether a suspension without criminal conviction or civil adjudication is necessary must be based on a preponderance of the evidence;
- 6. Changes from 3 to 10 the number of business days within which a hearing must be held after the commissioner receives a request under the Maine Revised Statutes, Title 12, section 6374;
- 7. States that a hearing may be held more than 10, instead of 3, business days after the request if the delay is requested by the person requesting the hearing;
- 8. Adds that a license or certificate holder may request a hearing regarding the length of suspension within 10 days from the effective date of the suspension. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.

**LD 1508      An Act To Ensure Cultchless American Oyster Growers Licenses Are Issued by the Department of Marine Resources Only to Individuals Who Are Growers of American Oysters      ONTP**

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

LD 1508 clarifies that a person may not grow or harvest cultchless American oysters without a license. This bill also directs the Department of Marine Resources to modify the rules for cultchless American oyster growers licenses

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to ensure that those who receive licenses purchased seed at least one year prior to the date the license goes into effect and provide a plan for how and where the oysters will be grown.

**LD 1522 An Act To Make Technical Changes to Marine Resources Laws**

**PUBLIC 266**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	S-215

LD 1522 makes technical changes to a variety of existing marine resources statutes. It:

1. Adds the recently created pelagic and anadromous fishing license to the list of state-issued licenses that members of the Passamaquoddy Tribe are not required to hold;
2. Adds the limited entry scallop fishery to those fisheries that allow medical or military waivers from the yearly requirement to purchase a license in order to participate in the fishery in the future;
3. Removes the part of the nonresident lobster and crab landing permit laws that limits permit holders to Maine's trap limit and requires that they purchase Maine lobster trap tags;
4. Extends the date for submitting information to the Commissioner of Marine Resources in order to qualify for grandfathering under the established base of operations requirement;
5. Clarifies that all lobster traps and trawls must be marked by a visible buoy and that the Bureau of Marine Patrol may require more distinguishable buoy color designs in instances where family members' buoys are not distinct enough to provide adequate enforcement of current laws;
6. Specifies a process by which abandoned lobster gear may be disposed;
7. Clarifies the commercial fishing license to reflect the creation of 2 recently created specific licenses, the pelagic and anadromous fishing license and the sea cucumber harvesting license;
8. Repeals an error in the qualifying years for eligibility to hold a scallop license; and
9. Establishes in statutes the administration of the existing Maine Working Waterfront Access Pilot Program.

**Committee Amendment "A" (S-215)**

The amendment makes the following changes to the bill.

1. It provides that the State assents to the Federal Aid in Sport Fish Restoration Act and that the Commissioner of Marine Resources may perform acts necessary for the establishment and implementation of cooperative fish restoration and management projects defined in that Act.
2. It corrects a reference in current law to "double gauge" as the State's lobster measure to provide consistency with a similar change made by the bill.
3. It removes the definition of "temporarily" added by the bill to 2 provisions of law related to the commissioner's authority to allow a person to take lobsters from a vessel other than the vessel listed on the person's license. This removal gives the commissioner discretion to continue to make determinations on a case-by-case basis when

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necessary.

4. It adds sea urchin parts to what a person holding a wholesale seafood license with a sea urchin buyer's permit may buy, sell, ship or transport. It removes language that restricts a license holder from buying, selling, shipping or transporting sea urchin parts.

5. It specifies that activities a person holding a wholesale seafood license with a sea urchin processor's permit may engage in include sea urchins or sea urchin parts processed under that license.

### **Enacted Law Summary**

Public Law 2011, chapter 266 makes technical changes to a variety of existing marine resources statutes. It:

1. Provides that the State assents to the Federal Aid in Sport Fish Restoration Act and that the Commissioner of Marine Resources may perform acts necessary for the establishment and implementation of cooperative fish restoration and management projects defined in that Act;
2. Adds the recently created pelagic and anadromous fishing license to the list of state-issued licenses that members of the Passamaquoddy Tribe are not required to hold;
3. It removes "double gauge" from the lobster measurement section;
4. Adds the limited entry scallop fishery to those fisheries that allow medical or military waivers from the yearly requirement to purchase a license in order to participate in the fishery in the future;
5. Removes the part of the nonresident lobster and crab landing permit laws that limits permit holders to Maine's trap limit and requires that they purchase Maine lobster trap tags;
6. Extends the date for submitting information to the Commissioner of Marine Resources in order to qualify for grandfathering under the established base of operations requirement;
7. Clarifies that all lobster traps and trawls must be marked by a visible buoy and that the Bureau of Marine Patrol may require more distinguishable buoy color designs in instances where family members' buoys are not distinct enough to provide adequate enforcement of current laws;
8. Specifies a process by which abandoned lobster gear may be disposed;
9. Clarifies the commercial fishing license to reflect the creation of 2 recently created specific licenses, the pelagic and anadromous fishing license and the sea cucumber harvesting license;
10. Repeals an error in the qualifying years for eligibility to hold a scallop license;
11. Establishes in statutes the administration of the existing Maine Working Waterfront Access Pilot Program;
12. It adds sea urchin parts to what a person holding a wholesale seafood license with a sea urchin buyer's permit may buy, sell, ship or transport. It removes language that restricts a license holder from buying, selling, shipping or transporting sea urchin parts; and
13. It specifies that activities a person holding a wholesale seafood license with a sea urchin processor's permit may engage in all activities in 12 MRSA Section 6851 subsection 2 and may buy, sell, process, ship or transport whole sea urchins or sea urchin parts processed under that license.

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**LD 1532      Resolve, Directing the Commissioner of Marine Resources To Contract  
for an Independent Analysis of the Limited Entry Lobster License  
System**

**RESOLVE 62**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TILTON COURTNEY	OTP-AM	H-278

LD 1532 directs the Commissioner of Marine Resources to contract for an independent analysis of the costs and benefits of the limited entry lobster license system and provide that analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

**Committee Amendment "A" (H-278)**

The amendment:

1. Removes language from the resolve specifying that the analysis must include an evaluation of the costs and benefits of the limited entry system;
2. States that the analysis must include but is not limited to an evaluation of the limited entry system; and
3. Removes language from the resolve stating that the Commissioner of Marine Resources shall provide the analysis and specifies that the commissioner shall report on the analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

**Enacted Law Summary**

Resolve 2011, chapter 62 directs the Commissioner of Marine Resources to contract for an independent analysis of the limited entry lobster license system and report the analysis to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2013.

**LD 1547      An Act To Allow Certain Wholesale Seafood Dealers To Process  
Imported Lobsters**

**PUBLIC 247  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM MAJ ONTP	S-156

Current law allows wholesale seafood dealers with a lobster permit to import, handle and transport lobsters that do not meet minimum or maximum length requirements. LD 1547 allows those permit holders who also hold a lobster processing license to process those legally imported lobsters as long as the lobsters were not harvested or landed in this State, are legal in the waters from which they were harvested, are not less than the minimum size established in 12 MRSA. Current law allows wholesale seafood dealers with a lobster permit to import, handle and transport lobsters that do not meet minimum or maximum length requirements. LD 1547 allows those permit holders who also hold a lobster processing license to process those legally imported lobsters as long as the lobsters were not harvested or landed in this State, are legal in the waters from which they were harvested, are not less than the minimum size established in 12 MRSA section 6431, and, except for the claws and knuckles, are not later sold in this State.

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**Committee Amendment "A" (S-156)**

The amendment:

1. Adds that the Commissioner of Marine Resources is required to adopt or amend rules to establish the method by which the Department of Marine Resources collects from the holder of a lobster processor license landings records on oversized lobsters harvested outside this State received by that lobster processor; and
2. Repeals the exception to the processing of oversized lobsters harvested outside of this State 90 days after adjournment of the First Regular Session of the 126th Legislature.

**Enacted Law Summary**

Public Law 2011, chapter 247 allows a wholesale seafood dealer with a lobster permit who also holds a lobster processing license to process legally imported lobsters that do not meet the State's minimum or maximum length requirements as long as the lobsters were not harvested or landed in this State, are legal in the waters from which they were harvested, are not less than the minimum size established in 12 MRSA section 6431, and, except for the claws and knuckles, are not later sold in this State. The Commissioner of Marine Resources is required to adopt or amend rules to establish the method by which the Department of Marine Resources collects from the holder of a lobster processor license landings records on oversized lobsters harvested outside this State received by that lobster processor. The exception to the processing of oversized lobsters harvested outside of this State is repealed 90 days after adjournment of the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 247 was enacted as an emergency measure effective June 7, 2011.

**LD 1579 An Act To Amend the Lobster Promotion Council**

**Carried Over**

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

LD 1579 revises the structure of the Lobster Promotion Council.

1. Current law requires that the council consist of 3 members from each of the defined districts of the State: the western district, the midcoast district and the eastern district. Current law also requires 3 members to be full-time lobster harvesters who have held valid lobster and crab fishing licenses, 3 members to be lobster dealers or pound operators and 3 members to be public members. This bill instead requires the appointment of at least one member who represents the western district of the State, at least one member who represents the eastern district of the State and up to 7 public members who have professional knowledge or experience in trade, promotion or marketing or other disciplines that the Commissioner of Marine Resources determines would assist in the advancement of the council's objectives. This bill also revises the area that is defined as the western district.
2. It authorizes the commissioner to remove a member for cause or for the violation of a marine resources law or Department of Marine Resources rule.
3. It authorizes the commissioner to vote in case of a tie vote on the council.
4. It requires the council to draw upon the expertise of industries, organizations and persons experienced in marketing and promotion and expands the council's purposes to specifically include identification and promotion of initiatives for the marketing and promotion of lobsters harvested or processed in the State.

*Joint Standing Committee on Marine Resources*

5. It provides that the terms of the members currently serving on the Lobster Promotion Council expire and directs the commissioner to appoint 9 members to the council within 90 days after the effective date of this bill.

*Joint Standing Committee on Marine Resources*

**SUBJECT INDEX**

*Aquaculture*

Enacted

LD 337      An Act To Make Technical Changes to Aquaculture Laws      PUBLIC 93

*Clams, Quahogs, Oysters, and Mussels*

Enacted

LD 992      An Act To Amend the Depuration Laws      PUBLIC 175

LD 1409      An Act Concerning the Labeling of Maine Shellfish Products      PUBLIC 234  
EMERGENCY

Not Enacted

LD 1218      An Act To Establish Recreational Flats Where Commercial Shellfish Harvesting Is Prohibited      ACCEPTED ONTP  
REPORT

LD 1508      An Act To Ensure Cultchless American Oyster Growers Licenses Are Issued by the Department of Marine Resources Only to Individuals Who Are Growers of American Oysters      ONTP

*Commercial Fishing Safety Council*

Enacted

LD 538      An Act To Assist the Commercial Fishing Safety Council      PUBLIC 128

*Dealers and Harvesters*

Enacted

LD 1547      An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters      PUBLIC 247  
EMERGENCY

*Department of Marine Resources*

Enacted

LD 558      An Act To Provide Members of the Penobscot Nation with Marine Resources Licenses      PUBLIC 137  
EMERGENCY

LD 1462      An Act To Amend the Department of Marine Resources' Administrative Suspension Process      PUBLIC 311

LD 1522      **An Act To Make Technical Changes to Marine Resources Laws**      PUBLIC 266

Not Enacted

LD 244      **Resolve, Directing the Department of Marine Resources To  
Extend the Carrier Vessel Size Limit in the Menhaden Pilot  
Program**      ONTP

*Groundfish*

Enacted

LD 61      **An Act Implementing a Fisheries Permit Banking Program**      PUBLIC 10

*Lobsters and Crabs*

Enacted

LD 85      **An Act To Repeal the Sunset on the Law Relating to the Landing  
of Draged Crabs**      PUBLIC 5

LD 1532      **Resolve, Directing the Commissioner of Marine Resources To  
Contract for an Independent Analysis of the Limited Entry  
Lobster License System**      RESOLVE 62

Not Enacted

LD 307      **An Act To Encourage Lobstering Traditions and Facilitate  
Retirement from Lobstering**      MAJORITY  
(ONTP) REPORT

LD 371      **An Act To Control Costs to the Lobster Industry**      LEAVE TO  
WITHDRAW

LD 1282      **An Act To Increase Fairness in Lobster Fishing Licensure**      ONTP

*Recreational Saltwater Fishing*

Enacted

LD 210      **An Act Regarding the Saltwater Recreational Fishing Registry**      PUBLIC 421  
EMERGENCY

Not Enacted

LD 308      **An Act Regarding the Saltwater Recreational Fishing Registry**      MAJORITY  
(ONTP) REPORT

LD 319      **An Act To Amend the Saltwater Recreational Fishing Registry  
Regarding Unauthorized Landing or Possession of Striped Bass**      ONTP

LD 418      **An Act To Create a Saltwater Fishing License for Owners of  
Docks, Piers and Wharves**      ONTP

## *Scallops*

### Enacted

LD 348	An Act To Continue Limited Entry in the Scallop Fishery	PUBLIC 237 EMERGENCY
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### Not Enacted

LD 664	An Act To Ensure Apportionment of Scallop Licenses	ONTP
LD 725	An Act To Allow the Commissioner of Marine Resources To Use Discretion in Reissuing Scallop Licenses	ONTP
LD 997	Resolve, Directing the Commissioner of Marine Resources To Review the Composition of the Scallop Advisory Council and Recommend Any Changes Necessary To Ensure Appropriate Representation	ONTP
LD 1284	An Act To Amend the Scallop Advisory Council	ONTP

## *Seafood Promotion*

### Not Enacted

LD 110	An Act To Support Large-scale Marketing and Research and Development for Bulk Sales of Maine Seafood Worldwide	ONTP
LD 1579	An Act To Amend the Lobster Promotion Council	Carried Over

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT SELECT COMMITTEE ON  
REGULATORY FAIRNESS AND REFORM**

July 2011

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*Joint Select Committee on Regulatory Fairness and Reform*

LD 1      **An Act To Ensure Regulatory Fairness and Reform**

**PUBLIC 304  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-87

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the laws to improve the business climate in the State and encourage job creation and retention and expand opportunities for Maine people. This will be accomplished by ensuring regulatory fairness and reform among departments and agencies of State Government by reviewing aspects of the regulatory process and reforming those processes as necessary to eliminate duplicate or unnecessary regulations and to ensure transparency, fairness, effectiveness and efficiency in the development, adoption, implementation and enforcement of regulatory efforts.

**Committee Amendment "A" (S-87)**

This amendment replaces the bill and makes the bill an emergency. All provisions take effect when approved, except those that reduce the size of the Board of Environmental Protection and that change the qualifications of the board members, which take effect on September 16, 2011. This amendment proposes the following.

Part A establishes a voluntary environmental audit program within the Department of Environmental Protection that provides incentives, including reduced penalties, to regulated entities that discover, disclose and correct environmental violations through an environmental audit program or a compliance management system.

Part B authorizes agencies to conduct a cost-benefit analysis of proposed rules in instances in which the consideration of costs is permitted and when the agency determines that sufficient staff expertise and budgeted resources exist within the agency to complete the analysis. Part B lists the minimum elements to be included in a cost-benefit analysis, requires the agency to provide any such analysis to any person requesting a copy of the proposed rule and states that the cost-benefit analysis is not subject to judicial review.

Part C renames the business assistance and referral program currently within the Department of Economic and Community Development, Office of Business Development as "the Business Ombudsman Program." The Business Ombudsman Program is charged with assisting businesses by resolving problems between businesses and state agencies, facilitating responsiveness of agencies to business needs, referring businesses to the agency that can best provide the business services or assistance requested, providing comprehensive permit information and services, including a consolidated permit procedure for all types of retail business licenses, and serving as a central clearinghouse of business assistance programs and services available in the State.

Part C also requires the Director of the Office of Business Development, acting as the ombudsman, to:

1. Report to the Legislature on the success of the central permitting program for all permits required by retail businesses selling directly to the consumer by January 15, 2012;
2. Report to the Governor and the Legislature about the Business Ombudsman Program with any recommendations for changes in the statutes to improve the program and its delivery of services to businesses; and
3. Report by February 15, 2012 to the joint standing committee of the Legislature having jurisdiction over economic development matters on the effectiveness of the comprehensive permit information and assistance services and

## *Joint Select Committee on Regulatory Fairness and Reform*

municipal centralized permitting programs.

Part D creates the Bureau of the Special Advocate within the Department of the Secretary of State. The bureau is headed by a special advocate who is charged with general advocacy on behalf of small business interests within the state regulatory process and who is authorized to assist specific small businesses in seeking a resolution of proposed or initiated agency enforcement actions that may result in the closure of the business or the termination of employees, either through monetary penalties or suspension or revocation of a business license. The special advocate may assist the small business during the regulatory process in a manner consistent with law. If the special advocate determines that an agency enforcement action applies statutes or rules in a manner that is likely to result in a significant economic hardship to the business, when an alternative means of effective enforcement is possible, the special advocate may recommend to the Secretary of State that the secretary issue a regulatory impact notice to the Governor, asking that the Governor take action, as appropriate and in a manner consistent with all applicable laws, to address the issues raised by that agency enforcement action. That notice must also be sent to the agency and to the joint standing committee of the Legislature having jurisdiction over that agency.

Part D also changes the structure and duties of the Maine Regulatory Fairness Board within the Department of the Secretary of State and renames it the Regulatory Fairness Board.

Part E requires agencies to include citations for up to three primary sources of information relied upon by an agency when proposing or adopting rules, except for emergency rules. Professional judgment may be cited as one of those primary sources of information. Citations to primary sources of information are not subject to judicial review.

Part F requires the Commissioner of Environmental Protection to adopt routine technical rules or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency, provide that isopropyl alcohol and wood ash are not hazardous waste or solid waste if being used, reused or recycled as effective substitutes for commercial products. Part F also requires the Board of Environmental Protection to adopt major substantive rules or amend rules as necessary that, consistent with rules adopted by the United States Environmental Protection Agency governing the transfer, management, reclamation and reuse of hazardous and solid waste, allow and encourage the beneficial reuse of hazardous and solid wastes, consistent with the protection of public health and the environment, in order to preserve resources, conserve energy and reduce the need to dispose of such wastes.

Part G amends the definition of the word "rule" within the Maine Administrative Procedure Act to include agency guidelines and specifies that a rule is not judicially enforceable unless it is adopted in a manner consistent with the Maine Administrative Procedure Act.

Part H proposes a number of changes to the structure and functions of the Board of Environmental Protection. Part H:

1. Reduces the size of the board from 10 members to seven members and modifies the qualifications of those members to specify that at least three members must have technical or scientific backgrounds in environmental issues and that no more than four members may be residents of the same congressional district. Pursuant to the emergency clause included in this legislation, these changes do not take effect until September 16, 2011;
2. Limits the board's rule-making authority, in most instances, to the adoption of major substantive rules or amendments to existing major substantive rules. The Commissioner of Environmental Protection is authorized to adopt all other rules of the department;
3. Makes the commissioner responsible for the granting of all licenses and permits, except that the board is responsible for licenses and permits that either meet at least three of the four criteria for projects of statewide significance or that are projects in which the applicant and the commissioner jointly request that the board assume jurisdiction;

## *Joint Select Committee on Regulatory Fairness and Reform*

4. Requires that, prior to holding a hearing on an application over which the board has assumed jurisdiction, the board ensures that the Department of Environmental Protection and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application, and that the applicant has had an opportunity to respond to those comments and requests. If additional information needs arise during the hearing, the board shall afford the applicant a reasonable opportunity to respond to those information requests prior to the close of the hearing record;
5. Authorizes the commissioner to approve consent agreements rather than the board;
6. Repeals the board's authority to revoke or suspend a license or permit and vests that authority with the commissioner. The board retains its authority to consider modifications or corrective action on a license, but only on the recommendation of the commissioner;
7. Repeals the board's authority to reconsider its action on a permit or license application;
8. Repeals the ability for interested parties to request that the board assume jurisdiction of an application;
9. Repeals the board's authority to advise the commissioner on enforcement priorities and activities, advise the commissioner on the adequacy of penalties and enforcement activities and approve administrative consent agreements. The board's authority to hear appeals of emergency enforcement orders by the commissioner is retained;
10. Adds language stating that if a rule adopted by the department is the subject of a request for legislative review of a rule under the Maine Revised Statutes, Title 5, chapter 377-A, the Executive Director of the Legislative Council shall immediately notify the department of that request and of the legislative committee's decision under that chapter on whether or not to review the rule; and
11. Includes transition language to provide for the orderly transition of the changes to the board and for procedures pending before the department on the effective date of this legislation. To allow the current board members time to complete work currently before the board, the transition provisions also provide for a delayed effective date in the reduction in the size of the board and to the eligibility criteria for board members to September 16, 2011 and extends the terms of the members whose terms would otherwise expire prior to September 16, 2011 to September 16, 2011.

Part I repeals rules adopted by the Department of Health and Human Services on January 1, 2011 relating to the Maine uniform accounting and auditing practices for community agencies and replaces them with the rules governing those auditing practices that were in effect prior to January 1, 2011. Part I also directs the Commissioner of Health and Human Services to work closely with the commissioner's advisory board in adopting amendments to those rules that avoid duplication of federal auditing standards and preserve the authority of individual community agency boards. Those amendments must be provisionally adopted as major substantive rules by December 31, 2011 and submitted to the Legislature for review in the Second Regular Session of the 125th Legislature. If approved by the Legislature, those rules must be finally adopted by the department and in effect on July 1, 2012. Part I also directs the commissioner to ensure that the advisory committee submits annual written reports to the Legislature.

Part J expands the authority of municipalities registered by the Commissioner of Public Safety to issue construction permits, including fire permits, to include issuance of those permits for any building or structure constructed, operated or maintained for use by the general public.

Part K directs the Secretary of State to convene a working group consisting of representatives of state agencies, small businesses recommended by the Maine chapter of the National Federation of Independent Businesses, other private businesses and other interested parties to examine opportunities for reducing the paperwork associated with the filing of forms with the office of the Secretary of State and to report the findings of the working group by

***Joint Select Committee on Regulatory Fairness and Reform***

February 1, 2012 to the Joint Standing Committee on State and Local Government.

Part L allows joint standing committees of the Legislature to direct agencies within their jurisdiction to undertake retrospective reviews of agency rules for relevance, clarity and reasonableness and to report their findings and recommendations to the legislative committee the following year.

Part M directs the Commissioner of Economic and Community Development to work collaboratively and in partnership with the Finance Authority of Maine, the Maine International Trade Center and representatives of private sector business interests in applying to the United States Department of Homeland Security, United States Citizenship and Immigration Service for the designation of the State as a state regional center for the purposes of reviewing and approving foreign investment projects under the Immigrant Investor Pilot Program enacted in federal law under Public Law 102-395, Section 610. The purpose of the pilot program is to encourage immigration through the fifth employment-based preference, EB-5, immigrant visa category by immigrants seeking to enter the United States to invest from \$500,000 to \$1,000,000 in commercial enterprises that will create at least 10 full-time jobs.

Part M also directs the Commissioner of Economic and Community Development to report by January 15, 2012 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the progress of that application process and to include in that report any statutory recommendations necessary to facilitate the State's application or to effectively administer a federally designated regional center in the State.

**Enacted Law Summary**

Public Law 2011, chapter 304 enacts all the provisions contained in Committee Amendment A to LD 1.

Public Law 2011, chapter 304 was enacted as an emergency effective June 13, 2011, except that those sections of the law that amend the Maine Revised Statutes, Title 38, section 341-C (relating to the membership of the Board of Environmental Protection) take effect on September 16, 2011.

**LD 160      *Resolve, To Require the Department of Agriculture, Food and Rural Resources and the Department of Public Safety To Develop a Consolidated License for Convenience Stores*      ONTP**

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

This resolve requires the Commissioner of Agriculture, Food and Rural Resources and the Commissioner of Public Safety to jointly examine the various licensing and inspection requirements placed on operators of convenience stores and develop a consolidated convenience store operation license and a method of consolidating and reducing the number of annual inspections. The commissioners are required to report their findings, along with any necessary implementing legislation, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by December 1, 2011.

**LD 730      *An Act To Streamline the Issuance of State Business Licenses*      ONTP**

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

## *Joint Select Committee on Regulatory Fairness and Reform*

This bill streamlines the issuance of state business licenses by creating a retail business portfolio license program in the Department of Economic and Community Development, Office of Business Development. The program, which would begin on January 3, 2012, requires the office to issue a single, consolidated portfolio license to any person possessing a sales tax registration certificate issued for the purpose of operating a retail sales facility. The portfolio license would consolidate into a single license all individual business licenses required for that facility to conduct business in the State, would have a single, prorated renewal date for all licenses in the portfolio license and would be available at a fee not to exceed the sum of the fees for each of the individual licenses.

The bill requires the Director of the Office of Business Development to adopt routine technical rules by December 1, 2011 in order to begin the program on January 3, 2012. The bill also requires the director, by January 15, 2012, to report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on the operation of the program and on any statutory changes necessary to improve the effective operation of the program.

## SUBJECT INDEX

### *Regulatory Reform*

#### Enacted

<b>LD 1</b>	<b>An Act To Ensure Regulatory Fairness and Reform</b>	<b>PUBLIC 304 EMERGENCY</b>
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#### Not Enacted

<b>LD 160</b>	<b>Resolve, To Require the Department of Agriculture, Food and Rural Resources and the Department of Public Safety To Develop a Consolidated License for Convenience Stores</b>	<b>ONTP</b>
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<b>LD 730</b>	<b>An Act To Streamline the Issuance of State Business Licenses</b>	<b>ONTP</b>
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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT SELECT COMMITTEE ON RULES**

July 2011

**MEMBERS:**

SEN. JONATHAN T.E. COURTNEY, CHAIR  
SEN. DEBRA D. PLOWMAN  
SEN. DAVID R. HASTINGS III  
SEN. PHILIP L. BARTLETT  
SEN. STAN GERZOFSKY

REP. ANDRE E. CUSHING, CHAIR  
REP. STACEY ALLEN FITTS  
REP. RICHARD M. CEBRA  
REP. JOHN L. MARTIN  
REP. TERESEA HAYES

*Joint Select Committee on Joint Rules*

**LD 1335    An Act Relating to the Authority of the Legislative Council over the  
Fiscal Note Process**

**Carried Over**

Sponsor(s)

Committee Report

Amendments Adopted

ALFOND

This bill requires Legislative Council to require the Office of Fiscal and Program Review to provide a sponsor of legislation with the following: review and comment periods relating to the prepared fiscal notes; the assumptions on which the fiscal note is based; the specific revenues, savings and costs associated with the legislation; opportunities to meet with any agency, person or organization providing information relating to the fiscal notes; the opportunity for the sponsor to indicate in a fiscal note that the sponsor disagrees with the fiscal note and the reasons for the disagreement; and the impact of any increased or decreased federal funds associated with legislation, including the impact on employment, salaries and benefits and tax revenues.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON STATE AND LOCAL  
GOVERNMENT**

July 2011

**MEMBERS:**

SEN. DOUGLAS A. THOMAS, CHAIR  
SEN. RONALD F. COLLINS  
SEN. NANCY B. SULLIVAN

REP. H. DAVID COTTA, CHAIR  
REP. LANCE EVANS HARVELL  
REP. BRADLEY S. MOULTON  
REP. MICHAEL CELLI  
REP. BETH P. TURNER  
REP. ANDREA M. BOLAND  
REP. BRYAN T. KAENRATH  
REP. BRIAN D. BOLDUC  
REP. ALAN M. CASAVANT  
REP. ANNE P. GRAHAM

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13 STATE HOUSE STATION  
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**Joint Standing Committee on State and Local Government**

**LD 20 An Act Establishing a Vietnam War Remembrance Day**

**PUBLIC 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRIGGS PATRICK	OTP-AM	H-104 CORNELL DU HOUX H-29

This emergency bill designates March 29th of each year as Vietnam Veterans Day, in commemoration of the date in 1973 when the last United States troops were withdrawn from the war zone.

**Committee Amendment "A" (H-29)**

This amendment directs the Department of Defense, Veterans and Emergency Management to work with the Governor's office and the United States Department of Defense to develop a program to commemorate the contribution of Maine veterans in the Vietnam War in conjunction with the 10-year federal program being developed to recognize the 50th anniversary of the Vietnam War.

**House Amendment "D" To Committee Amendment "A" (H-104)**

This amendment changes the name of the day of observance from "Vietnam Veterans Day" to "Vietnam War Remembrance Day," changes the date from March 29th to March 30th and requires in 10 years a review by the joint standing committee of the Legislature having jurisdiction over veterans matters of the statutory language establishing the day of remembrance. This amendment retains the provision in Committee Amendment "A" that directs the Department of Defense, Veterans and Emergency Management to work with the Governor's office and the United States Department of Defense to develop a commemorative day to recognize the 50th anniversary of the Vietnam War. The amendment removes the emergency preamble from the original bill.

**Enacted Law Summary**

Public Law 2011, chapter 92 establishes Vietnam War Remembrance Day on March 30th of each year. It requires the joint standing committee of the Legislature having jurisdiction over veterans matters to review the statutory language establishing the day of remembrance after 10 years. It directs the Department of Defense, Veterans and Emergency Management to work with the Governor's office and the United States Department of Defense to develop a commemorative day to recognize the 50th anniversary of the Vietnam War.

**LD 32 An Act To Require an Independent Audit of State Government Every 4 Years**

**MAJORITY  
(ONTP) REPORT**

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

This bill requires the State Controller within the Department of Administrative and Financial Services to contract with an independent auditor to conduct a single fiscal year financial audit of State Government every 4 years beginning in 2013.

**Committee Amendment "A" (H-150)**

*Joint Standing Committee on State and Local Government*

This amendment, which is the minority report of the committee, adds an appropriations and allocations section to the bill.

**LD 33      An Act To Prohibit Constitutional Officers from Endorsing Candidates      ONTP**  
**for the Legislature**

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

This bill prohibits constitutional officers from endorsing candidates for the Legislature or using their titles or allowing their titles to be used for political purposes not necessary for the administration of their offices.

**LD 40      RESOLUTION, Proposing an Amendment to the Constitution of Maine      DIED BETWEEN**  
**To Reduce the Size of the House of Representatives      HOUSES**

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

This resolution proposes to amend the Constitution of Maine to reduce the size of the House of Representatives from 151 members to 131 members. The proposal would be presented to the voters for their approval in November 2012, and after voter approval the Legislature that convenes in 2013 would submit a reapportionment plan to implement the reduction in the size of the House of Representatives. The reduction in the size of the House of Representatives would take effect in 2015.

**Committee Amendment "A" (H-198)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**Senate Amendment "C" (S-169)**

This amendment reduces the size of the Senate to an odd number of Senators, ranging from 31 to 33, beginning in 2015.

**LD 62      An Act Relating to the State Bid Process      ONTP**

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

This bill amends the competitive bid process by requiring that rules adopted by the State Purchasing Agent within the Department of Administrative and Financial Services allow bidders the option of submitting bids in hard-copy format.

*Joint Standing Committee on State and Local Government*

**LD 69      An Act To Restore the Historical Town Boundary between Harpswell and Brunswick**

**MAJORITY  
(ONTP) REPORT**

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

This bill restores the historical boundary line between the Town of Harpswell and the Town of Brunswick.

**Committee Amendment "A" (H-552)**

This amendment is the minority report of the committee. It changes the boundary between the Town of Harpswell and the Town of Brunswick in the bill to exclude property that was inadvertently included and is currently within the boundary of the Town of West Bath. The amendment also preserves the Town of Brunswick's authority to regulate and enforce shellfish harvesting in the intertidal zone despite a change in the boundary.

**LD 71      An Act To Designate the Whoopie Pie as the State Treat**

**PUBLIC 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THOMAS	OTP-AM MAJ ONTP MIN	H-20 PILON  H-8

This bill designates the whoopie pie as the official state dessert.

**Committee Amendment "A" (H-8)**

This amendment, which is the majority report of the committee, designates the whoopie pie as the official state treat rather than the state dessert. It also clarifies that it is made of two cakes rather than two chocolate cakes.

**House Amendment "A" To Committee Amendment "A" (H-20)**

This amendment designates that the blueberry pie, made with wild Maine blueberries, is the official state dessert.

**Enacted Law Summary**

Public Law 2011, chapter 29 designates the whoopie pie as the official state treat and the blueberry pie, made with wild Maine blueberries, as the official state dessert.

**LD 72      An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings**

**ONTP**

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

*Joint Standing Committee on State and Local Government*

This bill requires state departments and agencies that hold meetings or other activities outside of their normal locations to give priority to space in state armories within a reasonable distance unless another location is required by law or an armory is not available that contains facilities that are necessary for the meeting or activity. The substance of this bill was incorporated in Executive Order 15 FY 11/12.

**LD 81      An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township**

**P & S 2  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H THOMAS	OTP-AM	H-15

This bill authorizes the Penobscot County commissioners to seek approval from the residents of Township 3, Range 9, NWP, to rename the township Cedar Lake Township.

**Committee Amendment "A" (H-15)**

This amendment clarifies that the bill is an emergency only for the purpose of submitting the question of the name change to the voters. The name change takes effect upon its acceptance by a majority of the legal voters voting at the election. The amendment also adds a mandate preamble.

**Enacted Law Summary**

Private and Special Law 2011, chapter 2 authorizes the Penobscot County commissioners to seek approval from the residents of Township 3, Range 9, NWP, to rename the township Cedar Lake Township.

Private and Special Law 2011, chapter 2 was enacted as an emergency measure effective March 31, 2011.

**LD 86      An Act To Provide Certainty to Businesses and Development**

**PUBLIC 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	S-33

This bill provides that a municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance after a period of 75 days has passed after the permit has received its lawful final approval and, if required, a public hearing was held on the permit. It also specifies that this provision does not affect any municipal ordinance that provides for a lapse of the permit or authority granted pursuant to the permit after a certain period of time.

**Committee Amendment "A" (S-33)**

This amendment changes the number of days after which a municipal land use permit may not be nullified or amended from 75 days, as proposed in the bill, to 45 days. The amendment clarifies that a municipal land use permit may not be nullified or amended by the nullification or amendment of another municipal permit.

**Enacted Law Summary**

Public Law 2011, chapter 63 provides that a municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance after a period of 45 days has passed after the permit

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has received its lawful final approval and, if required, a public hearing was held on the permit. A municipal land use permit may not be nullified or amended by the nullification or amendment of another municipal permit. The law specifies that this provision does not affect any municipal ordinance that provides for a lapse of the permit or authority granted pursuant to the permit after a certain period of time.

**LD 87      An Act Regarding the Official State Seal**

**MAJORITY  
(ONTP) REPORT**

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

This bill provides that the official state seal is the seal in use by the Secretary of State on July 1, 2010.

**Committee Amendment "A" (H-62)**

This amendment, which is the minority report of the committee, clarifies that the official state seal continues to follow the description in the Maine Revised Statutes, Title 1, section 201, but that its appearance may not change from the exact version in use by the Secretary of State on July 1, 2010.

**LD 104      An Act Regarding Audits of State Agency Expenditures To Recover  
Overpayments and Lost Discounts**

**PUBLIC 21  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-12

This bill requires the State Controller to contract with one or more consultants to conduct recovery audits of payments made by state agencies to vendors to identify payments made in error and to recommend improvements for state agency accounting. The bill enumerates authorized contract provisions and provides for the handling of confidential information by a contractor. It requires recovery audits of state agencies but allows the State Controller to exempt agencies with a low proportion of expenditures made to vendors. The bill requires agencies to use recovered money to pay the audit consultant responsible for the recovery and to return or expend recovered federal money according to the rules of the federal program through which the agency received the money. It also requires the State Controller to forward the audit reports to the Governor, the State Auditor and the Legislative Council and to issue a summary report to the Legislature on a biennial basis.

**Committee Amendment "A" (S-12)**

This amendment makes a number of changes to the bill requiring the State Controller to conduct recovery audits.

1. It adds to the definition of "overpayment" a commodity billed at an amount higher than negotiated in a contract or master agreement.
2. It requires recovery audits to be completed at least every 10 years.
3. It removes the exemption from the audit recovery process of a state agency that has a low proportion of its expenditures made to vendors.

**Joint Standing Committee on State and Local Government**

4. It removes the section that would have allowed an audit recovery consultant to pursue judicial action on behalf of the State.
5. It changes the way an audit recovery consultant is paid by setting up an audit recovery account out of which the consultant is paid.
6. It requires the State Controller to report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on State and Local Government rather than the Legislature as a whole.
7. It makes rulemaking by the State Controller optional rather than mandatory.

**Enacted Law Summary**

Public Law 2011, chapter 21 requires the State Controller to contract with one or more consultants to conduct recovery audits of payments made by state agencies to vendors to identify payments made in error and to recommend improvements for state agency accounting. A recovery audit must be conducted at least once every ten years. The Department of Administrative and Financial Services shall establish an audit recovery account in which all recovered money shall be deposited and the consultant shall be paid by the State Controller out of that account. The State Controller shall forward the audit reports to the Governor, the State Auditor, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on State and Local Government on a biennial basis.

Public Law 2011, chapter 21 was enacted as an emergency measure effective April 11, 2011.

**LD 113      RESOLUTION, Proposing an Amendment to the Constitution of Maine      ONTP**  
**To Provide 4-year Terms and a Term Limit of 2 Terms for Legislators**

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

This resolution proposes to amend the Constitution of Maine to change the terms of Senators and members of the House of Representatives to four years beginning with the statewide election in 2012 and to correspondingly increase the span of a single Legislature from two to four years. It also proposes a term limit of no more than two consecutive terms.

**LD 122      An Act To Change Health Care Provisions for Retired Legislators      ONTP**

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

Current law allows a person who retires from the Legislature to participate in the State's group health plan as long as that person participated for at least one year in the group health plan prior to retiring. This bill removes from eligibility for participation in the group health plan a person who retires from the Legislature after January 1, 2011 and whose only creditable service is as a member of the Legislature. A person who has other creditable service as a teacher or member of the Maine Public Employees Retirement System retains eligibility for participation in the group health plan upon retirement.

*Joint Standing Committee on State and Local Government*

**LD 128     An Act To Provide Access to State Forms**

**PUBLIC 33**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY SULLIVAN	OTP-AM MAJ ONTP MIN	H-36

This bill requires state forms to be made available to a resident over 60 years of age who does not have home Internet access by regular mail at no cost up to a maximum of 10 pages per year. A fee may be charged for any additional page over the 10-page maximum.

**Committee Amendment "A" (H-36)**

This amendment, which is the majority report of the committee, requires state entities to provide forms by regular mail at no cost to the requestor.

**Enacted Law Summary**

Public Law 2011, chapter 33 requires state entities to provide forms by regular mail at no cost to the requestor.

**LD 153     RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Provide for the Reduction of the Size of the Legislature**

**ONTP**

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

This resolution proposes to amend the Constitution of Maine to reduce the size of the House of Representatives from 151 members to 101 members and the size of the Senate from no more than 35 members and no less than 31 members to 23 members. The redistricting will be done in 2013 during the First Regular Session of the 126th Legislature, and the reduction in the size of each legislative body takes effect in 2015.

**LD 158     An Act To Improve Public Understanding in the Rulemaking of Certain  
Departments**

**ONTP**

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

This bill requires the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to make available to the public primary sources of information that support the primary provisions in proposed rules. The substance of this bill was incorporated into Public Law 2011, chapter 304 (LD 1).

*Joint Standing Committee on State and Local Government*

**LD 174 An Act To Amend the Law Governing Employment, Discipline and Dismissal of Chief Deputy Sheriffs**

**PUBLIC 15**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-16

This bill provides that the selection, employment and disciplinary restrictions placed on county officers and department heads with respect to their employees do not apply to a county sheriff with respect to the sheriff's chief deputy.

**Committee Amendment "A" (H-16)**

This amendment adds a requirement that the chief deputy sheriff hold the same qualifications as a sheriff.

**Enacted Law Summary**

Public Law 2011, chapter 15 provides that the selection, employment and disciplinary restrictions placed on county officers and department heads with respect to their employees do not apply to a county sheriff with respect to the sheriff's chief deputy. It also requires the chief deputy sheriff to hold the same qualifications as a sheriff.

**LD 189 An Act To Achieve Cost Savings by Eliminating Deputy Commissioner Positions throughout State Government**

**ONTP**

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

This bill eliminates, by the end of fiscal year 2010-11, all deputy commissioner positions in State Government.

**LD 214 An Act To Establish Governor William King Day**

**PUBLIC 17**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-6

This bill establishes Governor William King Day in honor of the first governor of Maine, on February 9th, William King's birthday.

**Committee Amendment "A" (S-6)**

This amendment establishes Governor William King Day on March 16th, to fall the day after Statehood Day, instead of February 9th.

**Enacted Law Summary**

*Joint Standing Committee on State and Local Government*

Public Law 2011, chapter 17 establishes Governor William King Day on March 16th, the day after Statehood Day.

**LD 222      An Act To Provide for the Appointment of Division Directors in the      INDEF PP**  
**Department of Environmental Protection**

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

This bill adds division directors within bureaus of the Department of Environmental Protection to the list of major policy-influencing positions. The effect of this change is that these positions will no longer be classified service positions within an employee bargaining unit but will become unclassified service positions appointed by the Commissioner of Environmental Protection.

This bill was not referred to committee but was indefinitely postponed on reference.

**LD 278      An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To      P & S 13**  
**Adopt a Policy To Simplify the Municipal Disbursement Warrant**  
**Process**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A SHERMAN	OTP-AM	H-367

This bill allows municipalities that have entered into an interlocal agreement pursuant to the Maine Revised Statutes, Title 30-A, chapter 115 to adopt a written policy that allows their treasurer to disburse money when a disbursement warrant has been signed by the chair of the municipal officers in each municipality involved in the interlocal agreement. Current law requires the warrant to be voted on and signed by a majority of the municipal officers in each municipality.

**Committee Amendment "A" (H-367)**

This amendment replaces the bill. It amends the private and special law that allows the towns of Mapleton, Castle Hill and Chapman to use one depository account for the three towns. The amendment allows the three towns to adopt a policy to permit the disbursement of money when a warrant has been signed by one or more designated municipal officers representing each town. A facsimile signature of the municipal officers may be used. The policy must be filed with the town clerk and the municipal treasurer in each town and renewed annually by a vote of the municipal officers in each town.

**Enacted Law Summary**

Private and Special Law 2011, chapter 13 allows the towns of Mapleton, Castle Hill and Chapman to adopt a policy to permit the disbursement of money when a warrant has been signed by one or more designated municipal officers representing each town. A facsimile signature of the municipal officers may be used. The policy must be filed with the town clerk and the municipal treasurer in each town and renewed annually by a vote of the municipal officers in each town.

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**LD 287      An Act To Provide Savings to the State by Contracting Out Certain Services**

**Carried Over**

Sponsor(s)

WINSOR

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. It proposes to identify the types of services provided by the State and the extent to which those services are provided by state employees or through contracts with private entities. The bill proposes the identification of the types of services provided by state employees that could be provided more effectively and with reduced cost by privately contracted services. The bill proposes to explore the practices of other states and identify private contracting practices that are effective and the actions that would be necessary to achieve similar benefits in Maine.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 322      An Act To Amend the Informed Growth Act**

**PUBLIC 89**

Sponsor(s)

CLARK T

Committee Report

OTP-AM MAJ  
ONTP MIN

Amendments Adopted

H-108

This bill repeals the Informed Growth Act.

**Committee Amendment "A" (H-108)**

This amendment, which is the majority report of the committee, replaces the bill and makes the following changes to the Informed Growth Act.

1. It provides that the provisions of the Informed Growth Act do not apply to a municipality unless the municipality adopts an ordinance that adopts by reference the Informed Growth Act.
2. It provides that municipalities that are subject to the Informed Growth Act by the adoption of such an ordinance receive the fee directly from the developer for the comprehensive economic impact study rather than through the Executive Department, State Planning Office and determine the amount of the fee.
3. The definition of "undue adverse impact" is amended to mean that the estimated overall negative effects outweigh the positive effects and removes the requirement that the estimated negative effects of at least two of the factors considered in the study outweigh the positive effects on those factors.
4. It provides that the municipality may determine which factors are considered in the comprehensive economic impact study.

**Enacted Law Summary**

Public Law 2011, chapter 89 makes the following changes to the Informed Growth Act.

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1. It provides that the provisions of the Informed Growth Act do not apply to a municipality unless the municipality adopts an ordinance that adopts by reference the Informed Growth Act.
2. It provides that municipalities that are subject to the Informed Growth Act by the adoption of such an ordinance receive the fee directly from the developer for the comprehensive economic impact study rather than through the Executive Department, State Planning Office and determine the amount of the fee.
3. The definition of "undue adverse impact" is amended to mean that the estimated overall negative effects outweigh the positive effects and removes the requirement that the estimated negative effects of at least two of the factors considered in the study outweigh the positive effects on those factors.
4. It provides that the municipality may determine which factors are considered in the comprehensive economic impact study.

**LD 329      RESOLUTION, Proposing an Amendment to the Constitution of Maine      ONTP**  
**To Elect State Senators by County**

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

This resolution proposes to amend the Constitution of Maine to reduce the size of the Senate from no more than 35 members to 32 members as a result of reapportioning to two Senators per county. The resolution also requires the redrawing of district lines, to occur during the regularly scheduled redistricting following the decennial census. The redistricting will be done in 2013.

**LD 344      An Act To Authorize Cumberland County To Offer Certain      ONTP**  
**Educational Services**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to authorize Cumberland County, which recently adopted a comprehensive home rule charter by referendum, to provide regional educational services, including back-office services for school districts within the county, and specialized educational services such as regional vocational education, special education, a regional science and technology high school or other regional educational initiatives.

**LD 345      An Act To Modernize the Functions of County Government      ONTP**

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

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This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to realign the functions of state, county and municipal government to create a system of government that meets the needs of Maine citizens efficiently and effectively, reduces the overall cost of government and avoids duplication in services while protecting the health, safety and welfare of Maine residents.

**LD 369      An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters      PUBLIC 9**

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

This bill allows nonprofit animal shelters to be considered qualifying nonprofit organizations for purposes of purchasing surplus property from the State.

**Enacted Law Summary**

Public Law 2011, chapter 9 allows nonprofit animal shelters to be considered qualifying nonprofit organizations for purposes of purchasing surplus property from the State.

**LD 392      An Act To Amend the Requirements for Publishing Municipal Legal Notices      DIED BETWEEN HOUSES**

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

This bill allows municipalities to publish legal notices either in a newspaper distributed by 3rd class mail or electronically as long as the municipal officers adopt a publication policy. Under the alternative newspaper distribution option, the locally adopted policy must meet two requirements:

1. All households in the municipality must receive the alternative newspaper; and
2. The municipality must retain a record of all notices published in the alternative newspaper.

Under the electronic media distribution option, the locally adopted policy must meet three requirements:

1. More than 50% of all households in the municipality must subscribe to receive electronic notices;
2. Subscription must be provided at no cost; and
3. The municipality must retain a record of all notices distributed electronically.

**Senate Amendment "A" (S-145)**

This amendment removes the provision from the bill permitting municipalities to publish legal notices electronically.

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**LD 460      An Act To Require Executive Orders To Be Published Online**

**LEAVE TO  
WITHDRAW**

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

This bill requires the Secretary of State to publish on a publicly accessible website all executive orders in effect and, for an executive order issued after this bill takes effect, within 24 hours of the order's issuance.

**LD 478      An Act To Strengthen Maine Small Business by Establishing a  
Preference Percentage for State Contract Bids**

**ONTP**

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

This bill requires the Director of the Bureau of General Services within the Department of Administrative and Financial Services to adopt rules establishing a preference percentage of up to 15% for Maine small businesses bidding for state contracts. The rules are routine technical rules.

**LD 494      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Change the Schedule for Redistricting**

**CON RES 1**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL	OTP-AM MAJ ONTP MIN	H-565 KESCHL H-76

This resolution proposes to amend the Constitution of Maine to change the years of redistricting the Legislature after 2013 from 2023 and every 10th year thereafter to 2021 and every 10th year thereafter.

**Committee Amendment "A" (H-76)**

This amendment incorporates a fiscal note.

**House Amendment "B" (H-565)**

This amendment includes in the constitutional resolution the reapportionment process for congressional districts and for county commissioner districts.

**Enacted Law Summary**

Constitutional Resolution 2011, chapter 1 is a resolution to amend the Constitution of Maine to change the years of redistricting the Legislature, congressional districts and county commissioner districts to 2021 and every 10th year

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thereafter. This resolution must be approved by a majority of the legal votes cast at the statewide election in November in order for this amendment to become part of the Constitution of Maine.

**LD 497      An Act To Amend the Powers and Duties of Municipal Treasurers      INDEF PP**

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

This bill provides that written policies adopted by municipal officers permitting certain disbursements remain in effect until amended or revoked instead of being renewed every year.

**LD 541      An Act To Clarify the Boundary between the Town of Cushing and the      P & S 4**  
**Town of Friendship, Town of Warren, Town of Thomaston and Town**  
**of Waldoboro**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON W TRAHAN	OTP-AM	H-109

This bill clarifies the boundary line between the Town of Cushing and the Town of Friendship.

**Committee Amendment "A" (H-109)**

This amendment corrects some technical errors in the bill. It clarifies that the boundary being described is between the Town of Cushing and the Town of Friendship, Town of Warren, Town of Thomaston and Town of Waldoboro rather than only the Town of Friendship. It corrects a reference to the location of a monument and a reference to the thread of the Meduncook River. The amendment also requires the municipal officers of the towns to sign the plan before it is filed with the Registry of Deeds.

**Enacted Law Summary**

Private and Special Law 2011, chapter 4 clarifies the boundary between the Town of Cushing and the Towns of Friendship, Warren, Thomaston and Waldoboro. The municipal officers of the towns are required to sign the plan before it is filed with the Registry of Deeds.

**LD 543      An Act To Protect Legislative Intent in Rulemaking      Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill requires the review of agency rulemaking authority and establishes clearer distinctions between major substantive rules and routine technical rules to ensure that legislative grants of rulemaking authority are clear and specific enough to not result in agency misunderstanding of

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legislative intent or overly broad construction of the grant of rulemaking authority.

**Committee Amendment "A" (H-546)**

The amendment replaces the bill. The amendment requires that by January 15th of each year, an agency that has adopted a rule in the previous calendar year to provide a coordinated list of all rules to the Executive Director of the Legislative Council, who is required to refer the list to the legislative committee with jurisdiction over those rules. The coordinated list must include the statutory authority for the rule, rule chapter number and title, principal reason or purpose for the rule, a written statement explaining the factual and policy basis for the rule, whether the rule was major substantive or routine technical, whether the rule was adopted as an emergency and the fiscal impact of the rule. The committee of jurisdiction is authorized to report out legislation in the same session to adjust the rulemaking authority of the agency if the legislative committee considers it necessary.

**House Amendment "A" To Committee Amendment "A" (H-671)**

This amendment requires the Secretary of State, rather than state agencies as in Committee Amendment "A," to provide the Executive Director of the Legislative Council lists of all rules adopted by state agencies in the previous calendar year.

This bill was recommitted to committee and carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 587      An Act To Reduce the Cost of Delivering Certain State Services      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to have the State enter into pilot projects with one or more counties to demonstrate whether contracting with the counties would provide a savings to the taxpayers of the State. The services that could be the subject of such pilot projects include but are not limited to:

1. Rural law enforcement;
2. Regional human services delivery; and
3. Highway maintenance.

The pilot projects would rely on performance-based contracts between the State and one or more counties.

**LD 588      An Act To Require the Archives Advisory Board To Recommend      MAJORITY  
Candidates for State Archivist      (ONTP) REPORT**

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

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This bill requires the Archives Advisory Board to recommend candidates to the Secretary of State for the appointment of the State Archivist.

**LD 594      Resolve, To Enhance Economic Development in the City of Eastport by      RESOLVE 12**  
**Facilitating the Ability of the City of Eastport To transfer Ownership of      EMERGENCY**  
**Property**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-7

This resolve removes the language in current law that requires the City of Eastport to obtain authority from the Legislature before selling the property known as "the Boat School Property." This resolve also repeals language regarding the reservation of easements.

**Committee Amendment "A" (S-7)**

This amendment removes from the resolve the language related to Maine Community College System easements.

**Enacted Law Summary**

Resolve 2011, chapter 12 removes the requirement for the City of Eastport to obtain authority from the Legislature before selling the property known as "the Boat School Property."

Resolve 2011, chapter 12 was finally passed as an emergency measure effective March 31, 2011.

**LD 601      An Act To Set Aside One Percent of Committed State Funds for Food      ONTP**  
**Projects**

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

This bill requires any person receiving money appropriated or allocated by the Legislature for the construction of public improvement projects to use 1% of those funds to support food projects according to standards established by the Department of Administrative and Financial Services, Bureau of General Services. When possible, the food projects must be on the grounds of the public improvement project. Food projects include but are not limited to community gardens and landscape trees or plants that provide food.

**LD 607      RESOLUTION, Proposing an Amendment to the Constitution of Maine      MAJORITY**  
**To Require the Governor To Be Elected by a Majority Vote      (ONTP) REPORT**

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

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This resolution proposes to amend the Constitution of Maine to require that a candidate for Governor receive more than 50% of the votes cast to be elected. Currently, the candidate who receives the largest number of votes, regardless of that number's percentage of the total number of votes cast, becomes Governor. This resolution requires a run-off election between the two persons who received the largest number of votes when no candidate received more than 50% of the total number of votes cast. The person who receives the larger number of votes in the run-off election is declared Governor.

**Committee Amendment "A" (S-31)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 644      An Act To Add Transit Services to the Growth Management Program  
Comprehensive Plan**

**MINORITY  
(ONTP) REPORT**

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

This bill amends the laws regarding planning and land use regulation by amending the growth management program comprehensive plan elements to include transit services in the list of existing transportation systems.

**LD 669      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Change the Number of Members of the Legislature, the Length of  
Legislative Sessions and the Requirements for Introduction of Bills in a  
Second Regular Session**

**ONTP**

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

This resolution proposes to amend the Constitution of Maine to reduce the number of members of the Senate from between 31 and 35 to 17 and the number of members of the House of Representatives from 151 to 101 beginning with the 127th Legislature. The resolution also proposes to extend the length of legislative sessions and remove the requirements for introduction of bills in a second regular session.

**LD 681      An Act To Clarify the Operation of the Maine Commission for  
Community Service**

**MAJORITY  
(ONTP) REPORT**

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

This bill makes changes to the Maine Commission for Community Service. It allows the commission to hold no more than four meetings a year. It moves the administrative support for the commission from the Executive

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Department, State Planning Office to the office of the Secretary of State and prohibits the use of General Fund money for the administrative operations of the commission. It prohibits community service programs receiving grants from the commission from charging fees to participating individuals. It requires the Joint Standing Committee on State and Local Government to review the local funding requirements for national service programs to determine whether participation in these programs creates a fiscal burden for municipalities by December 1, 2011. The committee may submit a bill related to the funding requirements in the Second Regular Session of the 125th Legislature.

**Committee Amendment "A" (H-265)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 687 An Act To Contract Out the State Single Audit**

**MAJORITY  
(ONTP) REPORT**

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

This bill requires the State Controller to contract with an independent auditor to conduct the so-called state single audit of State Government every year beginning in 2012. The bill repeals the provision of law that currently gives the responsibility for the state single audit to the Department of Audit.

**Committee Amendment "A" (H-175)**

This amendment, which is the minority report of the committee, adds an appropriations and allocations section.

**LD 701 An Act To Amend Certain Laws Governing County Sheriffs**

**PUBLIC 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP-AM	H-110

This bill describes the procedures that a board of county commissioners must use to determine the salary of the county sheriff. The bill establishes a procedure by which the county sheriff, if dissatisfied with the salary set by the board of county commissioners, may appeal that decision. The bill also describes the duties of the county sheriff.

**Committee Amendment "A" (H-110)**

This amendment makes the following changes to the bill.

1. It corrects a cross-reference in the Maine Revised Statutes, Title 30-A, section 373, subsection 1 that refers to county sheriffs receiving an annual salary as set out in Title 30-A, section 2. Public Law 2003, chapter 696 repealed the reference to the salaries of county officers in Title 30-A, section 2.
2. It removes the requirement for county sheriffs to be paid on intervals no less than once a month.
3. It removes the language that sets up a procedure for a county sheriff to appeal to the Superior Court if the sheriff

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is dissatisfied with the salary.

4. It strikes the words "incidental and irregular" from the section relating to a nonstandard work schedule and clarifies that the county sheriff works irregular hours.

**Enacted Law Summary**

Public Law 2011, chapter 95 requires the board of county commissioners in each county to determine the salary of the county sheriff prior to the election of a sheriff. It clarifies that the county sheriff may work a nonstandard work schedule with irregular hours. It corrects a cross-reference in the Maine Revised Statutes, Title 30-A, section 373, subsection 1 that refers to county sheriffs receiving an annual salary as set out in Title 30-A, section 2. Public Law 2003, chapter 696 repealed the reference to the salaries of county officers in Title 30-A, section 2.

**LD 753      An Act To Establish Juneteenth Independence Day**

**PUBLIC 53**

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

This bill establishes the 3rd Saturday in June as Juneteenth Independence Day to commemorate the day freedom was proclaimed to all slaves in the South.

**Enacted Law Summary**

Public Law 2011, chapter 53 establishes the 3rd Saturday in June as Juneteenth Independence Day to commemorate the day freedom was proclaimed to all slaves in the South.

**LD 769      An Act To Review the Functions of the State Planning Office**

**Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to restructure the Executive Department, State Planning Office. This bill will retain within the State Planning Office those functions that are best performed by that office, and will remove to other offices and entities those functions that will be best performed by organizations other than the State Planning Office. As part of the restructuring, the roles of the regional planning commissions established pursuant to the Maine Revised Statutes, Title 30-A, chapter 119 will be more clearly defined, as will the role of the State Planning Office in the review of comprehensive plans developed pursuant to Title 30-A.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 780      RESOLUTION, Proposing an Amendment to the Constitution of Maine      ONTP**  
**To Limit the Number of Terms Served in Total**

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

This resolution proposes to amend the Constitution of Maine to limit the number of terms of office for State Senators and members of the House of Representatives to 8 terms in total.

**LD 804      RESOLUTION, Proposing an Amendment to the Constitution of Maine      MINORITY**  
**To Establish a Unicameral Legislature      (ONTP) REPORT**

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

This resolution proposes to amend the Constitution of Maine to abolish the Senate and the House of Representatives and to replace them with a unicameral Legislature made up of 151 members, who will be referred to as Senators. This reduction requires a reapportionment plan by the Legislature that convenes in 2013 so that the Legislature elected in November 2016 is unicameral.

**Committee Amendment "A" (H-347)**

This amendment strikes language regarding the applicability of requirements for the House of Representatives and the Senate to provisions regarding the unicameral Legislature, since both the House of Representatives and the Senate would cease to exist if the unicameral Legislature were approved.

**LD 812      An Act To Allow Municipalities the Option To Subsidize Publicly      PUBLIC 114**  
**Owned Bus Stops through Advertising**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARLOW PATRICK	OTP-AM	H-169

This bill allows a municipality or other political subdivision of this State to erect and maintain outdoor advertising signs at a publicly owned bus stop. This bill defines "bus stop" as a place where a public transport bus stops for the purpose of allowing passengers to board or leave the bus. The bill provides that the municipality or political subdivision is responsible for administration of outdoor advertising signs of publicly owned bus stops. This bill requires that any revenue collected by a municipality or other political subdivision through the advertising must be used for transportation purposes, including, but not limited to, maintenance of a publicly owned bus stop.

**Committee Amendment "A" (H-169)**

This amendment removes from the bill the authority of a political subdivision of the State, other than a municipality,

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to erect and maintain advertising signs at a publicly owned bus stop.

**Enacted Law Summary**

Public Law 2011, chapter 114 allows a municipality to erect and maintain outdoor advertising signs at a publicly owned bus stop. "Bus stop" is defined as a place where a public transport bus stops for the purpose of allowing passengers to board or leave the bus. The municipality is responsible for administration of outdoor advertising signs of publicly owned bus stops. Any revenue collected by a municipality through the advertising must be used for transportation purposes, including, but not limited to, maintenance of a publicly owned bus stop.

**LD 840 An Act Regarding the Hiring of Immediate Family Members in State Government**

**MAJORITY (ONTP) REPORT**

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

This bill requires the Governor, the Legislature and the constitutional officers to hire or promote staff within those offices based on qualifications and prohibits the hiring of family or household members. This bill also prohibits an employee from supervising a family or household member of that employee, which includes a spouse, domestic partner, parent, natural or legally adopted child, stepchild, sibling, father-in-law, mother-in-law, brother-in-law or sister-in-law. It does not apply to anyone hired or promoted in those offices prior to October 1, 2011.

**LD 854 An Act To Require the Treasurer of State To Publish All State Liabilities**

**PUBLIC 188**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-148

This bill requires the Treasurer of State to publish all liabilities of the State on the publicly accessible portion of the treasurer's website.

**Committee Amendment "A" (S-148)**

This amendment specifies that the Treasurer of State must publish by July 31st of each year the latest information available regarding the liabilities of the State as of June 30th of that year. It also clarifies that "liabilities of the State" does not include state contracts for goods and services or vendor information.

**Enacted Law Summary**

Public Law 2011, chapter 188 requires the Treasurer of State to publish by July 31st of each year the latest information available regarding the liabilities of the State as of June 30th of that year. "Liabilities of the State" includes all state debts, loans, bonds, unfunded liabilities and promises to pay, including issued and unissued bonds, pension liabilities, promises to provide health insurance in future years, Maine Governmental Facilities Authority bonds and any other debt or obligation that the State has guaranteed or promised to pay, but does not include state contracts for goods and services or vendor information.

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**LD 904      An Act To Make Changes to Boards and Commissions Concerning  
Membership, Appointments and Terms**

**DIED BETWEEN  
HOUSES**

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

This bill makes the following changes to boards and commissions established by the Legislature.

1. The suggested legislation currently required by law to be submitted by the Secretary of State to the joint standing committee of the Legislature having jurisdiction over state government matters must include provisions to repeal any board that has had vacancies in 2/3 or more of its membership for more than one year. The number of vacancies and the length of those vacancies are already included in the annual report from each board to the Secretary of State.
2. A member whose appointed term has expired and for whom no replacement member has been appointed may serve no more than an additional 12 months without formal reappointment.
3. A member of a board may serve no more than four terms on that board or the number of terms as provided by the statute governing the board, whichever is less.
4. The clerk of a board shall notify the Secretary of State of vacancies. The Secretary of State shall post all vacancies on a publicly accessible website. The posting must include brief information about the board, the requirements for the member, the length of the member's term and contact information for the appointing authority.

**Committee Amendment "A" (H-182)**

This amendment strikes the section of the bill that requires the Secretary of State to include in suggested legislation repeal of a board with vacancies in 2/3 or more of its membership. It also removes the section relating to term limits. The amendment requires that the Secretary of State post an annual report of appointments and reappointments to boards and commissions rather than a continuously updated list of vacancies. It also specifies that members of boards and commissions with expired terms may serve for 12 months after September 1, 2011 without being appointed to another term.

**LD 940      An Act To Increase Access to State Rule-making Notices**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-445

This bill eliminates the requirement that the Secretary of State publish proposed and adopted rules in the newspaper beginning July 1, 2012. It requires the Department of Administrative and Financial Services to issue a contract to provide a website for rulemaking notices in accordance with the competitive bid process pursuant to the Maine Revised Statutes, Title 5, chapter 155. The website must be fully operational no later than July 1, 2012.

**Committee Amendment "A" (H-445)**

**Joint Standing Committee on State and Local Government**

This amendment replaces the bill. It requires the Secretary of State to publish adopted rule notices only on the publicly accessible website maintained by the Secretary of State. The bill removes all proposed and adopted rules from publication in the newspaper beginning July 1, 2012. The amendment also requires the General Fund savings from reducing newspaper publication to be allocated to the Secretary of State to be used for improving the website and requires the Secretary of State to submit a progress report to the Joint Standing Committee on State and Local Government by January 15, 2012. The amendment also adds an appropriations and allocations section.

The substance of this amendment was incorporated into Public Law 2011, chapter 380, the biennial budget, and the bill died on the appropriations table on adjournment.

**LD 942      An Act To Exempt Municipalities from Indemnification Provisions in State Contracts      ONTP**

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

This bill provides that the State, including state agencies, boards, commissions and departments, may not, by written agreement, require that it be held harmless or indemnified by a municipality for claims, unless grounded in bodily injury, including death, or property damage resulting from the sole negligence of the municipality or its agents, servants or employees.

**LD 953      An Act To Establish the Maine Science Advisory Board      ONTP**

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

This bill establishes the Maine Science Advisory Board. The Board consists of 16 members, serving 4 year terms, appointed by the Governor and the presiding officers. The Board shall summarize pertinent scientific studies with an emphasis on studies relevant to the subject of concern to the Legislature in an objective fashion understandable to legislators.

**LD 954      An Act To Promote Rural Job Creation and Workforce Development      ACCEPTED REPORT B (ONTP)**

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

This bill gives a preference in state contracting to bidders who primarily employ residents of the State and to bidders who coordinate with regional workforce development programs and who fill at least 20% of positions on the project with low-income or long-term unemployed people. The bill requires that successful bidders on public building or

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public works contracts with the State, counties, cities and towns and every charitable or educational institution that is supported in whole or in part by aid granted by the State or by a municipality commit to coordinate with regional workforce development programs and make best efforts to hire low-income and long-term unemployed people. The bill also requires state public works programs to give hiring preference to residents of the county where the work is being performed.

**Committee Amendment "A" (S-189)**

This amendment strikes out the sections of the bill relating to preferences for state bids. It also strikes out the section that gives preference in hiring residents of the county where the work on a public works project is being performed.

**LD 973      An Act To Shorten the Legislative Sessions**

**ACCEPTED  
ONTP REPORT**

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

This bill shortens legislative sessions beginning with the 126th Legislature by setting a statutory adjournment date of April 15th for the first regular session and March 15th for the second regular session. It also correspondingly reduces the salary paid to legislators by 30% beginning with the 126th Legislature. It requires a special session of the Legislature to adjourn no later than five legislative days after its convening.

**Committee Amendment "A" (H-190)**

This amendment, which is the minority report of the committee, shortens the legislative sessions beginning with the 126th Legislature by setting a statutory adjournment date of May 15th for the first regular session, rather than April 15th as in the bill, and April 15th for the second regular session, rather than March 15th. It reduces the salary paid to Legislators by 10% beginning with the 126th Legislature, rather than 30% as in the bill. The amendment also adds an appropriations and allocations section.

**LD 984      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Require a Two-thirds Vote To Approve the Issuance of a Bond or  
Security by the Maine Governmental Facilities Authority**

**FINAL PASSAGE  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE ROSEN R	ONTP MAJ OTP-AM MIN	H-304 S-182 KATZ

This resolution proposes to amend the Constitution of Maine to require a 2/3 vote of both Houses of the Legislature to authorize a bond or security to be issued by the Maine Governmental Facilities Authority.

**Committee Amendment "A" (H-304)**

This amendment is the minority report of the committee and incorporates a fiscal note.

**Senate Amendment "A" (S-182)**

**Joint Standing Committee on State and Local Government**

This amendment exempts from the 2/3 vote requirement bonds or securities authorized by the Legislature prior to January 1, 2011.

**LD 987      An Act Regarding the Sale of Surplus Land Owned by the Department of Transportation      ONTP**

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

This bill provides guidelines for the sale of land in a residential area that is owned by the Department of Transportation and being sold by the Governor including provisions for the notification of the affected municipalities and abutting landowners.

**LD 1002      An Act To Encourage Affordable Housing in Municipal Zoning      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to increase the availability of workforce housing and affordable housing. It proposes to create tools for municipalities to use to encourage developers to offer density bonuses, reduced lot sizes and other incentives for affordable housing.

**LD 1008      Resolve, To Encourage State Agencies To Limit Their Use of Social Security Numbers      RESOLVE 56**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNAPP	OTP-AM	H-303

This bill prohibits state agencies from including an individual's social security number in written correspondence. The prohibition does not apply to federal forms or tax forms. The bill defines "state agency" to mean the State and any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans' Homes, the Maine Public Employees Retirement System, the Maine Military Authority and all such other state entities.

**Committee Amendment "A" (H-303)**

This amendment replaces the bill with a resolve that requires the Department of Administrative and Financial Services to create a policy to provide guidance to state agencies to limit their use of social security numbers in outgoing written correspondence and interdepartmental correspondence by either not including a social security number or using only the last four digits of a number.

**Enacted Law Summary**



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**LD 1125    An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act**

**PUBLIC 244**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND THOMAS	OTP-AM	H-334

This bill implements the statutory recommendations of the Joint Standing Committee on State and Local Government resulting from its study of the Maine Administrative Procedure Act pursuant to Resolve 2009, chapter 207. This bill clarifies that a provisionally adopted major substantive rule submitted for legislative review after the statutory deadline for submission may not be finally adopted unless legislation authorizing its adoption is enacted into law or the agency follows the procedure under the Maine Revised Statutes, Title 5, section 8072 as amended in this bill and the Legislature fails to act. This bill also specifies that an emergency rule must include the agency's findings with respect to the existence of an emergency in a section labeled "findings" and that emergency rules proposed or adopted in whole or in part to satisfy the requirements of a temporary curtailment order must include a specification in the rule of the dollar amount of curtailed funds attributable to each change adopted in the rule.

**Committee Amendment "A" (H-334)**

This amendment removes the language of proposed rules from the provisions relating to emergency rules because emergency rules are only adopted and not proposed. The amendment also clarifies that the findings for an emergency rule must be included in the basis statement for the rule and not the rule itself.

**Enacted Law Summary**

Public Law 2011, chapter 244 implements the statutory recommendations of the Joint Standing Committee on State and Local Government resulting from its study of the Maine Administrative Procedure Act pursuant to Resolve 2009, chapter 207. It clarifies that a provisionally adopted major substantive rule submitted for legislative review after the statutory deadline for submission may not be finally adopted unless legislation authorizing its adoption is enacted into law, or the agency follows the procedure under the Maine Revised Statutes, Title 5, section 8072 as amended in this law and the Legislature fails to act. It also specifies that the basis statement for an emergency rule must include a "findings" section that describes the existence of an emergency. Emergency rules adopted in whole or in part to satisfy the requirements of a temporary curtailment order must include a specification in the rule of the dollar amount of curtailed funds attributable to each change adopted in the rule.

**LD 1128    An Act To Modify the Requirements for Municipal Code Enforcement Officer Training**

**MAJORITY (ONTP) REPORT**

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

This bill transfers the responsibility to train municipal code enforcement officers from the Executive Department, State Planning Office to the Maine Community College System and transfers the responsibility to certify municipal code enforcement officers from the State Planning Office to the Department of Professional and Financial Regulation.

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**Committee Amendment "A" (H-601)**

This amendment adds an appropriations and allocations section to the bill.

**LD 1144 An Act To Repeal Inactive Boards and Commissions**

**PUBLIC 344**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-472

This bill repeals boards and commissions that have failed to file an annual report as required by the Maine Revised Statutes, Title 5, section 12005-A for 2009 or 2010 and those that have reported inactivity during 2009 and 2010.

1. The boards and commissions repealed for failing to file annual reports are:

- A. Acquired Brain Injury Advisory Council;
- B. Advisory Board of the Maine Learning Technology Fund;
- C. Advisory Committee on School Psychological Service Providers;
- D. Board of Directors of the Mixed Martial Arts Authority of Maine;
- E. Board of Trustees of the Maine School of Science and Mathematics;
- F. Commission to Protect the Lives and Health of Members of the Maine National Guard;
- G. Driver Education and Evaluation Programs Appeals Board;
- H. Interagency Review Panel;
- I. Interdepartmental Committee on Transition;
- J. Lobster Advisory Council;
- K. Maine Council of Poverty and Economic Security;
- L. Maine Food Policy Council;
- M. Maine Fuel Board;
- N. Maine Quality of Place Council;
- O. Maine Vaccine Board;
- P. New England Board of Higher Education;
- Q. Prison Industries Advisory Council;

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- R. Probate and Trust Law Advisory Commission;
  - S. Publicly Supported Private Secondary School Advisory Council;
  - T. Seed Potato Board;
  - U. State Employee Health Commission; and
  - V. We Support Our Troops Advisory Board.
2. The boards and commissions repealed for inactivity are:
- A. Advisory Board for the Licensing of Taxidermists;
  - B. Advisory Committee on Fair Competition with Private Enterprise;
  - C. Aquaculture Advisory Council;
  - D. Education Commission of the States;
  - E. Judicial Compensation Commission;
  - F. Maine Biomedical Research Board;
  - G. Maine Drug Enforcement Agency Advisory Board;
  - H. Notary Public Review Board;
  - I. Policy Review Council;
  - J. Railroad Crossing Information Council;
  - K. Submerged Lands Advisory Board; and
  - L. Travel Information Advisory Council.

### **Committee Amendment "A" (H-472)**

This amendment removes the following boards and commissions from the bill so that they will not be repealed:

- 1. Acquired Brain Injury Advisory Council;
- 2. Advisory Board for the Licensing of Taxidermists;
- 3. Advisory Board of the Maine Learning Technology Fund;
- 4. Advisory Committee on Fair Competition with Private Enterprise;
- 5. Advisory Committee on School Psychological Service Providers;
- 6. Board of Directors of the Mixed Martial Arts Authority of Maine;
- 7. Board of Trustees of the Maine School of Science and Mathematics;

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8. Driver Education and Evaluation Programs Appeals Board;
9. Interagency Review Panel;
10. Judicial Compensation Commission;
11. Lobster Advisory Council;
12. Maine Biomedical Research Board;
13. Maine Drug Enforcement Agency Advisory Board;
14. Maine Fuel Board;
15. Maine Quality of Place Council;
16. Maine Vaccine Board;
17. New England Board of Higher Education;
18. Prison Industries Advisory Council;
19. Probate and Trust Law Advisory Commission;
20. Seed Potato Board; and
21. State Employee Health Commission.

It also removes the Railroad Crossing Information Council from the bill because it has already been repealed in Public Law 2011, chapter 79. The amendment also corrects cross-references for boards and commissions that are being repealed in the bill. The amendment changes the year that the Secretary of State is required to submit suggested legislation to the joint standing committee of the Legislature having jurisdiction over state government matters to on or before January 30th in the second regular session of the biennium instead of in the first regular session. Suggested legislation for the Second Regular Session of the 125th Legislature may only include boards that did not file an annual report of activities for 2011 and will not include boards that have reported inactivity for that one year.

### **Enacted Law Summary**

Public Law 2011, chapter 344 repeals the following boards and commissions that failed to file an annual report as required by the Maine Revised Statutes, Title 5, section 12005-A for 2009 or 2010 or reported inactivity during 2009 and 2010:

1. Aquaculture Advisory Council;
2. Commission to Protect the Lives and Health of Members of the Maine National Guard;
3. Education Commission of the States;
4. Interdepartmental Committee on Transition;
5. Maine Council of Poverty and Economic Security;

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- 6. Maine Food Policy Council;
- 7. Notary Public Review Board;
- 8. Policy Review Council;
- 9. Publicly Supported Private Secondary School Advisory Council;
- 10. Submerged Lands Advisory Board;
- 11. Travel Information Advisory Council; and
- 12. We Support Our Troops Advisory Board.

Public law 2011, chapter 344 also changes the year that the Secretary of State is required to submit suggested legislation to the joint standing committee of the Legislature having jurisdiction over state government matters to on or before January 30th in the second regular session of the biennium instead of in the first regular session. Suggested legislation for the Second Regular Session of the 125th Legislature may only include boards that did not file an annual report of activities for 2011 and will not include boards that have reported inactivity for that one year.

**LD 1183      Resolve, Directing the Maine Community College System To Extinguish      RESOLVE 33**  
**Certain Easements**

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

This resolve directs the Maine Community College System to extinguish any easement rights it holds in property it conveyed pursuant to Resolve 2007, chapter 116, section 1.

**Enacted Law Summary**

Resolve 2011, chapter 33 directs the Maine Community College System to extinguish any easement rights it holds in property it conveyed pursuant to Resolve 2007, chapter 116, section 1.

**LD 1213      An Act To Provide Funding for a Convention Center or Civic Center in      ONTP**  
**Cumberland County**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to provide a funding mechanism, including a local option tax, for the construction or renovation of a convention center or civic center in Cumberland County.

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**LD 1220 An Act To Improve the Workplace for State Employees**

**ONTP**

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

This bill amends Public Law 2003, chapter 20, Part U, which directs all state agencies to implement measures to reduce energy consumption, to allow a manager or supervisor to regulate the thermostat to ensure that an entire work area reaches the required temperature and to allow the use of ceramic space heaters.

**LD 1221 An Act To Encourage Prompt Payments by the State When It Contracts with Outside Agencies**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SULLIVAN	OTP-AM	H-389 H-594 MOULTON

Current law allows a vendor to charge a reasonable late fee if a state agency does not make the required payment for an invoice on time. This bill requires a state agency that does not make the required payment on time to pay a late fee of 1.5% per month unless the contract includes a different amount to be levied if payment is late.

**Committee Amendment "A" (H-389)**

This amendment changes the rate of a late fee if a state agency does not make the required payment for an invoice on time from 1.5% to 1% per month of the amount owed unless the contract includes a different amount to be levied if payment is late.

**House Amendment "B" (H-594)**

This amendment adds an emergency preamble and emergency clause to the bill and specifies that the legislation applies to contracts entered into on or after the effective date.

This bill died on the appropriations table on adjournment.

**LD 1223 An Act Regarding Credit Card Transactions for InforME Services**

**ONTP**

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

This bill requires any fee charged for using a credit card to pay a municipal charge, such as a tax or license fee, through the InforME system to be paid by the user and not the municipality.

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The substance of this bill was incorporated into LD 1521 which was enacted as Public Law 2011, chapter 321.

**LD 1248 An Act To Require Approval by the Voters of Legislation To Enact or Increase a Tax or Fee**

**MAJORITY  
(ONTP) REPORT**

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

This bill provides that a measure enacted by the Legislature that would create or increase a tax or fee may not take effect until the measure has been approved by the voters at the next statewide election and requires the Secretary of State to post information regarding the measure on its website and include the information on the ballot.

**Committee Amendment "A" (S-224)**

This amendment, which is the minority report of the committee, replaces the bill and requires the creation or increase of a tax generating \$10,000,000 or more annually to be approved by the voters unless the measure is approved by a vote of 2/3 of all the members elected to each chamber of the Legislature. It also removes the requirement that the Secretary of State prepare information about how the projected new revenue is intended to be used.

**LD 1257 An Act Regarding Labor Contracts for Public Works Projects**

**PUBLIC 463**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM MAJ ONTP MIN	S-254 S-318 THOMAS

This bill provides that the plans, specifications and contract documents for a public works project may not require bidders, contractors or subcontractors to enter into or comply with certain agreements with labor organizations. The bill also provides a cause of action to challenge the awarding of a contract that violates these provisions.

**Committee Amendment "A" (S-254)**

This amendment, which is the majority report of the committee, specifies that a public authority may not impose as a condition of awarding a bid a requirement on an employer to enter into or comply with certain agreements with labor organizations. The amendment removes an employee of a bidder, contractor or subcontractor for a public works contract and a taxpayer from the definition of "interested party," which describes those who have standing to bring action to challenge the awarding of a public works contract for violating these provisions. It clarifies that the court determines other appropriate relief to be awarded in an action rather than stating that an interested party that prevails in an action is entitled to any other appropriate relief requested by that party.

**Senate Amendment "C" To Committee Amendment "A" (S-318)**

This amendment specifies that for public works contracts entered into by the Department of Transportation and the Maine Turnpike Authority for a construction project awarded or renewed from October 1, 2011 to October 1, 2015, the contract may not include, as a condition of awarding a bid, a requirement on an employer to enter into or comply

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with certain agreements with labor organizations. A project may be exempted from this requirement if special circumstances require an exemption and it is in the best economic interest of the project. The amendment also removes the language relating to penalties for violation and corrects a clerical error regarding the scope of application of a definition section.

**Enacted Law Summary**

Public Law 2011, chapter 463 provides that for public works contracts entered into by the Department of Transportation and the Maine Turnpike Authority for a construction project awarded or renewed from October 1, 2011 to October 1, 2015, the contract may not include, as a condition of awarding a bid, a requirement on an employer to enter into or comply with certain agreements with labor organizations. A project may be exempted from this requirement if special circumstances require an exemption and it is in the best economic interest of the project.

**LD 1261 An Act Relating to Selection of Constitutional Officers and the State Auditor**

**MAJORITY  
(ONTP) REPORT**

Sponsor(s)

PLOWMAN

Committee Report

ONTP MAJ  
OTP-AM MIN

Amendments Adopted

This bill provides a mechanism for a voter referendum on candidates for Secretary of State, Treasurer of State and Attorney General. Nomination, party qualification and manner of filling vacancies leading up to the referendum are conducted in the same manner as for candidates for Governor. The selection of individuals to hold the offices of Secretary of State, Treasurer of State and Attorney General continues to be made by the Legislature as provided in the Constitution of Maine. The bill also provides for the election of the State Auditor by the voters.

**Committee Amendment "A" (S-44)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**LD 1297 An Act Relating to the Qualifications for the Position of Municipal Officer**

**ONTP**

Sponsor(s)

COTTA  
SHERMAN

Committee Report

ONTP

Amendments Adopted

This bill prohibits, in municipalities that do not have a town manager, a municipal officer or selectman from being an employee of that same town at the same time the person is serving as a municipal officer. The bill allows a municipal officer who is an employee of the municipality on the effective date of this Act to serve the remainder of the municipal officer's term, and if the municipal officer is running for reelection and the election is within six months of the effective date of this Act, the municipal officer may serve the next term if the municipal officer is reelected.

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**LD 1312      An Act To Require That Notaries Public Keep Records of Notarial Acts      INDEF PP**

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

This bill requires record keeping for all notarial acts performed by a notary public.

**Committee Amendment "A" (S-117)**

This amendment changes the provision of the bill that permits a notary public to accept identification documents for witnesses and instead requires a credible witness to be personally known to the notary public. It also allows the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public if the notary public fails to perform the record keeping required by law.

**LD 1321      RESOLUTION, Proposing an Amendment to the Constitution of Maine      LEAVE TO  
To Allow for the Appointment of County Sheriffs, Judges and Registers      WITHDRAW  
of Probate**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS WOODBURY	LTW	

This resolution proposes to amend the Constitution of Maine to allow a county with a county charter that includes a provision for the county commissioners to appoint judges of probate, registers of probate and sheriffs. It does not change the requirement for these positions to be elected if the county has not adopted a charter or has adopted a charter that does not provide for the appointment of these positions. Resolve 1967, chapter 77 repealed the Constitution of Maine, Article VI, Section 6, regarding the election of judges and registers of probate, contingent upon the Legislature's enactment of a different Probate Court system with full-time judges. That contingency has not occurred, allowing for this constitutional amendment.

**LD 1343      An Act To Limit Interest Assessed against Municipalities      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILLWAY COLLINS	OTP-AM	H-323

This bill prohibits a business concern from charging a municipality interest on a proper invoice submitted to the municipality less than 26 days after receipt of the invoice by the municipality.

**Committee Amendment "A" (H-323)**

This amendment changes the amount of time that a business concern is prohibited from charging a municipality interest on the balance of a proper invoice from 26 days to 30 days. It also exempts public utilities from the



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proceedings concerning the proposed rule or modification of a rule.

**Committee Amendment "A" (H-368)**

This amendment replaces the bill. It requires agencies to post on their websites proposed and adopted rules or provide a link to the rules posted on the Secretary of State's website.

**Enacted Law Summary**

Public Law 2011, chapter 326 requires agencies to post on their websites proposed and adopted rules or provide a link to the rules posted on the Secretary of State's website.

**LD 1416 An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code**

**PUBLIC 408**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE THIBODEAU	OTP-AM MAJ ONTP MIN	H-553

Current law requires the adoption of the Maine Uniform Building and Energy Code by all municipalities with more than 2,000 residents by July 1, 2012, including those municipalities without a building code. An ordinance that conflicts with the Maine Uniform Building and Energy Code is considered void as of December 1, 2010. Beginning December 1, 2012, this bill requires a municipality, regardless of size, that has adopted a building code, including a building code or portion of a building code related to residential, commercial or existing structures or an energy code, as of January 1, 2011, to adopt the comparable portion of the Maine Uniform Building and Energy Code. The municipality is required to adopt only that portion of the Maine Uniform Building and Energy Code that relates to the code already in place in that municipality. This bill also delays voidance of a conflicting municipal ordinance until December 1, 2012.

**Committee Amendment "A" (H-553)**

This amendment, which is the majority report of the committee, replaces the bill. It changes the threshold for municipalities that must adopt the Maine Uniform Building and Energy Code from municipalities with more than 2,000 residents to municipalities with more than 4,000 residents. It requires the Technical Building Codes and Standards Board to adopt, amend and maintain an individual uniform statewide building code and a uniform statewide energy code that municipalities up to 4,000 residents may choose to adopt. If a municipality with up to 4,000 residents chooses to adopt a building code or an energy code it must adopt the statewide version adopted by the Technical Building Codes and Standards Board, or it may adopt the entire Maine Uniform Building and Energy Code. A municipality with up to 4,000 residents may choose to have no code.

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

This amendment strikes Committee Amendment "A" and the bill and replaces them with language that gives municipalities the option to exempt from the Maine Uniform Building and Energy Code any residential remodeling or additions on single-family residential buildings constructed prior to December 1, 2010. This amendment was not adopted.

**Enacted Law Summary**

Public Law 2011, chapter 408 changes the threshold for municipalities that must adopt the Maine Uniform Building and Energy Code from municipalities with more than 2,000 residents to municipalities with more than 4,000 residents. It requires the Technical Building Codes and Standards Board to adopt, amend and maintain an individual uniform statewide building code and a uniform statewide energy code that municipalities up to 4,000 residents may choose to adopt. If a municipality with up to 4,000 residents chooses to adopt a building

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code or an energy code it must adopt the statewide version adopted by the Technical Building Codes and Standards Board, or it may adopt the entire Maine Uniform Building and Energy Code. A municipality with up to 4,000 residents may choose to have no code.

**LD 1442 An Act To Clarify Enforcement of Maine's Building Codes**

**ONTP**

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

This bill makes the following changes to the Maine Uniform Building and Energy Code:

1. It clarifies that the Code must be adopted and enforced by all municipalities with a population of more than 2,000 residents by July 1, 2012;
2. It clarifies that a municipal ordinance that is inconsistent with the Code is void in a municipality that has adopted the Code. This provision applies retroactively to the date of adoption of the Code, which is December 1, 2010 for certain municipalities;
3. It requires the Maine Land Use Regulation Commission to provide written notice of the existence of the Code to an applicant for a building permit in an unorganized or deorganized territory; and
4. It prohibits a person from serving as a 3rd-party inspector for the purposes of enforcing the Code in a municipality in which that person is appointed a building official.

**LD 1445 An Act To Provide More Efficient Notice of Public Activities**

**ONTP**

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

This bill changes the requirement for public notices to be published in a newspaper. Beginning July 1, 2013, a state agency may no longer publish a legal notice, legal advertising or other matter required by law to be published in a newspaper but must instead post such notices on a publicly accessible website maintained by the State. "State agency" is defined as any unit of State Government, including any state board or commission but not including the Legislature, the Judicial Department, the University of Maine System, the Maine Community College System and the Maine Maritime Academy. The Secretary of State and the Commissioner of Administrative and Financial Services shall contact all state agencies to determine all instances of legal notice publication requirements existing in the Maine Revised Statutes and request recommendations from those agencies regarding which notices should continue to be published in a newspaper after July 1, 2013. The Secretary of State and the Commissioner of Administrative and Financial Services shall jointly submit a report based on the recommendations from the state agencies, along with any necessary implementing legislation to the Joint Standing Committee of State and Local Government by December 15, 2012, and the committee is authorized to report out legislation to enact those recommendations.

*Joint Standing Committee on State and Local Government*

**LD 1460 An Act Concerning the Recording of Plans for Subdivisions**

**PUBLIC 245**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-175

This bill requires a municipality to allow at least 90 days to record a subdivision plan, plat or document after municipal approval.

**Committee Amendment "A" (S-175)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2011, chapter 245 requires a municipality to allow at least 90 days to record a subdivision plan, plat or document after municipal approval.

**LD 1476 An Act To Streamline the County Budget Process**

**ONTP**

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

This bill amends the county budget procedures for York County and Waldo County in the following ways.

1. For York County, this bill renames the York County Budget Committee the York County Budget Advisory Committee, requires 5 of the 10 voting members to be from the public and requires its chair be an appointed public member. This bill also requires a unanimous vote by the York County commissioners to amend the budget sent to them by the York County Budget Advisory Committee, changes the provisions concerning interim budgets and adds provisions concerning budget amendments.

2. For Waldo County, this bill renames the Waldo County Budget Committee the Waldo County Budget Advisory Committee, requires 6 of the 9 voting members to be from the public and requires its chair be an appointed public member. This bill also requires a unanimous vote by the Waldo County commissioners to amend the budget sent to them by the Waldo County Budget Advisory Committee, changes provisions concerning interim budgets and amends the provisions concerning budget amendments.

**LD 1481 An Act To Require the State To Transfer Employee Pension Premium Payments to the Employee's Pension Plan within 2 Business Days**

**ONTP**

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

*Joint Standing Committee on State and Local Government*

This bill provides the requirement that payroll deductions for individual retirement accounts, simplified employee pension plans and tax-deferred arrangements for state employees must be transferred into the accounts within two business days of the deduction.

**LD 1492 An Act To Ensure Accountability in State Contracts**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND	ONTP MAJ OTP-AM MIN	S-262 S-278 ALFOND

This bill requires any request for proposal or solicitation of a bid by the State for a contract for the provision of property, products or services by the state budget to include certain defining information and requires the information to be posted on the publicly accessible portion of the Department of Administrative and Financial Services website.

**Committee Amendment "A" (S-262)**

This amendment, which is the minority report of the committee, clarifies that the posting of information on the website of the Department of Administrative and Financial Services relates to contracts for purchases and not to contracts in a budget. It also moves the provision from the chapter on general provisions of finance to the chapter on purchases in the Maine Revised Statutes. It removes the language relating to posting information on the estimated cost of providing the products or services and the estimated number of employees required to fulfill the contract.

**Senate Amendment "A" To Committee Amendment "A" (S-278)**

This amendment provides that the collection and posting of information on the website of the Department of Administrative and Financial Services applies only to contracts that exceed \$1,000,000.

This bill died on the appropriations table on adjournment.

**LD 1499 An Act Concerning Fees for Users of County Registries of Deeds**

**PUBLIC 378  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTTA KATZ	OTP-AM	H-503 S-280 THOMAS

This bill allows county commissioners to consider the revenue needs of the county in establishing reasonable fees for copies and abstracts provided by the registry of deeds offices.

**Committee Amendment "A" (H-503)**

The bill requires county commissioners to consider the revenue needs of the county in setting reasonable fees for making abstracts and copies from records. This amendment replaces that provision with a set charge of \$1 for paper copies and 50¢ for digital copies. These per page fees apply to all copies, including requests for bulk transfers of

*Joint Standing Committee on State and Local Government*

copies. The amendment specifies that the legislative intent is that fees that have been authorized by the counties in the past are considered reasonable. The amendment retains the retroactive application to September 1, 2009 but removes reference to pending litigation.

**Senate Amendment "A" To Committee Amendment "A" (S-280)**

This amendment provides that the fees that may be collected by a register of deeds are \$5 per page for making paper abstracts and copies of plans, \$1 per page for other paper abstracts and copies, 50¢ per page for digital abstracts and copies and 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records. The amendment also repeals the fee changes July 31, 2012 and restores current fee provisions on that date.

**Enacted Law Summary**

Public Law 2011, chapter 378 sets the fees that may be collected by a register of deeds. The fees are \$5 per page for making paper abstracts and copies of plans, \$1 per page for other paper abstracts and copies, 50¢ per page for digital abstracts and copies and 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records. This law applies retroactively to September 1, 2009. The fees set in this law are repealed on July 31, 2012 and the current fee provisions are restored on that date.

Public Law 2011, chapter 378 was enacted as an emergency measure effective June 16, 2011.

**LD 1518      An Act To Make Changes to the Laws Regarding Notice and      ONTP  
Publication of Unclaimed Property**

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

This bill amends the Uniform Unclaimed Property Act to remove the requirement that the Treasurer of State publish in a newspaper of general circulation in Maine a notice of unclaimed property that has been paid or delivered to the treasurer.

**LD 1533      An Act To Provide for a Method To Remove an Elected Municipal      PUBLIC 324  
Official      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON THOMAS	OTP-AM	H-480

This bill establishes a procedure to recall an elected municipal official if that municipality's ordinances or charter do not address the issue. An elected official may be the subject of a recall only for neglect of duty, misconduct or malfeasance in office and after being given a written statement of the charges.

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

This amendment narrows the circumstances under which an elected municipal official can be recalled. It requires the elected municipal official to have been convicted of a crime in which the criminal conduct occurred during the official's term of office and in which the victim of the crime is the municipality.

**Senate Amendment "A" (S-264)**



*Joint Standing Committee on State and Local Government*

Commissioner of Administrative and Financial Services to complete the sale or lease of properties in Bangor, Augusta, Skowhegan, Frenchville and Hallowell as set out in Resolve 2003, chapter 92, Resolve 2005, chapters 177 and 209 and Resolve 2007, chapter 150. The resolves authorizing the sale or lease of these properties were repealed by their own terms before the sales were complete.

**LD 1572      RESOLUTION, Proposing an Amendment to the Constitution of Maine      DIED BETWEEN  
To Provide for the Popular Election of the Secretary of State, Attorney      HOUSES  
General, Treasurer of State and State Auditor**

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

This resolution proposes a constitutional amendment that provides for direct popular election beginning in 2012 of the Secretary of State, the Treasurer of State and the Attorney General biennially and for direct popular election of the State Auditor every 4 years in the manner currently provided for Senators and Representatives.

**Committee Amendment "A" (S-153)**

This amendment, which is the minority report of the committee, proposes a constitutional amendment to provide that, beginning in 2014, the Secretary of State, the Treasurer of State and the Attorney General be elected by the people every 4 years in the same manner as members of the Senate and House of Representatives. The amendment also removes a provision in the resolution that provides for the popular election of the State Auditor.

**LD 1584      Resolve, To Allow the State To Continue Efforts To Sell or Lease      RESOLVE 99  
Certain Real Property in the City of Hallowell      EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT MCCORMICK	OTP-AM	H-627

Current law authorizes the State to sell or lease certain real property in the City of Hallowell. This resolve authorizes the extension of the terms of the lease with the school administrative unit that includes the City of Hallowell and references the actual property description of the subject property rather than referencing the legislation authorizing the sale or lease.

**Committee Amendment "A" (H-627)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2011, chapter 99 authorizes the extension of the terms of the lease with the school administrative unit that includes the City of Hallowell during the process of the state selling or leasing certain real property in the City of Hallowell.

Resolve 2011, chapter 99 was finally passed as an emergency measure effective June 22, 2011.

*Joint Standing Committee on State and Local Government*

**LD 1588    An Act To Provide Funding for the Reapportionment Commission**

**PUBLIC 418  
EMERGENCY**

Sponsor(s)

NUTTING  
RAYE

Committee Report

Amendments Adopted

H-677 CURTIS

This bill moves a portion of the funding for reapportionment from fiscal year 2012-13 to fiscal year 2011-12 to fund the reapportionment of the State's congressional districts.

**House Amendment "A" (H-677)**

This amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2011, chapter 418 moves a portion of the funding for reapportionment from fiscal year 2012-13 to fiscal year 2011-12 to fund the reapportionment of the State's congressional districts. Public Law 2011, chapter 418 was enacted without reference to any committee.

Public Law 2011, chapter 418 was enacted as an emergency measure effective July 1, 2011.

*Joint Standing Committee on State and Local Government*

**SUBJECT INDEX**

*Boards and Commissions*

Enacted

LD 1144      **An Act To Repeal Inactive Boards and Commissions**      **PUBLIC 344**

Not Enacted

LD 904      **An Act To Make Changes to Boards and Commissions  
Concerning Membership, Appointments and Terms**      **DIED BETWEEN  
HOUSES**

*Constitutional Officers*

Not Enacted

LD 33      **An Act To Prohibit Constitutional Officers from Endorsing  
Candidates for the Legislature**      **ONTP**

LD 1261      **An Act Relating to Selection of Constitutional Officers and the  
State Auditor**      **MAJORITY  
(ONTP) REPORT**

LD 1572      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Provide for the Popular Election of the Secretary of  
State, Attorney General, Treasurer of State and State Auditor**      **DIED BETWEEN  
HOUSES**

*County Budget Process*

Not Enacted

LD 1476      **An Act To Streamline the County Budget Process**      **ONTP**

*County Government*

Enacted

LD 174      **An Act To Amend the Law Governing Employment, Discipline  
and Dismissal of Chief Deputy Sheriffs**      **PUBLIC 15**

LD 701      **An Act To Amend Certain Laws Governing County Sheriffs**      **PUBLIC 95**

LD 1499      **An Act Concerning Fees for Users of County Registries of Deeds**      **PUBLIC 378  
EMERGENCY**

Not Enacted

LD 344      **An Act To Authorize Cumberland County To Offer Certain  
Educational Services**      **ONTP**

LD 345	An Act To Modernize the Functions of County Government	ONTP
LD 1321	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow for the Appointment of County Sheriffs, Judges and Registers of Probate	LEAVE TO WITHDRAW
LD 1550	An Act To Change Document Filing Fees for County Registries of Deeds	Carried Over

*Departments and Agencies of State Government*

Enacted

LD 128	An Act To Provide Access to State Forms	PUBLIC 33
LD 854	An Act To Require the Treasurer of State To Publish All State Liabilities	PUBLIC 188
LD 1008	Resolve, To Encourage State Agencies To Limit Their Use of Social Security Numbers	RESOLVE 56

Not Enacted

LD 32	An Act To Require an Independent Audit of State Government Every 4 Years	MAJORITY (ONTP) REPORT
LD 72	An Act To Require State Agencies To Give Priority to State Armories When Renting Space for Meetings	ONTP
LD 189	An Act To Achieve Cost Savings by Eliminating Deputy Commissioner Positions throughout State Government	ONTP
LD 222	An Act To Provide for the Appointment of Division Directors in the Department of Environmental Protection	INDEF PP
LD 687	An Act To Contract Out the State Single Audit	MAJORITY (ONTP) REPORT
LD 769	An Act To Review the Functions of the State Planning Office	Carried Over
LD 1220	An Act To Improve the Workplace for State Employees	ONTP
LD 1445	An Act To Provide More Efficient Notice of Public Activities	ONTP
LD 1518	An Act To Make Changes to the Laws Regarding Notice and Publication of Unclaimed Property	ONTP

*Informed Growth Act*

Enacted

LD 322	An Act To Amend the Informed Growth Act	PUBLIC 89
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*Legislature and Legislative Process*

Enacted

LD 494	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting	CON RES 1
LD 1588	An Act To Provide Funding for the Reapportionment Commission	PUBLIC 418 EMERGENCY

Not Enacted

LD 40	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the House of Representatives	DIED BETWEEN HOUSES
LD 113	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms and a Term Limit of 2 Terms for Legislators	ONTP
LD 122	An Act To Change Health Care Provisions for Retired Legislators	ONTP
LD 153	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction of the Size of the Legislature	ONTP
LD 329	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect State Senators by County	ONTP
LD 669	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Number of Members of the Legislature, the Length of Legislative Sessions and the Requirements for Introduction of Bills in a Second Regular Session	ONTP
LD 780	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Number of Terms Served in Total	ONTP
LD 804	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Unicameral Legislature	MINORITY (ONTP) REPORT
LD 953	An Act To Establish the Maine Science Advisory Board	ONTP
LD 973	An Act To Shorten the Legislative Sessions	ACCEPTED ONTP REPORT
LD 984	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Two-thirds Vote To Approve the Issuance of a Bond or Security by the Maine Governmental Facilities Authority	FINAL PASSAGE FAILED
LD 1248	An Act To Require Approval by the Voters of Legislation To Enact or Increase a Tax or Fee	MAJORITY (ONTP) REPORT

*Miscellaneous*

Not Enacted

LD 588	An Act To Require the Archives Advisory Board To Recommend Candidates for State Archivist	MAJORITY (ONTP) REPORT
LD 607	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Governor To Be Elected by a Majority Vote	MAJORITY (ONTP) REPORT
LD 681	An Act To Clarify the Operation of the Maine Commission for Community Service	MAJORITY (ONTP) REPORT
LD 1213	An Act To Provide Funding for a Convention Center or Civic Center in Cumberland County	ONTP

### *Monuments and Memorial Days*

Enacted

LD 20	An Act Establishing a Vietnam War Remembrance Day	PUBLIC 92
LD 71	An Act To Designate the Whoopie Pie as the State Treat	PUBLIC 29
LD 214	An Act To Establish Governor William King Day	PUBLIC 17
LD 753	An Act To Establish Juneteenth Independence Day	PUBLIC 53

### *Municipalities and Quasi-Municipalities*

Enacted

LD 81	An Act To Change the Name of Township 3, Range 9, NWP, to Cedar Lake Township	P & S 2 EMERGENCY
LD 86	An Act To Provide Certainty to Businesses and Development	PUBLIC 63
LD 278	An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Adopt a Policy To Simplify the Municipal Disbursement Warrant Process	P & S 13
LD 541	An Act To Clarify the Boundary between the Town of Cushing and the Town of Friendship, Town of Warren, Town of Thomaston and Town of Waldoboro	P & S 4
LD 812	An Act To Allow Municipalities the Option To Subsidize Publicly Owned Bus Stops through Advertising	PUBLIC 114
LD 1416	An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code	PUBLIC 408
LD 1460	An Act Concerning the Recording of Plans for Subdivisions	PUBLIC 245
LD 1533	An Act To Provide for a Method To Remove an Elected Municipal Official	PUBLIC 324 EMERGENCY

Not Enacted

LD 69	An Act To Restore the Historical Town Boundary between Harpswell and Brunswick	MAJORITY (ONTP) REPORT
LD 392	An Act To Amend the Requirements for Publishing Municipal Legal Notices	DIED BETWEEN HOUSES
LD 497	An Act To Amend the Powers and Duties of Municipal Treasurers	INDEF PP
LD 644	An Act To Add Transit Services to the Growth Management Program Comprehensive Plan	MINORITY (ONTP) REPORT
LD 1002	An Act To Encourage Affordable Housing in Municipal Zoning	ONTP
LD 1079	An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland	ONTP
LD 1128	An Act To Modify the Requirements for Municipal Code Enforcement Officer Training	MAJORITY (ONTP) REPORT
LD 1223	An Act Regarding Credit Card Transactions for InforME Services	ONTP
LD 1297	An Act Relating to the Qualifications for the Position of Municipal Officer	ONTP
LD 1343	An Act To Limit Interest Assessed against Municipalities	INDEF PP
LD 1359	An Act To Enhance Local Control of Noise Ordinances	ONTP
LD 1442	An Act To Clarify Enforcement of Maine's Building Codes	ONTP

*Notaries Public*

Not Enacted

LD 1312	An Act To Require That Notaries Public Keep Records of Notarial Acts	INDEF PP
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*Rulemaking*

Enacted

LD 1125	An Act To Implement the Recommendations of the Joint Standing Committee on State and Local Government To Make Necessary Changes to the Maine Administrative Procedure Act	PUBLIC 244
LD 1410	An Act To Amend the Maine Administrative Procedure Act	PUBLIC 326

Not Enacted

LD 158	An Act To Improve Public Understanding in the Rulemaking of Certain Departments	ONTP
LD 543	An Act To Protect Legislative Intent in Rulemaking	Carried Over
LD 940	An Act To Increase Access to State Rule-making Notices	DIED ON ADJOURNMENT
LD 1389	An Act To Require Certain Costly Rules To Be Approved by the Legislature	ONTP

*State Contracts and Fiscal Procedures*

Enacted

LD 104	An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts	PUBLIC 21 EMERGENCY
LD 1085	Resolve, Regarding Prequalification Standards for Contractors	RESOLVE 74
LD 1257	An Act Regarding Labor Contracts for Public Works Projects	PUBLIC 463

Not Enacted

LD 62	An Act Relating to the State Bid Process	ONTP
LD 478	An Act To Strengthen Maine Small Business by Establishing a Preference Percentage for State Contract Bids	ONTP
LD 601	An Act To Set Aside One Percent of Committed State Funds for Food Projects	ONTP
LD 942	An Act To Exempt Municipalities from Indemnification Provisions in State Contracts	ONTP
LD 954	An Act To Promote Rural Job Creation and Workforce Development	ACCEPTED REPORT B (ONTP)
LD 1221	An Act To Encourage Prompt Payments by the State When It Contracts with Outside Agencies	DIED ON ADJOURNMENT
LD 1492	An Act To Ensure Accountability in State Contracts	DIED ON ADJOURNMENT

*State Government - General*

Enacted

LD 369	An Act To Authorize the Sale of Surplus Property to Nonprofit Animal Shelters	PUBLIC 9
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Not Enacted

LD 87	An Act Regarding the Official State Seal	MAJORITY (ONTP) REPORT
LD 287	An Act To Provide Savings to the State by Contracting Out Certain Services	Carried Over
LD 460	An Act To Require Executive Orders To Be Published Online	LEAVE TO WITHDRAW
LD 587	An Act To Reduce the Cost of Delivering Certain State Services	ONTP
LD 840	An Act Regarding the Hiring of Immediate Family Members in State Government	MAJORITY (ONTP) REPORT
LD 1373	Resolve, To Produce Cost Savings by Requiring the State E-mail System To Be Hosted by Google	ONTP
LD 1481	An Act To Require the State To Transfer Employee Pension Premium Payments to the Employee's Pension Plan within 2 Business Days	ONTP

*State Property*

Enacted

LD 594	Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To transfer Ownership of Property	RESOLVE 12 EMERGENCY
LD 1183	Resolve, Directing the Maine Community College System To Extinguish Certain Easements	RESOLVE 33
LD 1552	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Rockwood and Sinclair in the Unorganized Territory and To Extend the Dates To Sell Real Property in Bangor, Augusta, Skowhegan, Frenchville and Hallowell	RESOLVE 70
LD 1584	Resolve, To Allow the State To Continue Efforts To Sell or Lease Certain Real Property in the City of Hallowell	RESOLVE 99 EMERGENCY

Not Enacted

LD 987	An Act Regarding the Sale of Surplus Land Owned by the Department of Transportation	ONTP
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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON TAXATION**

July 2011

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REP. DONALD E. PILON  
REP. MARK E. BRYANT  
REP. ELSPETH M. FLEMINGS

*Joint Standing Committee on Taxation*

**LD 6      An Act To Provide a Sales Tax Exemption for Bags Provided by  
Redemption Centers for Returnable Containers**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-11

This bill exempts from sales tax plastic bags used by redemption centers to sort, store and transport returnable beverage containers.

**Committee Amendment "A" (S-11)**

This amendment adds an emergency preamble and emergency clause and makes the bill retroactive to January 1, 2004. It also clarifies that the plastic bags must be sold to licensed redemption centers and used to sort, store or transport beverage containers to qualify for the exemption.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part FFFF.

**LD 7      An Act Concerning Taxation of Automobile Manufacturers' Rebates**

**ONTP**

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

This bill provides that sales tax is not applied to automobile manufacturers' rebates when those rebates are assigned by the purchaser to the retailer.

**LD 9      An Act To Reduce Income Tax to 4.5% and Remove Low-income  
Families from Taxation**

**ONTP**

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

This bill requires the transfer to the Tax Relief Fund for Maine Residents, beginning in fiscal year 2012-13, of any growth in General Fund revenues over the previous fiscal year adjusted by the growth limitation factor. Money in the fund must be used to reduce the overall individual income tax burden by reducing the tax rates until the top rate is reduced to 4.5% and increasing to \$30,000 the income threshold below which families do not pay income tax.

*Joint Standing Committee on Taxation*

**LD 21      An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKANE TRAHAN	OTP-AM	H-166 S-80 TRAHAN

This bill exempts from the sales tax meals provided to residents of full-service retirement facilities and applies the exemption retroactively to transactions for which an assessment was not made before April 1, 2009. The bill includes an effective date of October 1, 2011.

**Committee Amendment "A" (H-166)**

This amendment changes the retroactive date in the bill from April 1, 2009 to January 1, 2010.

**Senate Amendment "A" (S-80)**

This amendment specifies that the sales tax exemption in the bill applies only when participation in the meal program is a condition of occupancy of the retirement facility or the meal program is paid for as part of a comprehensive fee.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part DDDD.

**LD 22      An Act To Improve the Maine Seed Capital Tax Credit**

**PUBLIC 454**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	ONTP MAJ OTP-AM MIN	H-217

This bill changes the Maine Seed Capital Tax Credit Program for tax years beginning on or after January 1, 2012 by increasing the existing credit from 40% of an eligible investment to 60% and applying it uniformly across the State rather than basing it on unemployment rates. The bill eliminates the up-front tax credit for investors in certain private venture capital funds and authorizes a refundable tax credit of 50% for investments in eligible businesses by private venture capital funds in the current amount of \$30,000,000 that the Finance Authority of Maine may issue. Any income recognized on a taxpayers federal tax return from the refundable tax credit is subtracted from federal adjusted gross income for state income tax purposes. The bill requires the Finance Authority of Maine to report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters on activity in the program in the prior year.

**Committee Amendment "A" (H-217)**

This amendment, which is the minority report of the committee, incorporates a fiscal note.

**Enacted Law Summary**

Public Law 2011, chapter 454 changes the Maine Seed Capital Tax Credit Program for tax years beginning on

*Joint Standing Committee on Taxation*

or after January 1, 2012 by increasing the existing credit from 40% of an eligible investment to 60% and applying it uniformly across the State rather than basing it on unemployment rates. Public Law 2011, chapter 454 eliminates the up-front tax credit for investors in certain private venture capital funds and authorizes a refundable tax credit of 50% for investments in eligible businesses by private venture capital funds in the current amount of \$30,000,000 that the Finance Authority of Maine may issue. Any income recognized on a taxpayer's federal tax return from the refundable tax credit is subtracted from federal adjusted gross income for state income tax purposes. Public Law 2011, chapter 454 requires the Finance Authority of Maine to report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters on activity in the program in the prior year.

**LD 42      An Act Regarding the Tax on Fuel Used for Commercial Agriculture,  
Fishing and Forestry      ONTP**

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

Current law allows a person who purchases and uses fuel for any commercial use, other than in a motor vehicle on the highways of the State or for aircraft, to apply for a refund of the excise tax paid on that fuel, less 1¢ per gallon. Any fuel that qualifies for a refund is then subject to the state use tax of 5%.

This bill allows a person who purchases and uses fuel for commercial fishing, forestry or agriculture purposes to apply for a refund of the excise tax paid, less 5¢ per gallon; such fuel is also exempt from the use tax. All fuel used for other commercial purposes remains eligible for a refund of the excise tax, less 1¢ per gallon, and subject to the use tax.

**LD 52      An Act To Dedicate a Percentage of the Sales and Use Tax on Motor  
Vehicles and Motor Vehicle Parts to the Highway Fund      Carried Over**

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

This bill provides that 20% of the sales or use tax on motor vehicles and motor vehicle parts must be transferred to the Highway Fund beginning in 2012.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

*Joint Standing Committee on Taxation*

**LD 59      An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers**

**PUBLIC 425**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAZUREK RECTOR	OTP-AM MAJ ONTP MIN	H-72 S-338 ROSEN R

This bill authorizes a sales tax refund or exemption certificate for purchases of parts and supplies used for the operation, repair or maintenance of a windjammer that is used to carry cargo or passengers for a fee.

**Committee Amendment "A" (H-72)**

This amendment provides that parts and supplies must be used primarily and directly for a windjammer, provides a more accurate definition of "windjammer" and requires a windjammer to be based in this State in order to qualify for a sales tax exemption or refund.

**Senate Amendment "A" (S-338)**

This amendment delays implementation of this legislation until October 1, 2012 and adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2011, chapter 425 authorizes a sales tax refund or exemption certificate for purchases of parts and supplies used for the operation, repair or maintenance of a windjammer that is used primarily for providing overnight passenger cruises for a fee. It takes effect October 1, 2012 and applies to the purchases of parts and supplies made on or after October 1, 2012.

**LD 79      An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price**

**MAJORITY  
(ONTP) REPORT**

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

Current law requires the excise tax paid on motor vehicles to be based on the manufacturer's suggested retail price, regardless of the amount actually paid for the motor vehicle.

This bill instead requires the excise tax to be based on 90% of the manufacturer's suggested retail price for the motor vehicle, regardless of the amount actually paid for the motor vehicle.

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**LD 88      An Act To Streamline Purchasing by Entities Exempt from Sales Tax      ONTP**

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

This bill requires the State Tax Assessor to post a list containing information about sales tax exemption certificates on a publicly accessible website to assist retailers and purchasers in identifying valid exempt purchases.

**LD 117      An Act To Amend the Location of Motor Vehicle Excise Tax Collection      MAJORITY  
for Motor Vehicles Owned by Public Utilities      (ONTP) REPORT**

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

This bill treats public utilities like other corporations and partnerships for purposes of motor vehicle excise taxation by changing the location of payment of the tax by those utilities from the place where the owner has its registered or main office to the place where the owner has a permanent location where the vehicle is kept.

**LD 119      An Act To Allow a Tax Credit for Students Enrolled in Postsecondary      ONTP  
Nondegree Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the educational opportunity tax credit to allow a credit for tuition paid for postsecondary education courses taken as part of a nondegree program, such as the Aspirations Program offered by the University of Maine.

**LD 131      An Act To Change the Threshold for Qualification for a Sales Tax      ONTP  
Resale Certificate**

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

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This bill changes the threshold for the requirement to obtain a sales tax resale certificate from \$3,000 to \$500.

**LD 140      An Act To Eliminate the Restriction on Net Operating Loss  
Carry-forwards**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUNT	OTP-AM A OTP B ONTP C	H-255

Current federal law allows a person to carry forward net operating losses from one tax year to the next. Maine law puts a 3-year moratorium on the carrying forward of net operating losses for tax years 2009, 2010 and 2011, requiring that the amount subtracted for federal income tax purposes be added back into income for purposes of computing Maine income tax. This bill eliminates the requirement that net operating losses be added back into Maine income for tax years beginning in 2011.

**Committee Amendment "A" (H-255)**

This amendment adds provisions to ensure that corporations as well as individuals are eligible to claim net operating losses as income tax deductions for tax years beginning in 2011 and makes technical corrections related to net operating loss recapture provisions.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 147      Resolve, To Provide \$1,000,000 to the Fund for the Efficient Delivery of  
Local and Regional Services**

**ONTP**

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

This resolve transfers \$1,000,000 to the Fund for the Efficient Delivery of Local and Regional Services on a one-time basis. This fund, which was established to assist those municipalities that collaborate with other municipalities, counties or state agencies to obtain savings in the cost of delivering local and regional governmental services, was previously funded by transfers based on 2% of the funds set aside for state-municipal revenue sharing. That funding mechanism was repealed by the 124th Legislature in Public Law 2009, chapter 213, Part S, section 8. This one-time transfer will reduce the amounts set aside in the Local Government Fund for distribution to municipalities in October 2011 under the main revenue sharing distribution and will not affect amounts to be distributed from the Disproportionate Tax Burden Fund, commonly referred to as "Revenue Sharing II."

*Joint Standing Committee on Taxation*

**LD 149      An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations      ONTP**

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

This bill authorizes municipalities to impose service charges on owners of certain real property that is currently exempt from property tax if those owners or other users of the property receive more than \$150,000 in gross annual revenue.

**LD 164      An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State      PUBLIC 434**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT LANGLEY	OTP-AM	H-35 S-341 ROSEN R

This bill extends the dental care access income tax credit by permitting the certification of an additional 5 dentists annually through 2015.

**Committee Amendment "A" (H-35)**

This amendment lowers the credit from \$15,000 to \$12,000 for dentists determined to be eligible after December 31, 2010 and allows 6 rather than 5 dentists to be certified for eligibility for the credit each year. It extends the sunset date for the program until December 31, 2020. It allows a dentist who is currently certified for a credit at a certain level to maintain that level of credit.

**Senate Amendment "A" To Committee Amendment "A" (S-341)**

This amendment incorporates changes made by House Amendment "A" to Committee Amendment "A," strikes the emergency preamble and emergency clause from the bill and delays the changes made in Committee Amendment "A" by one year.

**Enacted Law Summary**

Public Law 2011, chapter 434 extends the dental care access income tax credit by permitting the certification of an additional 6 dentists annually through 2015. It lowers the credit from \$15,000 to \$12,000 for dentists determined to be eligible on or after January 1, 2012 and allows a dentist who is currently certified for a credit at a certain level to maintain that level of credit. It extends the sunset date for the program until December 31, 2020.

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**LD 176      An Act Regarding Sales and Use Tax Audit Procedures and Enforcement      ONTP**

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

This bill prohibits the retroactive assessment of sales and use tax when a taxpayer who should have collected or paid the tax does not have reason to know that sales or use tax applies to that type of transaction. The bill specifies situations in which a person has reason to know that a sales or use tax applies.

**LD 185      An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Groundfishing Boats      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD TRAHAN	OTP-AM	H-53 H-87    MACDONALD

This bill requires the refund of sales tax on purchases of fuel for use in a commercial fishing vessel and permits the issuance of a certificate permitting the purchases of such fuel without paying sales tax if the purchaser obtains a certificate verifying eligibility from the State Tax Assessor.

**Committee Amendment "A" (H-53)**

This amendment limits the tax refund proposed in the bill to the tax paid on fuel for commercial groundfishing boats. It also adds a section to exclude this type of purchase from the use tax as well.

**House Amendment "A" To Committee Amendment "A" (H-87)**

This amendment expands the tax refund proposed in Committee Amendment "A" to apply to all commercial fishing vessels. The House Amendment provides the credit as provided for in the original bill.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part EEEE.

**LD 191      An Act To Define Lienholder Rights under the Maine Tree Growth Tax Law      MAJORITY (ONTP) REPORT**

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

This bill requires a tax assessor to notify a lienholder that requests notification for land classified under the Maine Tree Growth Tax Law at the same time the landowner is notified of the need to provide information about a forest

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management and harvest plan.

The minority report clarifies that if a lienholder requests notification for land classified under the Maine Tree Growth Tax Law at the same time the landowner is notified of the need to provide information about a forest management and harvest plan, the notification requirements apply to both the landowner and lienholder rather than one or the other as stated in the bill. It also requires the lienholder to reimburse the municipality or assessor providing the notification for all expenses associated with the service. This minority report was not adopted.

**LD 195      An Act To Provide Relief from Estate Tax Valuation Requirements for      ONTP**  
**Surviving Spouses**

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

This bill requires the State Tax Assessor to waive the requirement that a surviving spouse provide a valuation of an estate if there is no reasonable likelihood that an estate tax is owed on the estate.

**LD 205      An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit      HELD BY**  
**Performing Arts Organizations      GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFISKY	OTP-AM MAJ ONTP MIN	S-342 ROSEN R S-90

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

**Committee Amendment "A" (S-90)**

This amendment adds an effective date of October 1, 2011.

**Senate Amendment "A" To Committee Amendment "A" (S-342)**

This amendment changes the effective date from October 1, 2011 to October 1, 2012.

**Enacted Law Summary**

This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. It provides a sales tax exemption, beginning October 1, 2012, for sales to incorporated nonprofit performing arts organizations.

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**LD 229      An Act To Protect Homeowners Concerning Property Liens      ONTP**

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

This bill requires the municipal treasurer to notify a delinquent property taxpayer if a 3rd party pays any portion of the tax, interest and costs during the foreclosure process or redemption period.

**LD 234      An Act To Provide a Sales Tax Exemption to Commercial Horticulturists      Carried Over**

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

This bill makes the following changes to the sales and use tax law with respect to commercial agriculture:

1. It enacts a definition of "commercial agricultural production" and specifies that it includes greenhouse and nursery products; and
2. It specifies that the sales tax exemption contained in current law applies to products used in commercial agricultural production.

**Committee Amendment "A" (H-153)**

This amendment incorporates a fiscal note.

This bill was placed on the Special Appropriations Table and the Joint Standing Committee on Appropriations and Financial Affairs voted to recommit it to the Taxation Committee. This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 238      An Act To Limit the Vehicle Excise Tax Exemption Provided to Benevolent and Charitable Institutions and To Repeal the Exemption Provided to Literary and Scientific Institutions      ONTP**

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

This bill amends the law that allows certain exemptions from the vehicle excise tax. It modifies the exemption for benevolent and charitable institutions by limiting it to only those vehicles owned by such an institution that are used solely for the institution's purposes and primarily for transporting or delivering goods to persons who have been determined to be eligible to receive charitable services from the institution. It repeals the exemption for literary and scientific institutions.

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**LD 239      An Act To Provide a Sales Tax Exemption on Fuel Used for Heating a Business      ONTP**

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

This bill provides a sales tax exemption for coal, oil, wood or gas bought for heating a business.

**LD 255      An Act To Provide an Income Tax Deduction for Amounts Received as Loan Forgiveness under the Maine Dental Education Loan Program      ONTP**

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

This bill provides an income tax deduction for amounts received as loan forgiveness under the Maine Dental Education Loan Program.

**LD 260      An Act To Extend the Historic Preservation Tax Credit      DIED IN CONCURRENCE**

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

This bill extends the tax credit for rehabilitation of historic properties, currently scheduled to expire December 31, 2013, for 6 more years, until December 31, 2019. The bill also extends for the same length of time the reports that are required from the Maine Historic Preservation Commission and the Maine State Housing Authority.

**LD 297      An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures      PUBLIC 104**

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

This bill allows municipal treasurers to use facsimile signatures in filing and processing tax lien documents and extends the use of facsimile signatures in the processing of sanitary district sewer liens.

**Enacted Law Summary**

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Public Law 2011, chapter 104 allows municipal treasurers to use facsimile signatures in filing and processing tax lien documents and extends the use of facsimile signatures in the processing of sanitary district sewer liens.

**LD 305      RESOLUTION, Proposing an Amendment to the Constitution of Maine      Carried Over**  
**To Allow Land and Buildings To Be Assessed Differently**

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

This resolution proposes to amend the Constitution of Maine to allow land to be assessed at a rate different from the rate at which buildings located on that land are assessed.

This resolution was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 312      An Act To Reinstate the Fund for the Efficient Delivery of Local and      ONTP**  
**Regional Services**

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

This bill reestablishes the Fund for the Efficient Delivery of Local and Regional Services originally established by Initiated Bill 2003, chapter 2 and eliminated in 2009.

**LD 338      An Act To Provide an Income Tax Credit for Persons Engaged in      HELD BY**  
**Commercial Forestry      GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	ONTP MAJ OTP-AM MIN	S-367 ROSEN R

This bill allows an income tax credit to an employer in the logging industry that employs residents of the State who are engaged primarily in the harvesting of timber in this State. The credit is equal to \$2,500 for each full-time equivalent employee.

**Senate Amendment "A" (S-367)**

This amendment replaces the per employee income tax credit to an employer in the logging industry that employs residents of the State to harvest timber in this State with a credit equal to the tax paid during the taxable year on fuel used by the employer for commercial forestry up to a maximum credit of \$1,000. The amendment also delays the application to tax years beginning on or after January 1, 2013 and adds an appropriations and allocations section.

**Enacted Law Summary**

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This bill was enacted but as of this printing, had not been acted upon by the Governor and, pursuant to Art. IV, Part 3rd, Sec. 2 of the Maine Constitution, currently has no final disposition. It allows a credit equal to the tax paid during the taxable year on fuel used by the employer for commercial forestry up to a maximum credit of \$1,000 beginning on or after January 1, 2013.

**LD 358      An Act To Exempt from the Income Tax Military Survivors Annuity Payments      PUBLIC 138**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARMON THIBODEAU	OTP-AM	H-136

This bill provides an income tax exemption to persons who are 65 years of age or older for retirement income from an employment-based retirement plan and maintains the current limited retirement benefit exemption for person under 65 years of age. The bill also provides an income tax exemption for military death payments.

**Committee Amendment "A" (H-136)**

The amendment changes the income tax exemption for military death payments from death gratuities, which are already tax exempt, to exempting certain annuity payments that are currently taxed. It also removes provisions that provide an income tax exemption to persons who are 65 years of age or older for retirement income from an employment-based retirement plan and maintains the current limited retirement benefit exemption.

**Enacted Law Summary**

Public Law 2011, chapter 138 exempts certain annuity payments made under a military survivor benefit plan or reserve component survivor plan pursuant to 10 United States Code, Chapter 73.

**LD 396      An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-88

This bill expands the sales tax exemption for nonprofit youth organizations whose primary purpose is to provide athletic instruction in a nonresidential setting to include nonprofit youth organizations whose primary purpose is to provide arts instruction in a nonresidential setting.

**Committee Amendment "A" (S-88)**

This amendment incorporates a fiscal note.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 205.

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**LD 405      An Act To Clarify Charitable Status for Property Tax Exemption      ONTP**

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

This bill provides standards for determining which institutions qualify for a property tax exemption as a benevolent and charitable institution.

**LD 415      An Act To Provide a Sales Tax Trade-in Credit for Core Parts      ONTP**

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

This bill provides a sales tax trade-in credit for core parts. Core parts are those components that when replaced or rebuilt are used again.

**LD 421      An Act To Create the Maine Fishery Infrastructure Tax Credit Program      DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-42

This bill provides an income tax credit for investment in or contributions to eligible public fishery infrastructure projects in the State. Eligible projects must be certified by the Department of Inland Fisheries and Wildlife, which is required to adopt rules for determination of eligibility. Tax certificates may be issued for up to \$5,000,000 per project. Credits must be taken in increments of 25% over 4 years and may not exceed 50% of the total tax imposed on the investor for the taxable year before application of the credit. Unused credits may be carried forward for up to 15 years.

**Committee Amendment "A" (S-42)**

This amendment provides that the income tax credit for fishery infrastructure applies to both saltwater and freshwater fisheries, requires the Department of Inland Fisheries and Wildlife to coordinate with the Department of Marine Resources in the certification of eligible projects and makes technical changes to reflect proper terminology.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part HHHH.

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**LD 423      An Act To Eliminate Maine's Estate Tax**

**ONTP**

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

This bill repeals Maine's estate tax.

**LD 433      An Act To Exempt from Income Tax the Income of Nonresidents  
Working in Maine Pursuant to an Interlocal Agreement**

**PUBLIC 130**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM MAJ OTP-AM MIN	H-131 KNIGHT S-20

This bill provides that compensation received as an employee of a political subdivision of an adjoining state performing service in this State pursuant to an interlocal agreement under the Maine Revised Statutes, Title 30-A, chapter 115 is not considered Maine-source income.

**Committee Amendment "A" (S-20)**

This amendment is the majority report. The amendment reallocates the provision of the bill that provides that compensation received as an employee of a political subdivision of an adjoining state performing service in Maine under an interlocal agreement is not considered Maine-source income, because the provision is an exclusion from Maine-source income and does not impact the minimum taxability threshold for nonresidents.

**House Amendment "A" To Committee Amendment "A" (H-131)**

This amendment provides that the exemption applies only when the performance of the service under an interlocal agreement does not displace an employee currently performing the service who is a resident of this State.

**Enacted Law Summary**

Public Law 2011, chapter 130 provides that compensation received as an employee of a political subdivision of an adjoining state performing service in this State pursuant to an interlocal agreement under the Maine Revised Statutes, Title 30-A, chapter 115 is not considered Maine-source income when the performance of the service under an interlocal agreement does not displace an employee currently performing the service who is a resident of this State.

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**LD 436      An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of a      ONTP**  
**Motor Vehicle**

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

This bill changes the method of computing the excise tax that is levied on motor vehicles and camper trailers registered in the State. With the exception of commercial motor vehicles and special mobile equipment, current law requires that the excise tax be based upon the maker's list price for the motor vehicle; the excise tax on commercial motor vehicles and special mobile equipment is based on the purchase price.

This bill requires that the excise tax for all motor vehicles and camper trailers be based upon the purchase price of the vehicle and defines "purchase price" as the actual amount of money financed or paid by the consumer after any rebates or discounts. Either the original bill of sale or the state sales tax document may be used to verify the purchase price.

**LD 441      An Act To Reform Telecommunications Taxation      PUBLIC 430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHASE WOODBURY	OTP-AM MAJ ONTP MIN	H-477 S-347 ROSEN R

**Committee Amendment "A" (H-477)**

The amendment replaces the bill and changes the title of the bill. The amendment replaces the telecommunications personal property tax with an excise tax on telecommunications businesses for the privilege of operating in the State. The excise tax is equal to the just value of qualified telecommunications equipment taxed at a rate of 19 mills in fiscal year 2012. For fiscal year 2013 and subsequent years, the State Tax Assessor will apply the tax rate of the municipality or the unorganized territory in which the qualified telecommunications equipment is located to the just value of the equipment as adjusted by the municipality's or the unorganized territory's certified assessment ratio. The amendment establishes procedures for the assessment, collection and appeal of the excise tax. It provides for routine technical rules to implement this legislation.

**Senate Amendment "A" To Committee Amendment "A" (S-347)**

This amendment increases the tax rate for the state telecommunications excise tax from 19 mills to 19.2 mills for assessments in 2012.

**Enacted Law Summary**

Public Law 2011, chapter 430 replaces the telecommunications personal property tax with an excise tax on telecommunications businesses for the privilege of operating in the State. The excise tax is equal to the just value of qualified telecommunications equipment taxed at a rate of 19.2 mills in fiscal year 2012. For fiscal year 2013 and subsequent years, the State Tax Assessor will apply the tax rate of the municipality or the unorganized territory in which the qualified telecommunications equipment is located to the just value of the equipment as adjusted by the

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municipality's or the unorganized territory's certified assessment ratio. Public Law 2011, chapter 430 establishes procedures for the assessment, collection and appeal of the excise tax. It provides for routine technical rules to implement this law.

**LD 451      Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement** **MAJORITY (ONTP) REPORT**

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

This resolve directs the Department of Administrative and Financial Services, Bureau of Revenue Services to identify changes in the sales and use tax laws necessary to conform to the Streamlined Sales and Use Tax Agreement and to submit its report and proposed legislation to the Joint Standing Committee on Taxation by January 15, 2012.

**LD 459      An Act To Improve Municipal Reimbursement under the Maine Tree Growth Tax Law** **ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the formula under the Maine Tree Growth Tax Law to ensure that municipalities are properly reimbursed.

**LD 462      An Act To Amend the Laws Governing Excise Tax Credits** **ONTP**

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

This bill permits the motor vehicle excise tax credit for transfer or total loss of a motor vehicle to be applied to a vehicle or vehicles acquired by the owner or lessee within 30 days after the transfer or total loss. If the credit exceeds the amount transferred to another vehicle, the bill requires the municipality to refund the excess amount.

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**LD 469      An Act To Increase the Collection of Sales and Use Tax**

**MAJORITY  
(ONTP) REPORT**

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

This bill requires out-of-state retailers that are not required to collect sales tax and that are part of a controlled group of corporations with a connection in the State to notify purchasers in the State of the obligation to pay sales or use tax and requires those retailers to provide annual statements of purchases to the purchasers and the Department of Administrative and Financial Services, Maine Revenue Services. Fines are provided for failure to provide the required notifications and statements.

**LD 474      An Act To Improve the Circuitbreaker Program**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLEMINGS ALFOND	OTP-AM	H-475

This bill simplifies the Maine Residents Property Tax Program, also referred to as "the Circuitbreaker Program," by simplifying the determination of eligibility, transitioning the application period to the income tax filing period and permitting application to be made through the Department of Health and Human Services' integrated eligibility system. The bill requires the State Tax Assessor to report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2014 on the impact of the changes made by this bill.

**Committee Amendment "A" (H-475)**

This amendment replaces the bill. It prohibits a reduction in benefit under the Circuitbreaker Program to an elderly household claimant with a household member who has attained 65 years of age and chooses the nonelderly household benefit calculation. The benefit for claimants meeting these criteria may not be reduced below 100%. The amendment retains the emergency provisions from the bill.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 476      An Act To Create a Sales Tax Holiday for Energy-efficient Appliances  
and Fixtures**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB SHERMAN	OTP-AM MAJ ONTP MIN	H-337

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This bill enacts a provision establishing an annual sales tax holiday on April 18th for the purchase in Maine, free of sales tax, of energy-efficient appliances and fixtures that carry the Energy Star or WaterSense labels granted to certain energy-efficient products by the United States Environmental Protection Agency and the United States Department of Energy. The exemption from sales tax extends to both new and used energy-efficient products that are purchased on April 18th for noncommercial or personal use, when the cost of each such item is \$2,500 or less. The bill also includes a reporting requirement in order to measure the fiscal impact of the sales tax holiday.

**Committee Amendment "A" (H-337)**

This amendment removes a reporting requirement that was intended to measure the fiscal impact of the sales tax holiday because the required data needed for this analysis is not available. The amendment also adds an appropriations and allocations section to the bill.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 489      An Act To Exempt Active Duty Armed Services Income from the      ONTP**  
**Income Tax**

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

This bill exempts from income tax income received by an individual for active duty in the Armed Forces of the United States.

**LD 490      An Act To Exempt the Value of Family Farms from the Estate Tax      ONTP**

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

This bill removes the value of eligible farmland from the calculation of the Maine estate tax. See LD 1147.

**LD 500      An Act To Create an Income Tax Checkoff To Benefit Libraries      ONTP**

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

This bill establishes an income tax checkoff to support free public libraries in the State. The Taxation Committee will review the process for evaluating income tax return check off requests and has carried over another bill for that purpose. See LD 1225.

*Joint Standing Committee on Taxation*

**LD 507 An Act To More Closely Coordinate the Classification of Forested Farmland under the Farm and Open Space Tax Laws with the Maine Tree Growth Tax Law**

**PUBLIC 404**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURTIS WHITTEMORE	OTP-AM MAJ ONTP MIN	H-573

Under current law, a person may transfer property enrolled under the Maine Tree Growth Tax Law into the farm and open space tax program without penalty, and the forested acreage included in that transferred parcel is treated for all taxation purposes as though it were still under the Maine Tree Growth Tax Law. The affected municipality, however, loses the tree growth reimbursement it was receiving from the State that was associated with the forested acreage, and the landowner is under no obligation to provide a forest management and harvest plan with respect to the forested land included within the transferred parcel. This bill provides that with respect to all such transfers occurring after October 1, 2011 the municipality will still receive tree growth reimbursement for that forested property even after a transfer, and the landowner must continue to comply with the forest management plan requirements associated with the forested land being transferred.

**Committee Amendment "A" (H-573)**

This amendment makes technical changes and removes the requirement that a landowner conform to a forest management plan after transferring land from the Maine Tree Growth Tax Law to the farm and open space tax program.

**Enacted Law Summary**

Public Law 2011, chapter 404 addresses the circumstance where a landowner transfers Tree Growth property into the farmland tax program under the Farm and Open Space Tax Law. The law allows municipalities to receive reimbursement for the forested acreage that is transferred to the farmland program at the reimbursement amount allowed under the Tree Growth Law.

**LD 518 Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**

**RESOLVE 54**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-108

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

**Committee Amendment "A" (S-108)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Resolve 2011, chapter 54 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

*Joint Standing Committee on Taxation*

**LD 521      An Act To Employ the Unemployed**

**MAJORITY  
(ONTP) REPORT**

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

This bill permits an employer who hires as an employee a person who has not been employed for 6 months to receive reimbursement for the amount of state income tax withheld for that employee for the first 6 months of employment.

**LD 533      An Act To Clarify the Use of Tax Increment Financing Funds for  
Recreational Development**

**PUBLIC 102**

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

This bill amends the laws regarding municipal development districts to clarify that once the Department of Economic and Community Development has determined that new or existing recreational trails within a municipality have significant potential to promote economic development, the project costs for planning, design, construction, maintenance, grooming and improvements with respect to the trails, which may include bridges that are part of the trail corridor, are authorized for multiple projects or project phases related to the trails.

**Enacted Law Summary**

Public Law 2011, chapter 102 amends the laws regarding municipal development districts to clarify that once the Department of Economic and Community Development has determined that new or existing recreational trails within a municipality have significant potential to promote economic development, the project costs for planning, design, construction, maintenance, grooming and improvements with respect to the trails, which may include bridges that are part of the trail corridor, are authorized for multiple projects or project phases related to the trails.

**LD 536      An Act To Help Deter Youth Smoking and To Help Smokers Quit**

**MAJORITY  
(ONTP) REPORT**

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

This bill increases the cigarette tax by \$1.50 per package, from \$2.00 to \$3.50, to help deter the initial use of tobacco by youth. It includes an appropriations and allocations section to fund operation of a tobacco help line to provide those tobacco users seeking to quit smoking a mechanism to do so.

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**LD 549      An Act Regarding the Recognition of Corporate Entities for Tax      INDEF PP**  
**Purposes**

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

This bill clarifies that the State recognizes a corporation as a separate entity for tax purposes and provides that income of the corporation is taxable as income of the corporation rather than the owner of a distributive share of the income.

The bill clarifies the circumstances under which the State must respect a corporate entity for tax purposes and the amendment provides that the corporate entity is the owner of income paid or payable to the corporate entity. The bill as amended is not intended to change the determination of whether income paid or payable to the corporate entity is taxable to the corporate entity or to a shareholder of the corporate entity or whether an S corporation is a taxable corporation. The amendment also provides an application date.

**LD 550      An Act To Provide a Property Tax Credit to Veterans      ONTP**

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

This bill provides a \$500 credit against property taxes for eligible veterans and their survivors and requires the State to reimburse municipalities for the cost of the credit.

**LD 557      An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of      P & S 7**  
**Bonding      EMERGENCY**

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

This bill removes the requirement that the Eastport Port Authority seek and obtain the consent of the Eastport city council to acquire real property in the City of Eastport. The intent of this change is to allow the Eastport Port Authority to qualify as a "political subdivision" under the federal Internal Revenue Code for purposes of issuing bonds that are exempt from federal income taxation.

**Enacted Law Summary**

Private and Special Law 2011, chapter 7 removes the requirement that the Eastport Port Authority seek and obtain the consent of the Eastport city council to acquire real property in the City of Eastport. The intent of this change is to allow the Eastport Port Authority to qualify as a "political subdivision" under the federal Internal Revenue Code for purposes of issuing bonds that are exempt from federal income taxation.

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Private and Special Law 2011, chapter 7 was enacted as an emergency measure effective May 19, 2011.

**LD 563      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Use a Portion of the Sales and Use Tax for the Protection of Maine's  
Fish and Wildlife      FINAL PASSAGE  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM MAJ ONTP MIN	S-154 S-284 PATRICK

This resolution proposes to amend the Constitution of Maine to allocate 0.125% of revenues raised by means of the Sales and Use Tax Law to the Department of Inland Fisheries and Wildlife for the sole purpose of protecting the State's fish and wildlife resources.

**Committee Amendment "A" (S-154)**

This amendment changes the percent of the tax revenues allocated for the protection of fish and wildlife proposed in the resolution from 0.125% to 1.25%.

**Senate Amendment "C" To Committee Amendment "A" (S-284)**

This amendment changes the percent of the sales and use tax revenues allocated for the protection of fish and wildlife from 1.25% to 1.20%. It requires that 10% of sales and use tax revenues dedicated to fish and wildlife resources protection be allocated to the Department of Marine Resources to be used only to protect, conserve, restore, manage and enhance diadromous fish populations and their habitat in all waters of the State. It requires that 90% of sales and use tax revenues dedicated to fish and wildlife resources protection be allocated to the Department of Inland Fisheries and Wildlife. It provides that the constitutional amendment does not apply to additional sales or use tax revenue raised as the result of an increase in the rate of the sales or use tax imposed after July 1, 2011. It also provides that the constitutional amendment applies to fiscal years beginning on and after July 1, 2013.

**LD 571      An Act To Amend the Laws Governing Sales Tax on Used Motor  
Vehicles      MAJORITY  
(ONTP) REPORT**

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

This bill provides that only the items of consideration or other items of value shown on a receipt or bill of sale for a used motor vehicle may be considered part of the sale price for purposes of sales tax unless there is convincing evidence that other consideration was given as part of the sale.

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**LD 577      An Act To Limit Taxes on Hospitals**

**ONTP**

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

This bill limits the tax on hospitals to \$81,386,215 annually beginning in 2012.

**LD 590      An Act To Require Review of Certain Changes to Sales Tax Policy  
Application or Practice prior to Implementation**

**Carried Over**

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

This bill requires the State Tax Assessor to report to the joint standing committee of the Legislature having jurisdiction over taxation matters prior to implementing any change in policy application or practice of the Department of Administrative and Financial Services, Bureau of Revenue Services regarding the sales and use tax if that change will result in additional revenue. The joint standing committee of the Legislature having jurisdiction over taxation matters is authorized to report out legislation reversing or modifying the change.

**Committee Amendment "A" (H-434)**

This amendment, which is the majority report, replaces the bill and provides that the State Tax Assessor may assess additional sales and use taxes as a result of nonpayment or underpayment only if there has been fraud with the intent to evade taxes, a mathematical error in the calculation of taxes owed has occurred, the taxpayer has previously demonstrated awareness of the obligation to pay the tax or the obligation to pay the tax has been recognized by at least 80% of taxpayers in similar situations.

The amendment also authorizes the assessor to recommend legislation or to propose major substantive rules to clarify tax obligations if the conditions for assessing additional sales and use taxes are not met and requires the assessor to notify potentially affected taxpayers of any public hearings on the legislation or proposed rules.

**House Amendment "A" To Committee Amendment "A" (H-496)**

This amendment provides that the State Tax Assessor may assess a taxpayer additional sales and use tax only if the law imposing the tax has been in effect for more than 90 days and permits an additional assessment if a majority, rather than 80%, of taxpayers currently pay taxes of the same type.

This bill was placed on the Special Appropriations Table and the Joint Standing Committee on Appropriations and Financial Affairs voted to recommit it to the Taxation Committee.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 603      RESOLUTION, Proposing an Amendment to the Constitution of Maine  
To Require Approval by a 2/3 Vote of Each Branch of the Legislature in  
Order To Raise a Tax or Impose a New Tax      FINAL PASSAGE  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM MAJ ONTP MIN	S-230

This resolution proposes to amend the Constitution of Maine to require approval by a 2/3 vote of all the members elected to each House of the Legislature in order to raise a tax.

**Committee Amendment "A" (S-230)**

This amendment adds to the resolution to amend the Constitution of Maine language requiring approval by a 2/3 vote of all the members elected to each House of the Legislature for the imposition of a new tax.

**LD 604      An Act To Exempt Certain Meals Provided to Food Service Employees  
from the Sales and Use Tax      DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-53

This bill exempts from the sales and use tax meals provided to an employee of an eating establishment while that employee is working, up to a maximum cost to the employer of \$2.50 per day.

**Committee Amendment "A" (S-53)**

This amendment clarifies that the sales and use tax exemption in the bill applies to the retail value of meals provided to employees and that meals provided during break periods and 30 minutes before or after the employee's working hours are included in the exemption.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 611      An Act Relating to Sales Tax on Certain Rental Vehicles      PUBLIC 209**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-126

This bill requires a person that is primarily engaged in the business of renting automobiles to collect 10% sales tax on the short-term rental of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds and allows such a person to purchase those vehicles tax-free, as is the case under current law with lighter-weight vehicles purchased for rental.

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This bill also provides that the tax exemption in current law for the use of a loaner vehicle provided pursuant to a warranty applies regardless of whether the new motor vehicle dealer provides the vehicle directly to the service customer or instead arranges for a 3rd-party rental company to provide the vehicle to the customer.

**Committee Amendment "A" (S-126)**

This amendment clarifies the proposed exclusion from sales and use tax for pickup trucks and vans purchased for short-term rental and the exemption for the rental of certain vehicles to the service customer of a new vehicle dealer pursuant to a warranty. It deletes language that would have changed how long-term rentals of pickup trucks and vans are taxed and provides that the changes apply to transactions entered into on or after October 1, 2011.

**Enacted Law Summary**

Public Law 2011, chapter 209 requires a person that is primarily engaged in the business of renting automobiles to collect 10% sales tax on the short-term rental of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds and allows such a person to purchase those vehicles tax-free, as is the case under current law with lighter-weight vehicles purchased for rental.

It also provides that the tax exemption in current law for the use of a loaner vehicle provided pursuant to a warranty applies regardless of whether the new motor vehicle dealer provides the vehicle directly to the service customer or instead arranges for a 3rd-party rental company to provide the vehicle to the customer.

**LD 617 An Act To Modify the Process Regarding the Return of Unfit Tobacco Products**

**PUBLIC 441**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-125 S-349 ROSEN R

This bill permits the State Tax Assessor to recognize a credit for tax previously paid on tobacco products that are returned to a distributor because the products have become unfit for use, sale or consumption and are subsequently destroyed by the distributor.

**Committee Amendment "A" (S-125)**

The amendment permits the State Tax Assessor to redeem cigarette tax stamps with respect to cigarettes that are destroyed by the distributor because the cigarettes have become unfit for use, sale or consumption.

**Senate Amendment "A" To Committee Amendment "A" (S-349)**

The amendment delays until July 1, 2012 the implementation of a credit for tax previously paid on tobacco products or cigarettes that are returned to a distributor because the products have become unfit for use, sale or consumption and are subsequently destroyed by the distributor.

**Enacted Law Summary**

Public Law 2011, chapter 441 permits the State Tax Assessor to, beginning July 1, 2012, recognize a credit for tax previously paid on tobacco products that are returned to a distributor and are subsequently destroyed by the distributor because they have become unfit for use, sale or consumption. It permits the State Tax Assessor to, beginning July 1, 2012, redeem cigarette tax stamps with respect to cigarettes that are destroyed by the distributor because they have become unfit for use, sale or consumption.

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**LD 623      An Act To Reestablish the Municipal Revenue Sharing Program as a Compact between the State and Municipal Governments      ONTP**

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

This bill restructures the Local Government Fund, which is the depository of the state-municipal revenue-sharing resources, as an irrevocable trust, and renames it the Irrevocable Local Government Trust Fund.

**LD 647      An Act To Exempt Retired Military Pay from State Income Tax      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON P	OTP-AM MAJ ONTP MIN	H-123

This bill exempts from the state income tax military pension benefits received by a Maine resident as a result of military service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard. The bill provides for a partial exemption of the benefit during the first 4 years that the exemption is allowed with a full exemption in the 5th year.

**Committee Amendment "A" (H-123)**

This amendment changes the bill by increasing the current state income tax exemption for military retirement benefits from \$6,000 to \$10,000 instead of exempting, phased in over a 5-year period, all military pension benefits.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 684      An Act To Clarify the Taxing of Property of Quasi-municipal Organizations      ONTP**

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

This bill provides a property tax exemption for all property of public municipal or quasi-municipal corporations appropriated to public uses.

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**LD 686      An Act To Promote Small Business in Maine      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX RECTOR	ONTP	

This bill creates a personal property tax exemption for the first \$75,000 in value of any machinery, equipment, furnishings or like personal property that is owned and regularly used in the normal course of business by any small business operating in the State in any legal form. The bill also provides a definition of "small business" for the purpose of determining eligibility for the exemption, using the small business size standards developed by the United States Small Business Administration and codified in 13 Code of Federal Regulations, Section 121.

**LD 695      An Act To Reduce Taxes and Promote Employment      DIED IN  
CONCURRENCE**

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

This bill increases the state earned income tax credit from 5% to 10% of the federal credit and makes it refundable.

**LD 705      An Act To Reduce the Income Tax for Low-income Families      ONTP**

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

This bill provides a credit for an individual who is a resident of Maine and whose federal adjusted gross income is \$15,000 or less for the entire year, reducing the individual's income tax liability to zero.

**LD 706      An Act To Base the Motor Vehicle Excise Tax on Ninety Percent of the  
Maker's List Price      ONTP**

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

Current law requires the excise tax paid on motor vehicles to be based on the maker's list price, regardless of the amount actually paid for the motor vehicle.

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This bill instead requires the excise tax to be based on 90% of the maker's list price for the motor vehicle, regardless of the amount actually paid for the motor vehicle, and it changes the mill rate structure for the succeeding years.

**LD 707      An Act To Increase the State Earned Income Credit      ONTP**

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

This bill, beginning in 2011, increases the state earned income credit from 5% to 25% of the federal earned income credit and provides that the state earned income credit is fully refundable.

**LD 713      An Act To Amend the Definition of Automobile for Purposes of the      PUBLIC 296**  
**Sales and Use Tax Law**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT MASON	OTP-AM	H-433

Under the Sales and Use Tax Law, "retail sale" does not include the sale of automobile parts used in the performance of repair services on an automobile pursuant to an extended service contract. This bill specifies that this exclusion applies only to repair parts used in repair services on automobiles weighing 10,000 pounds or less.

### **Committee Amendment "A" (H-433)**

This amendment replaces the bill. This amendment changes the definition of "automobile" for the purposes of the Sales and Use Tax Law. "Automobile," as defined in the Maine Revised Statutes, Title 36, section 1752, includes all cars and other passenger vehicles. It also includes pickup trucks and vans weighing 6,000 pounds or less. The amendment increases the maximum weight to 10,000 pounds. Amending the definition of "automobile" affects the sales tax exemption for automobiles used in driver education, automobiles sold to amputee veterans who are granted free registration and automobiles purchased outside the State by a nonresident and subsequently used in Maine. The definition change affects the purchase of an automobile and automobile parts and accessories by a person engaged in renting automobiles on a short-term basis, the purchase of an automobile by a person engaged in renting automobiles for one year or more and the purchase of automobile repair parts used in the repair of an automobile pursuant to an extended service contract, which was the intent of the bill. It also affects provisions related to the sales tax on rental vehicles and affects the sales and use tax exemption for purchase and use of a loaner vehicle by a new vehicle dealer. It affects the reimbursement of excise tax paid on certain automobiles rented for a period of less than one year.

### **Enacted Law Summary**

Public Law 2011, chapter 296 changes the definition of "automobile" for the purposes of the Sales and Use Tax Law by including pickup trucks and vans weighing 10,000 pounds or less. Previously, the definition included pickup trucks and vans weighing 6,000 pounds or less. Amending the definition of "automobile" affects the sales tax exemption for automobiles used in driver education, automobiles sold to amputee veterans who are granted free registration and automobiles purchased outside the State by a nonresident and subsequently used in Maine. The definition change affects the purchase of an automobile and automobile parts and accessories by a person engaged in renting automobiles on a short-term basis, the purchase of an automobile by a person engaged in renting automobiles

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for one year or more and the purchase of automobile repair parts used in the repair of an automobile pursuant to an extended service contract. It also affects provisions related to the sales tax on rental vehicles and affects the sales and use tax exemption for purchase and use of a loaner vehicle by a new vehicle dealer. It affects the reimbursement of excise tax paid on certain automobiles rented for a period of less than one year.

LD 742      **An Act To Amend the Maine Historic Preservation Tax Credit**

**PUBLIC 453**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM MAJ ONTP MIN	S-116 RECTOR S-89

This bill eliminates the current sunset date for the Maine historic preservation tax credit and requires the Maine Historic Preservation Commission to report to the Legislature in 2013 and every 4 years thereafter with an analysis on the use of the credit.

**Committee Amendment "A" (S-89)**

This amendment replaces the bill, which eliminated the sunset for the Maine historic preservation tax credit, and changes the title. The amendment extends the sunset date to 2023. It requires the Maine Historic Preservation Commission to report to the Legislature every 2 years with an analysis on the use of the credit and recommendations for funding the credit after fiscal year 2014-15. It allows insurance companies investing in historic preservation projects to receive the credit. It requires the Treasurer of State to first credit \$245,160 in fiscal year 2013-14 and \$1,879,560 in fiscal year 2014-15 of the revenues available for the state share of the proceeds from the real estate transfer tax to the General Fund, after which the Treasurer of State pays any remaining revenues to the Maine State Housing Authority, which deposits the funds in the Housing Opportunities for Maine Fund.

**Senate Amendment "A" To Committee Amendment "A" (S-116)**

Committee Amendment "A" requires the Maine Historic Preservation Commission to report to the Legislature every 2 years with an analysis on the use of the historic structure preservation tax credit and recommendations for funding the credit after fiscal year 2014-15. This amendment instead requires that by January 15, 2013, the Maine Historic Preservation Commission make recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding specific proposals for funding the credit and, beginning January 15, 2015, the commission report every 2 years with an analysis on the use of the credit and recommendations for funding the credit.

**Enacted Law Summary**

Public Law 2011, chapter 453 extends the sunset date for the Maine historic preservation credit to 2023. It uses a portion of the revenue that normally would be deposited in the Housing Opportunities for Maine Fund to provide funding for the credit through the next biennium. It requires the Maine Historic Preservation Commission to report specific recommendations for future funding of the credit to the Taxation Committee by January 15, 2013 and to report every 2 years, beginning January 15, 2015, on the use and funding of the credit. It allows insurance companies investing in historic preservation projects to receive the credit.

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**LD 745      An Act To Encourage the Use of Reusable Bags      ONTP**

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

This bill provides an income tax credit up to \$75,000 to retailers that provide compensation to customers for the use of reusable bags.

**LD 752      An Act To Provide Funding for Landfills by Imposing a Gift Package Surcharge      ONTP**

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

This bill requires a retail store with over 8,000 square feet of retail floor space to collect a surcharge of \$2 on each gift package provided to its retail customers. The surcharge is remitted to the State to support the Department of Environmental Protection's remediation and closure program for solid waste landfills.

**LD 762      An Act To Provide Equitable Revenue-sharing Distribution      MAJORITY (ONTP) REPORT**

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

This bill changes the method for distributing the money in the Disproportionate Tax Burden Fund, known as "Rev II," beginning October 1, 2011 and increases funding to so-called "Rev I" municipalities. Currently, Rev II funds are distributed to each municipality with a property tax mill rate over 10 mills in proportion to the disproportionate tax burden. Under this bill, Rev II funds will be distributed only to those municipalities with a property tax mill rate over 10 mills that are designated as service center communities, which by definition include census designated places. Beginning October 1, 2011, the bill reduces the amount transferred from the Local Government Fund to the Disproportionate Tax Burden Fund to 11% each year. This will increase the total amount of funding going to Rev I municipalities.

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**LD 764      An Act To Ensure That Municipalities Refund Amounts Collected in      ONTP**  
**Excess of Tax Liens**

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

Under current law, if a municipality forecloses on a parcel of real estate for failure to pay taxes owed on that real estate, the municipality is under no obligation to return any funds that exceed the amount owed in taxes after the sale of the property.

This bill requires a municipality that forecloses on residential real estate to return the excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs, taxes that would have been assessed while the property was held by the municipality and any other expenses incurred in disposing of the real estate. Notice of the availability of the excess funds must be provided to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. If the former owner fails to claim the excess funds within 36 months after notice of the availability of excess funds, the municipality must remit the excess funds to the Treasurer of State for credit to the General Fund.

**LD 805      An Act To Decrease the Tax Burden on Maine's Seniors      DIED ON**  
**ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK	OTP-AM MAJ ONTP MIN	H-165

This bill provides a 50% income tax credit to taxpayers who are 60 years of age and older.

**Committee Amendment "A" (H-165)**

This amendment strikes the bill. It phases in the income tax credit for seniors 65 years of age or older over a 5-year period beginning in 2014 and clarifies the application of the credit to married persons when only one person has reached 65 years of age.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 808      An Act Regarding Property Taxes in the Unorganized Territories      ONTP**

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

This bill provides that an increase in the assessed value of a parcel of land in the unorganized territory that exceeds 25% of its previously assessed value must be phased in so that the assessed value of a parcel of land increases by no

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more than 25% in a single year.

**LD 809      An Act Regarding the Fairness of Sales Tax on Certain Precious Metals      ONTP**  
**Purchases**

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

This bill exempts from sales tax every sale of gold, silver, platinum and palladium bars, bullion and coins that is \$1,000 or greater in value.

**LD 822      An Act To Remove Taxes on Equipment Used for Business      ONTP**

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

This bill extends the business equipment property tax exemption to office furniture, including tables, chairs, desks, bookcases, filing cabinets and modular office partitions, and to otherwise eligible property located at a retail sales facility with interior customer selling space that is smaller than 20,000 square feet.

**LD 823      An Act To Amend the Law Governing Tax Increment Financing      PUBLIC 287**  
**Districts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROCHELO HOBBINS	OTP-AM MAJ ONTP MIN	H-460

This bill changes the definition of "original assessed value" related to municipal development districts from the "assessed value" of the district to the "taxable assessed value" of the district. The bill repeals the requirement that a project financed through municipal bonded indebtedness must be completed within 5 years of the commissioner's approval of the designation of the tax increment financing district. It allows municipalities that choose to use tax increment financing to cover costs related to economic development to use the funds for grants in addition to revolving loan funds and investment funds. It increases the maturity date on the bonds that a municipality may authorize to finance project costs from 20 to 30 years from the date of issuance.

**Committee Amendment "A" (H-460)**

This amendment replaces the bill and changes the requirement, repealed in the bill, that a project financed through municipal bonded indebtedness must be completed within 5 years of the commissioner's approval of the designation of the tax increment financing district by extending the period for completion to 8 years.

**Enacted Law Summary**

**Public Law 2011, chapter 287 changes the requirement that a project financed through municipal bonded**

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indebtedness must be completed within 5 years of the commissioner's approval of the designation of the tax increment financing district by extending the period for project completion to 8 years.

**LD 826      An Act To Permit a Local Option Sales Tax      ONTP**

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

This bill allows a municipality to impose a local option sales tax of 3% or less by local referendum. Revenue from the local option sales tax is distributed as follows: 50% to the municipality, 25% to the county in which the municipality is located and 25% to the General Fund. The revenue received by the municipality and county must be used to reduce the property tax, either through specific programs, such as by funding a municipal property tax assistance program or funding the portion of the homestead property tax exemptions not funded by the State or generally stabilizing or lowering the projected property tax rate of the municipality or the county tax assessment.

**LD 834      An Act To Define "Prosthetic Device" for Purposes of Sales Tax Law      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SAVIELLO	OTP-AM	H-242

This bill provides a sales tax exemption for orthotics.

**Committee Amendment "A" (H-242)**

This amendment replaces the bill. It creates definitions for "prosthetic device" and "prescription." It clarifies the sales tax exemption for prosthetic devices.

This bill was placed on the Special Appropriations Table and died on adjournment.

**LD 835      An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT SNOWE-MELLO		

This bill amends the educational opportunity tax credit by removing restrictions on the term of eligible loans and by making the tax credit refundable.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 836      An Act To Repeal the Alternative Minimum Tax**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT HASTINGS	OTP-AM MAJ ONTP MIN	H-154

This bill repeals the alternative minimum tax for both individual and corporate taxpayers.

**Committee Amendment "A" (H-154)**

This amendment replaces the bill. It makes the alternative minimum tax not apply to resident and nonresident individuals, trusts and estates after January 1, 2012, while retaining the existing credit for taxpayers who have previously paid the alternative minimum tax.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part N.

**LD 838      An Act To Make the Homestead Property Tax Exemption More Flexible  
for Municipalities and Remain Revenue Neutral for the State**

**ONTP**

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

This bill amends the law governing the homestead property tax exemption by reducing the exemption from \$10,000 to \$5,000 and providing that the State must reimburse municipalities for 100% of the exemption rather than 50%. The bill also authorizes municipalities by ordinance to add a local level of exemption of up to 200% of the state-required exemption. State reimbursement is not required for a locally adopted exemption.

**LD 847      An Act To Increase the Amount of Deductible Business Expense  
Allowed for Property Placed in Service Beginning in 2011**

**ONTP**

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

This bill permits businesses to claim business expense deductions for purchases to the same extent as permitted under federal income tax law.

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**LD 849      An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes      Carried Over**

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

This bill provides tax relief for Maine's citizens by reducing income taxes paid by Maine citizens. The bill requires that revenue exceeding the General Fund appropriation limitation and unappropriated surplus of the General Fund be used to gradually increase by 20% the income bracket thresholds at which higher income tax rates apply and to reduce the highest income tax rates from 8.5% and 7% to 6.5%.

**Committee Amendment "A" (S-308)**

The Committee amendment replaces the bill and establishes individual income tax rates at 0%, 6.5% and 8.5% for tax years beginning on or after January 1, 2012. It reduces the highest income tax rate of 8.5% to 7.95% for tax years beginning on or after January 1, 2013. The amendment requires that revenue that exceeds the General Fund appropriation limitation and unappropriated surplus of the General Fund be used to gradually increase by 20% the income tax bracket thresholds at which higher income tax rates apply and to reduce the highest income tax rates to 4.5% over time to eventually establish one income tax rate.

**Senate Amendment "A" To Committee Amendment "A" (S-330)**

This amendment strikes the provisions of Committee Amendment "A" that require that revenue that exceeds the General Fund appropriation limitation and unappropriated surplus of the General Fund be used to gradually increase by 20% the income tax bracket thresholds at which higher income tax rates apply. This amendment retains the requirement that revenue be used to reduce the highest income tax rates to 4.5% over time to eventually establish one income tax rate.

This amendment removes the provisions of Committee Amendment "A" that establish income tax rates at 0%, 6.5% and 8.5% for tax years beginning in 2012 but retains the changes made for tax years beginning in 2013 or later.

This bill was placed on the Special Appropriations Table and the Joint Standing Committee on Appropriations and Financial Affairs voted to recommit it to the Taxation Committee. See LD 1043, Part N.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 855      An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing      PUBLIC 101**

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

This bill authorizes plantations to implement tax increment financing development districts and development programs in the same manner as is currently available to municipalities under the Maine Revised Statutes, Title 30-A, chapter 206. The bill also allows authorized project costs to include certain capital costs associated with public ways and recreational trails within the tax increment financing development district.

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**Enacted Law Summary**

Public Law 2011, chapter 101 authorizes plantations to implement tax increment financing development districts and development programs in the same manner as is currently available to municipalities under the Maine Revised Statutes, Title 30-A, chapter 206. It also allows authorized project costs to include certain capital costs associated with public ways and recreational trails within the tax increment financing development district.

**LD 868      An Act To Reform Maine Revenue Services Procedures      ONTP**

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

This bill requires the Department of Administrative and Financial Services, Bureau of Revenue Services, prior to implementing a change in policy or practice or in interpretation of any law, rule or bulletin that will result in additional revenue to the State, to notify the joint standing committee of the Legislature having jurisdiction over taxation matters and to implement the change through major substantive rulemaking, which is subject to review by the Legislature.

This bill also requires the State Tax Assessor to notify a taxpayer when an audit has been initiated and to record and to preserve all conversations with the taxpayer during the course of the audit.

**LD 875      An Act To Provide an Incentive for Unemployed Persons To Become Self-employed      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill, as emergency legislation, proposes to modify the tax laws to provide incentives that will encourage the use of personal assets, such as stocks and individual retirement accounts, and intrafamily loans to provide capital for unemployed persons to start or purchase a business.

**LD 876      An Act To Convert Vacant Commercial Property to Occupied Commercial Property      Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to modify the tax laws to provide incentives that will encourage the improvement of unoccupied

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commercial property in order to attract tenants and stimulate business development.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 895      An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex      P & S 15**

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

This bill facilitates the City of Bangor's ability to incur bonded indebtedness in order to fund a replacement building or structure for the existing Bangor Auditorium and Civic Center. The bill exempts the bonded indebtedness for the project from counting towards the city's statutory debt limit and Penobscot County's aggregate value of municipal general obligation indebtedness financed by the proceeds from tax increment financing districts. The bill also removes a 5-year deadline for completion of the project and extends the 20-year time limit to 30 years for bonded indebtedness incurred by the City of Bangor to finance the project.

**Enacted Law Summary**

Private and Special Law 2011, chapter 15 facilitates the City of Bangor's ability to incur bonded indebtedness in order to fund a replacement building or structure for the existing Bangor Auditorium and Civic Center. It exempts the bonded indebtedness for the project from counting towards the city's statutory debt limit and Penobscot County's aggregate value of municipal general obligation indebtedness financed by the proceeds from tax increment financing districts. It also removes a 5-year deadline for completion of the project and extends the 20-year time limit to 30 years for bonded indebtedness incurred by the City of Bangor to finance the project.

**LD 898      An Act To Reform the Maine Estate Tax      ONTP**

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

This bill provides a different method of calculation of the Maine estate tax. Instead of calculating the estate tax based on prior federal law, the bill establishes a progressive rate structure for estates that exceed an exemption amount of \$1,000,000 for persons who die after December 31, 2010. See LD 1147.

**LD 921      An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax      PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE TRAHAN	OTP-AM	H-484

This bill limits the period of assessments for back taxes under the commercial forestry excise tax and provides that landowners who sign an affidavit stating that they were unaware of the requirement to file a return may be assessed

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for the current year and the 2 previous years only, without the accumulation of interest or penalties. The bill also directs the State Tax Assessor to evaluate whether an amnesty program might contribute to the State's ability to enforce and collect revenue due under the tax.

**Committee Amendment "A" (H-484)**

This amendment makes technical changes and removes the requirement that the State Tax Assessor report whether an amnesty program will contribute to the State's ability to collect taxes due under the commercial forestry excise tax. The amendment clarifies that the supplemental assessment may be limited to the prior 3 years if the landowner signs an affidavit stating that the landowner was unaware of the requirement to file a return and that penalties and interest must be waived or abated if the tax is paid within 30 days after receipt of the notice of supplemental assessment. The amendment provides that these provisions apply to property tax years beginning on or after April 1, 2011.

**Enacted Law Summary**

Public Law 2011, chapter 462 limits the period of the supplemental assessment under the commercial forestry excise tax to the prior 3 years if the landowner signs an affidavit stating that the landowner was unaware of the requirement to file a return and that penalties and interest must be waived or abated if the tax is paid within 30 days after receipt of the notice of supplemental assessment. These provisions apply to property tax years beginning on or after April 1, 2011.

**LD 931      An Act To Ensure Proper Tax Assessment of Property Owners      ONTP**

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

This bill requires a municipal property tax assessor, upon receipt of notice of the transfer of property, to note the new owner on the tax records and issue any assessment due after the date of transfer to that new owner.

**LD 946      An Act To Amend the Sales and Use Tax Exemption for Aircraft      DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-155

This bill amends the existing sales, storage and use tax exemption for an aircraft purchased outside of the State by a nonresident by removing limitations on the use of the aircraft in this State during the 12 months following purchase.

**Committee Amendment "A" (S-155)**

This amendment changes the bill by expanding the current exemption from sales and use tax for aircraft purchased or leased by a nonresident and immediately transported out of the State and for certain other specifically designated aircraft to include sales and leases of all aircraft by a person, regardless of the type of aircraft or the state of residency of the purchaser. The amendment also expands the exemption to include sales of repair and replacement parts used exclusively in aircraft and in the overhauling and rebuilding of aircraft. It retains the bill's original provision to amend the existing sales, storage and use tax exemption for an aircraft purchased outside of the State by

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a nonresident by removing limitations on the use of the aircraft in this State during the 12 months following purchase.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part GGGG.

**LD 961      An Act To Exempt Internet Sales from the Sales and Use Tax      INDEF PP**

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

This bill provides a sales and use tax exemption for sales made over the Internet.

**LD 965      Resolve, Directing the Bureau of Revenue Services To Provide Guidance      MAJORITY  
Regarding the Valuation of Residential Alternative Energy      (ONTP) REPORT  
Infrastructure**

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

This resolve directs the Department of Administrative and Financial Services, Bureau of Revenue Services to develop guidance for municipalities with regard to the valuation of alternative energy infrastructure used for residential purposes.

**LD 991      An Act To Establish the Maine New Markets Capital Investment      DIED ON  
Program      ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-299

This bill enacts the Maine New Markets Capital Investment Program in order to attract investment in economically distressed areas of Maine. The program is modeled after the federal New Markets Tax Credit Program.

**Committee Amendment "A" (S-299)**

This amendment replaces the bill and establishes the Maine New Markets Capital Investment Program, which is modeled after the Federal New Markets Income Tax Credit, IRS Code 45D.

Under the program, the Finance Authority of Maine (FAME) receives applications from Qualified Community Development Entities," which may be approved for specific allocations of qualified investments eligible for the credit. FAME certifies qualified investments, with the maximum of qualified investments in Maine equal to

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\$250,000,000. At least 85% of investments must be made in "low-income or distressed areas" in Maine. The total credit is equal to 39% of qualified investment with the schedule for claiming it beginning at 0% in the first 2 years, 7% in the 3rd year of the investment and then 8% for remaining four years. The credit is refundable or at taxpayer's election, may be carried forward.

The Commissioner of Department of Administration and Financial Services enters into a Memorandum of Agreement with the certified investors eligible for the credit regarding the State's commitment to investors who make qualified investments. Maine Revenue Services processes the credits through tax returns and may recapture the credit if required under certain circumstances consistent with IRS Code provisions.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part Q.

**LD 1016 An Act To Restore the Health Care Provider Tax to 6 Percent**

**PUBLIC 411**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS CRAVEN	OTP-AM	H-649

Federal law permits states to use provider-specific taxes to fund their state shares of Medicaid expenses subject to certain limitations. This bill amends existing provisions effective October 1, 2011, increasing the provider tax rate applicable to nursing home from 5.5% to 6%, consistent with applicable federal requirements, and repealing authorization for the Commissioner of Health and Human Services to transfer funds received from nursing facilities that are credited to the Nursing Facility Other Special Revenue funds account in the Department of Health and Human Services.

It requires that funds received from this increased provider tax be applied to provide cost-of-living increases to MaineCare reimbursement to nursing homes and medical and remedial private nonmedical institutions that are reimbursed room and board costs and certain other allowable costs under rules adopted by the Department of Health and Human Services and may not be transferred for other purposes.

### **Committee Amendment "A" (H-649)**

This amendment provides an increase in the provider tax rate applicable to residential treatment facilities from 5.5% to 6%, consistent with applicable federal requirements, in addition to the increase provided for nursing homes in the bill. It requires that the rules for the cost-of-living adjustment, to which all revenues related to the incremental increase for nursing homes must be applied, use a methodology that provides a cost-of-living increase that ensures that such nursing facilities and medical and remedial private nonmedical institutions receive a share of the revenues through MaineCare reimbursement of allowable costs. It requires that all revenues generated by the increase in the tax rate applicable to residential treatment facilities be applied to providing services to individuals on the waiting list for the community support benefit waiver under the MaineCare Benefits Manual, Chapter II, Section 29. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2011, chapter 411 increases the provider tax rate applicable to nursing home and residential treatment facilities from 5.5% to 6%, effective October 1, 2011, consistent with applicable federal requirements. It repeals the authorization for the Commissioner of Health and Human Services to transfer funds received from nursing facilities that are credited to the Nursing Facility Other Special Revenue funds account in the Department of Health and Human Services. It requires that the incremental increase of funds received from this increased provider tax for nursing homes must be applied to provide cost-of-living increases to MaineCare reimbursement to nursing homes and medical and remedial private nonmedical institutions that are reimbursed room and board costs and certain other

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allowable costs under rules adopted by the Department of Health and Human Services and may not be transferred for other purposes. The department must use a methodology that provides a cost-of-living increase that ensures that such nursing facilities and medical and remedial private nonmedical institutions receive a share of the revenues through MaineCare reimbursement of allowable costs. It requires that all revenues generated by the increase in the tax rate applicable to residential treatment facilities be applied to providing services to individuals on the waiting list for the community support benefit waiver under the MaineCare Benefits Manual, Chapter II, Section 29.

**LD 1036      An Act To Clarify the Municipal Development District Law      ONTP**

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

This bill defines the terms "blighted area" and "credit enhancement agreement" in the municipal development district laws and provides a mechanism for the use of credit enhancement agreements in blighted areas. It also requires greater advance notice of public hearings on development districts and broadens the range of parties entitled to receive direct notice of such hearings.

**LD 1044      An Act To Allow a Tax Credit for Tuition Paid to Private Schools      ONTP**

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

This bill provides for an income tax credit of up to \$2,000 for tuition paid to a private school for a taxpayer or a dependent of the taxpayer.

**LD 1081      An Act To Provide a Property Tax Exemption for Family Burying Grounds      DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARVELL	OTP-AM	H-476 S-354 ROSEN R

This bill exempts family burying grounds of 1/4 of an acre or less from property taxation.

**Committee Amendment "A" (H-476)**

This amendment replaces the bill. It limits the bill's proposed property tax exemption for family burying grounds of 1/4 acres or less to include only those where human remains are known to be buried and that are not located within shoreland areas. The amendment also changes the application date from April 1, 2011 to April 1, 2012.

**Senate Amendment "A" To Committee Amendment "A" (S-354)**

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This amendment adds a mandate preamble.

**LD 1086 An Act To Promote Plug-in Electric Vehicle Sales**

**MAJORITY  
(ONTP) REPORT**

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

This bill creates an income tax credit for the purchase of a qualified plug-in electric vehicle that is equal to the excise tax paid, up to \$1,000. The credit expires January 1, 2015.

**LD 1092 An Act To Allow a Tax Credit for Tuition Paid to Private Schools**

**DIED BETWEEN  
HOUSES**

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

This bill provides for an income tax credit of up to \$2,500 for tuition paid to a private school for prekindergarten to grade 12 for a taxpayer or a dependent of the taxpayer.

**LD 1096 An Act To Enhance Economic Development by Encouraging Job and Business Growth in Maine's Aviation Industry**

**ONTP**

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

Current law provides an exemption from sales tax for aircraft purchased or leased by a nonresident and immediately transported out of the State and for certain other specifically designated aircraft. This bill expands the current exemption to include sales and leases of all aircraft by a person, regardless of the type of aircraft or the state of residency of the purchaser. This bill also exempts sales of repair and replacement parts used exclusively in aircraft and in the overhauling and rebuilding of aircraft. The exemptions are retroactive to July 1, 2008. See LD 946 and LD 1043, Part GGGG.

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**LD 1097      An Act To Amend the Laws Governing the Real Estate Transfer Tax      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the real estate transfer tax laws to ensure equity in their application to the value of the property being transferred and the parties involved in the transfer.

**LD 1118      An Act To Provide a Tax Credit for High-quality Child Care Sites      MAJORITY (ONTP) REPORT**

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

This bill amends the income tax credit for child and dependent care expenses to provide an enhanced credit if the services are provided at a child care site rated according to the level of quality by the Department of Health and Human Services. The bill also expands the income tax credit for quality child care investments to include contributions to a public-private partnership fund certified by the Department of Health and Human Services, Office of Child Care and Head Start and caps the amount of eligible investments that may be certified at \$50,000 per year.

**LD 1130      An Act To Amend the Laws Regarding the Determination of Domicile Based on the Geographic Location of an Individual's Bank      PUBLIC 132 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM MAJ ONTP MIN	S-59

This bill amends the definition of "resident individual" for the laws regarding income taxes to include that the geographic location of a bank with an active bank account or bank loan of the individual may not be used to determine if the individual is considered to be domiciled in Maine.

**Committee Amendment "A" (S-59)**

This amendment adds an emergency preamble and emergency clause to the bill. The amendment changes the bill by excluding all financial institutions rather than just banks from the criteria used to determine if an individual is considered to be domiciled in Maine for tax purposes.

**Enacted Law Summary**

Public Law 2011, chapter 132 amends the definition of "resident individual" for the laws regarding income taxes to specify that the geographic location of a financial institution with an active account or loan of the individual may not

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be used to determine if the individual is considered to be domiciled in Maine.

Public Law 2011, chapter 132 was enacted as an emergency measure effective May 23, 2011.

**LD 1137    An Act To Conform Business Expense Deductions to Federal Law**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT TRAHAN	OTP-AM MAJ ONTP MIN	H-155

This bill permits businesses to claim business expense deductions for purchases to the same extent as permitted under federal income tax law. It was amended to add corporations to the entities allowed to use the higher United States Internal Revenue Code, Section 179 expense deduction thresholds as permitted under federal income tax law.

**Committee Amendment "A" (H-155)**

This amendment adds corporations to the entities allowed to use the higher United States Internal Revenue Code, Section 179 expense deduction thresholds as permitted under federal income tax law.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part O.

**LD 1138    An Act To Prevent Unnecessary Expulsion of Landowners from the  
Maine Tree Growth Tax Law Program**

**Carried Over**

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

This bill requires the State Tax Assessor to impose a \$100 administrative penalty on a landowner enrolled in the Maine Tree Growth Tax Law program if the landowner fails to file a forest management and harvest plan by the later of the end of the 10-year period and the end of the 120-day notice period given by the assessor to notify the landowner that a plan is needed. If the landowner still does not file a plan within one year of the end of the 10-year deadline, then the assessor is required to withdraw the land from the tree growth tax program and assess a withdrawal penalty. This bill also repeals the 15,000-acre cap on land enrolled in the farm and open space tax law program to allow easier transfer of property between that program and the tree growth tax law program.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 1142      Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Review the Farm and Open Space Tax Law**

**RESOLVE 86**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT MASON	OTP-AM	H-580

This bill allows a farm-related structure on land enrolled in the farm and open space tax program to be taxed at a current use value established by a method determined by the Department of Agriculture, Food and Rural Resources working with the Department of Administrative and Financial Services, Bureau of Revenue Services, representatives of municipal assessors and farmers.

**Committee Amendment "A" (H-580)**

This amendment changes the bill to a resolve and changes the title. It requires the Department of Administrative and Financial Services, Bureau of Revenue Services to work with guidance from the Department of Agriculture, Food and Rural Resources to evaluate land used for agricultural activities enrolled in the farm and open space tax law and to consider land within the footprint of agriculture-related buildings. The amendment requires the bureau's review to consider the method for the valuation of such lands under a current use valuation methodology and an assessment of the thresholds for acreage and income that allows farmland to be assessed at current use. It requires the bureau to invite the participation of representatives from municipalities and a statewide farming association. It requires the bureau to submit a report with recommendations and suggested legislation to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes the Joint Standing Committee on Taxation to submit a bill pertaining to the recommendations of the report to the Second Regular Session of the 125th Legislature.

**Enacted Law Summary**

Resolve 2011, chapter 86 requires the Department of Administrative and Financial Services, Bureau of Revenue Services to work with guidance from the Department of Agriculture, Food and Rural Resources to evaluate land used for agricultural activities enrolled in the farm and open space tax law and to consider land within the footprint of agriculture-related buildings. It requires the bureau's review to consider the method for the valuation of such lands under a current use valuation methodology and an assessment of the thresholds for acreage and income that allows farmland to be assessed at current use. It requires the bureau to invite the participation of representatives from municipalities and a statewide farming association. It requires the bureau to submit a report with recommendations and suggested legislation to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes the Joint Standing Committee on Taxation to submit a bill pertaining to the recommendations of the report to the Second Regular Session of the 125th Legislature.

**LD 1147      An Act To Conform Maine's Estate Tax to the Federal Estate Tax**

**INDEF PP**

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

This bill raises the Maine estate tax exclusion amount from \$1,000,000 to \$5,000,000 beginning with estates of decedents dying on or after January 1, 2012 and conforms to the federal exclusion level thereafter.

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**Committee Amendment "A" (S-133)**

The Committee amendment strikes and replaces the bill. With respect to the estate tax for estates of decedents dying after December 31, 2011, it provides an exclusion amount of \$5,000,000 and provides for the calculation of the estate tax according to a progressive rate structure of 10% for estates of at least \$5,000,000 but less than \$8,000,000 and 12% for estates of \$8,000,000 or more. For estates of decedents dying on or after January 1, 2011, it provides conformance with federal law with respect to the treatment of Maine qualified terminable interest property. It also clarifies provisions related to the estates of nonresidents.

**Senate Amendment "B" To Committee Amendment "A" (S-217)**

This amendment decreases the Maine exclusion amount proposed in Committee Amendment "A" from \$5,000,000 to \$2,000,000 and changes the tiers of the graduated rate structure by imposing a tax rate of 8% on estates of more than \$2,000,000 but no more than \$5,000,000; 10% on estates of more than \$5,000,000 but no more than \$8,000,000; and 12% on estates valued at more than \$8,000,000. See LD 1043, Part M.

**LD 1157 An Act To Protect Property Tax Revenue in the Unorganized Territory**

**MINORITY  
(ONTP) REPORT**

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

This bill provides that a tax increment financing district containing a grid-scale wind energy development in the unorganized territory may not be approved by the Commissioner of Economic and Community Development after a permit has been issued for the wind energy development or if federal funding is approved for the wind energy development or if a person intends to claim state or federal tax credits for the development. If funding or a tax credit is received by a person after approval of the tax increment financing district, the person receiving the funding or credit must pay that amount to the State to be used to reduce property taxes in the unorganized territory.

**LD 1161 An Act To Waive Penalties Imposed under Laws Governing Taxation for Persons Who Are Unemployed**

**ONTP**

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

This bill requires the State Tax Assessor to waive the penalties imposed for failing to file an income tax return or failing to pay, in whole or in part, income taxes due if the person is unemployed. The burden is on the person to prove unemployment status.

*Joint Standing Committee on Taxation*

**LD 1164    An Act To Support Maine Farms and Alleviate Hunger**

**Carried Over**

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

This bill provides an income tax credit up to \$5,000 to persons engaged in commercial agricultural production for donations of food to incorporated nonprofit organizations that provide free food to low-income individuals for the purpose of alleviating hunger.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1174    An Act To Help Maine's Employers To Recruit Skilled Workers by  
Expanding the Availability of the Educational Opportunity Tax Credit**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT WOODBURY	OTP-AM MAJ ONTP MIN	H-267

This bill amends the Job Creation Through Educational Opportunity Program to allow a tax credit for student loans incurred by a person who receives an associate degree or a bachelors degree from any accredited community college, college or university, not just one located in Maine.

**Committee Amendment "A" (H-267)**

This amendment provides that the Job Creation Through Educational Opportunity Program tax credit is available to participants who receive an associate or bachelor's degree at an accredited community college, college or university not located in this State only if the associate or bachelor's degree is awarded after December 31, 2011. It applies to qualifying educational opportunity loans entered into before July 1, 2022; the intent of this limitation is to require reconsideration of the program to determine whether it should be continued.

**LD 1205    An Act To Provide Economic Incentives to Businesses for the Collection  
of State Taxes**

**MAJORITY  
(ONTP) REPORT**

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

This bill permits persons that are required to register under Maine's sales and use tax laws to deduct and retain an amount equal to up to 1% of the sales and use taxes they collect, as reimbursement for the expenses they incur in the collection of sales and use taxes on behalf of the State.

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**LD 1216     An Act To Impose an Excise Tax on the Extraction of Water for Bottling** **ONTP**

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

This bill creates an excise tax of 1¢ per gallon on the extraction of surface water or groundwater from springs or other underground sources by a bottled water operator who packages water for sale in containers of 5 gallons or less and who extracted more than 1,000,000 gallons in the previous calendar year.

**LD 1225     An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention** **Carried Over**

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

This bill creates a checkoff on the income tax form to allow tax filers to donate to the Comprehensive Cancer Screening, Detection and Prevention Fund for funding the cancer prevention and control program.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1226     An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program** **MAJORITY (ONTP) REPORT**

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

This bill provides funding for a portion of the cancer prevention and control program plan originally enacted into law during the First Regular Session of the 123rd Legislature by providing an ongoing Other Special Revenue Funds allocation for a comprehensive cancer screening, detection and prevention program. This bill requires all tobacco products other than cigarettes to be taxed at the rate of \$2.00 per ounce to provide the funding.

**LD 1235     An Act To Allow a Tax-free Employee Illness Account** **ONTP**

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

**Joint Standing Committee on Taxation**

This bill allows an employer to establish an illness account for employees who do not receive compensated sick leave. Both the employer and employee may contribute to the illness account up to an amount equal to one week of the employee's wages, and the employee may withdraw funds from the account equal to one hour of the employee's wages for every hour the employee is unable to perform the employee's duties due to illness. The employee may also withdraw an amount up to the entire amount in the illness account once every year. The funds contributed to the account are not subject to state unemployment tax or income tax.

**LD 1259      An Act To Encourage Computer Data Center Development      ONTP**

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

This bill provides a sales tax refund or exemption for sales of eligible server equipment, eligible power infrastructure and electronic data storage and data management services to an eligible computer data center that begins operation between October 1, 2011 and October 1, 2014. A qualifying business must add at least 20 jobs with above-average wages within 6 years after the business first becomes eligible or the amount of exempt or refunded taxes plus interest will be recaptured by the State.

**LD 1266      An Act To Protect Municipalities That Host Wind Energy      MAJORITY  
Developments      (ONTP) REPORT**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a mechanism to protect a community that hosts a wind energy development against financial loss regarding agreements related to that development. This bill proposes to provide a host community with a secured claim under a community benefit agreement under the Maine Revised Statutes, Title 35-A, section 3454, a tax increment financing agreement under Title 30-A, chapter 206 or any other financial arrangement that exposes a municipality to financial risk in the event a wind energy development becomes insolvent and with payment in lieu of taxes in the event a wind energy development becomes insolvent. In addition, the bill proposes to address issues related to the value of a wind energy development by creating an assessment methodology that considers the accelerated depreciation schedule for wind energy development equipment when determining the tax increment financing value or other assessment value to ensure the municipality is not exposed to undue risk.

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**LD 1287     An Act To Create a Scholarship Granting Organization Tax Credit**

**MAJORITY  
(ONTP) REPORT**

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

This bill establishes a scholarship granting organization credit to provide a Maine income tax credit to individuals and corporations who donate to scholarship granting organizations. Scholarship granting organizations are defined as organizations that provide educational scholarships to public or private school students in kindergarten to grade 12 who are from households in which the household incomes are no more than 250% of the income guidelines used to qualify for the federal free and reduced price lunch program.

The amount of the credit is the amount of voluntary cash contributions made to a scholarship granting organization, up to a maximum of 50% of the tax owed. Scholarship granting organizations that receive such contributions are subject to reporting requirements. The credit is not available for an educational scholarship provided to a student who attends a school that employs a paid staff or board member, or that person's immediate family member, who is a member or an immediate family member of a member of the scholarship granting organization.

**LD 1292     Resolve, To Establish a Study Group To Examine the Taxation by  
Municipalities of Renewable Energy Facilities' Property**

**ONTP**

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

This resolve is a concept draft pursuant to Joint Rule 208.

This resolve proposes to establish a study group whose purpose is to develop a method of property taxation of renewable energy facilities. This method of taxation will be applied uniformly across the State, which will allow renewable energy facilities to create an accurate business plan when determining whether to build in a municipality. Among the proposals to be considered by the study group would be a 10-year exemption of renewable energy facilities from property taxation.

**LD 1295     An Act To Amend the Process of Resolving Property Tax Abatement  
Disputes**

**ONTP**

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

This bill amends the real property tax abatement process by:

1. Requiring the notice of decision of a denial of an application for abatement to contain the specific reasons for the

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denial; and

2. Allowing a person whose abatement based on the valuation of property is denied to obtain, prior to appealing the denial, 2 appraisals of the property for which the abatement is requested and submit these as proof of value to the assessors or municipal officers who denied the abatement application. The assessors or municipal officers may either accept the average of the appraisals as proof of value and allow the abatement or deny the abatement and file an appeal with the Superior Court or board of assessment review; the scope of the appeal is limited to the validity of the appraisals.

**LD 1325 An Act To Amend the Tax Laws**

**PUBLIC 285**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT	OTP-AM MAJ ONTP MIN	H-461

This bill makes the following changes to the laws governing taxation.

1. It eliminates the requirement that a visual media production company submit a copy of its certified visual media production report to the State Tax Assessor.
2. It imposes a specific requirement that, if the sales tax is not separately stated, a retailer must include a statement on the sales slip or invoice presented to the purchaser that the stated price includes Maine sales tax.
3. In Public Law 2009, chapter 620, the Legislature changed the law to provide for a reduced sales tax rate for watercraft purchased and kept in the State or brought into the State by nonresidents for more than 30 days. The bill clarifies the intent of the Legislature in changing the Maine Revised Statutes, Title 36, section 1760, subsection 25 to exempt from sales and use tax watercraft used in this State for no more than 30 days by a nonresident. The bill also repeals redundant language. The bill provides for a retroactive application of these changes to the effective date of Public Law 2009, chapter 620.
4. It clarifies and expands provisions enacted by Public Law 2009, chapter 632 that require the State Tax Assessor to post certain information relating to products used in commercial agricultural or silvicultural crop production or in animal agricultural production on the publicly accessible website of the Department of Administrative and Financial Services, Bureau of Revenue Services.
5. It removes the requirement that the State Tax Assessor issue classified permits to registered retailers and clarifies that only individual taxpayers may report sales tax on casual rentals of living quarters on their individual income tax returns. The bill provides that classified permits previously issued remain in effect.
6. It requires persons making delivery sales of cigarettes or tobacco products to obtain a distributor's license and pay Maine taxes, as provided by federal law.
7. It applies the criminal penalties for filing a false tax return or document to false tax returns and documents filed electronically.

### **Committee Amendment "A" (H-461)**

This amendment provides that the sales tax exemption for Pine Tree Development Zone businesses applies to the sale of the transmission and distribution of electricity to those businesses.

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### Enacted Law Summary

Public Law 2011, chapter 285 makes the following changes to the laws governing taxation.

1. It eliminates the requirement that a visual media production company submit a copy of its certified visual media production report to the State Tax Assessor.
2. It imposes a specific requirement that, if the sales tax is not separately stated, a retailer must include a statement on the sales slip or invoice presented to the purchaser that the stated price includes Maine sales tax.
3. It clarifies the intent of the Legislature in changing the Maine Revised Statutes, Title 36, section 1760, subsection 25 to exempt from sales and use tax watercraft used in this State for no more than 30 days by a nonresident and repeals redundant language. This is related to Public Law 2009, chapter 620, which changed the law to provide for a reduced sales tax rate for watercraft purchased and kept in the State or brought into the State by nonresidents for more than 30 days. Public Law 2011, chapter 285 provides for a retroactive application of these changes in section 1760 to be consistent with the effective date of Public Law 2009, chapter 620.
4. It clarifies and expands provisions enacted by Public Law 2009, chapter 632 that require the State Tax Assessor to post certain information relating to products used in commercial agricultural or silvicultural crop production or in animal agricultural production on the publicly accessible website of the Department of Administrative and Financial Services, Bureau of Revenue Services.
5. It removes the requirement that the State Tax Assessor issue classified permits to registered retailers and clarifies that only individual taxpayers may report sales tax on casual rentals of living quarters on their individual income tax returns. It provides that classified permits previously issued remain in effect.
6. It requires persons making delivery sales of cigarettes or tobacco products to obtain a distributor's license and pay Maine taxes, as provided by federal law.
7. It applies the criminal penalties for filing a false tax return or document to false tax returns and documents filed electronically.
8. It provides that the sales tax exemption for Pine Tree Development Zone businesses applies to the sale of the transmission and distribution of electricity to those businesses.

LD 1336     **An Act To Provide an Internship Employment Tax Credit**

**DIED BETWEEN  
HOUSES**

Sponsor(s)

GOODALL

Committee Report

ONTP MAJ  
OTP-AM MIN

Amendments Adopted

This bill creates a tax credit for employers that employ qualified interns. The employer is entitled to a nonrefundable credit equal to 10% of the wages, stipend or salary paid to the intern and may not receive more than \$3,000 in total credits for all taxable years combined. The credit applies to the wages, stipend or salary of no more than 5 interns employed at the same time.

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**LD 1341      An Act To Provide Rent Relief to Low-income Maine Residents      ONTP**

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

This bill amends the Circuitbreaker Program to increase the percentage of rent paid that may be claimed by an elderly household and a nonelderly household to 100% of the gross rent actually paid; the current claim limits are 25% and 20%, respectively, of the gross rent actually paid.

**LD 1350      An Act To Provide Income Tax Relief      ONTP**

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

This bill reforms the Maine income tax by establishing a rate structure that includes 6 income tax bracket thresholds with top marginal tax rates from 0% to 10%. The income thresholds for each rate would be calculated by the State Tax Assessor every 5 years to maintain the same level of progressivity of the tax by maintaining the same percentage of taxpayers in each top marginal rate category.

**LD 1351      An Act To Improve and Simplify the Application for Benefits under the      ONTP**  
**Circuitbreaker Program**

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

This bill makes the following changes to the Maine Residents Property Tax Program, also known as the Circuitbreaker Program.

1. It simplifies the income calculation by excluding from household income the income of dependents and certain miscellaneous income. It also excludes from household income other income, such as nontaxable strike benefits, but only if the total of that income is less than \$5,000.
2. It changes the time for filing an application. For calendar year 2011 benefits, the application period is August 1, 2012 through May 31, 2013. For calendar year 2012 benefits, the application period is August 1, 2013 through November 30, 2013. For benefit periods after 2012, the application must be filed during or after January and on or before November 15th of the following calendar year.
3. It expands eligibility under the program by increasing maximum income thresholds from \$60,000 to \$80,000 for single-member households and from \$80,000 to \$110,000 for households with 2 or more members. The bill also increases the maximum benefit from \$2,000 to \$3,000.

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**LD 1369     An Act To Simplify the Maine Income Tax Law**

**ONTP**

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

This bill simplifies the Maine Income Tax Law and replaces the current system with a system of personal income taxation that calculates state income tax as a percentage of federal income tax liability. The bill also provides a mechanism for the State Tax Assessor to adjust the tax rate when changes in federal law are estimated to change total federal anticipated revenue by more than 4% to maintain forecasted state income tax revenue.

**LD 1371     An Act To Promote Fair and Efficient Resolutions in Tax Disputes**

**PUBLIC 439**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT TRAHAN	OTP-AM MAJ ONTP MIN	H-629 H-660 KNIGHT

This bill eliminates the current appellate division within the Department of Administrative and Financial Services, Bureau of Revenue Services and replaces it with the Independent Appeals Office. The bill changes provisions relating to the position of taxpayer advocate in the bureau. The funds used to support existing positions that are eliminated are transferred to support the newly created positions.

The bill amends the procedure for administrative appeals resulting from assessments and other determinations of the State Tax Assessor by providing a 90-day period within which the division that issued the determination and the taxpayer may attempt to settle disputed issues before a reconsideration conference is scheduled. It establishes a process for the Independent Appeals Office to hear and decide reconsideration requests, which are currently decided by the appellate division of the Bureau of Revenue Services but are subject to review and input by the State Tax Assessor, and by other members of the Bureau of Revenue Services, including the division of the Bureau of Revenue Services that issued the assessment. Pursuant to this bill, appeals officers are not permitted ex parte communications with other employees of the Bureau of Revenue Services or the petitioner. Any additional costs of the Independent Appeals Office may be funded by the \$100 fee paid by the petitioner for appeals conferences.

The taxpayer advocate established in the bill is modeled after the Taxpayer Advocate Service offered by the Federal Government to assist taxpayers in relation to the federal Internal Revenue Service. The taxpayer advocate assists taxpayers in relation to the Bureau of Revenue Services, identifies issues and suggests solutions to the Bureau of Revenue Services and reports on the taxpayer advocate's activities to the joint standing committee of the Legislature having jurisdiction over taxation matters in order to provide information to assist the Legislature in determining whether additional legislation is needed to improve the operations of the Bureau of Revenue Services.

This bill also provides that when the State Tax Assessor has failed to comply with the taxpayer's requests that a representative with a valid power of attorney authorized to receive communications addressed to the taxpayer be notified of a determination, then the taxpayer is considered to have not received notice of a determination until such time as the representative receives notice.

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This bill also preserves the confidentiality of taxpayer information by allowing taxpayers and others, upon specific request, to obtain copies of reconsideration decisions with identifying information eliminated. The costs of eliminating identifying information must be paid by the person making the request. The State Tax Assessor is also permitted to provide the Taxpayer Advocate access to information necessary to assist taxpayers. The bill provides transition provisions and an effective date of July 1, 2012.

### **Committee Amendment "A" (H-629)**

This amendment changes the deadline in the bill for requesting reconsideration of a tax assessment from 30 days after the receipt of the notice of the assessment to 60 days after receipt of the notice. It removes the section of the bill related to notification requirements for taxpayers with a designated power of attorney.

The amendment gives the Commissioner of Administrative and Financial Services, instead of the State Tax Assessor, the authority to appoint for 5-year terms the Chief Appeals Officer in the Independent Appeals Office. The amendment requires nominations of the Chief Appeals Officer to be submitted to the Taxation Committee for review. The amendment authorizes the Commissioner or the Chief Appeals Officer to hire appeals officers and administrative staff, provides a process for removal of the Chief Appeals Officer and removes provisions that allow the assessor to file an appeal.

The amendment requires the Chief Appeals Officer to submit an annual report beginning January 1, 2013.

The amendment requires the Commissioner rather than the assessor to appoint the taxpayer advocate.

The amendment also removes the requirement that the Bureau of Revenue Services submit emergency legislation concerning the transition of cases from the old administrative appeals process to the new process.

The amendment adds an appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-660)**

This amendment makes several changes to maintain costs within existing resources. It requires that the Chief Appeals Officer and the taxpayer advocate be hired by the Commissioner of Administrative and Financial Services rather than appointed. It specifies that the taxpayer advocate need not be an attorney. It specifies that the number of positions and salary ranges of the Independent Appeals Office and taxpayer advocate may not exceed the positions and salary ranges of the current appellate division and taxpayer advocate. It also specifies that the Department of the Attorney General is not authorized to add any positions as a result of this amendment, and it provides that the Commissioner, the State Tax Assessor and the Chief Appeals Officer shall manage the implementation of this Act to maintain costs within existing resources.

### **Enacted Law Summary**

Public Law 2011, chapter 439 eliminates the current appellate division within the Department of Administrative and Financial Services, Bureau of Revenue Services and replaces it with the Independent Appeals Office. It requires that the personal services costs for the office do not exceed the costs of the division it replaces. It also changes provisions relating to the position of taxpayer advocate in the bureau. The funds used to support existing positions that are eliminated are transferred to support the newly created positions.

Public Law 2011, chapter 439 amends the procedure for administrative appeals by providing up to 60 days for a person who is subject to an assessment or determination to request, in writing, a reconsideration of that assessment or determination. It provides a 90-day period within which the taxpayer and the division that issued the determination may attempt to settle disputed issues before the matter is forwarded to the appeals office.

Public Law 2011, chapter 439 provides for a process for an appeal of a decision arising from a petition for reconsideration. An appeals officer presides over the appeals conference, exercises independent judgment and is prohibited from ex parte communications with other employees of the Bureau of Revenue Services or the petitioner. The appeals officer must render a written decision that includes findings of fact and conclusions of law. The

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decision is not subject to further review by the State Tax Assessor or any employee outside the appeals office. Additional costs of the Independent Appeals Office may be funded by a \$100 fee paid by the petitioner for appeals conferences. A taxpayer may file a petition in Superior Court if the appeal is deemed denied and the court shall conduct a de novo hearing and make a de novo determination of the case.

Public Law 2011, chapter 439 establishes the taxpayer advocate's duties and responsibilities in statute and directs the taxpayer advocate to assist taxpayers in resolving problems with the Bureau of Revenue Services, suggest solutions to the bureau and identify legislative changes that may be necessary. The taxpayer advocate may investigate complaints and make recommendations to the State Tax Assessor.

Public Law 2011, chapter 439 preserves the confidentiality of taxpayer information by allowing taxpayers and others, upon specific request, to obtain copies of reconsideration decisions with identifying information eliminated. The costs of eliminating identifying information must be paid by the person making the request. The State Tax Assessor is also permitted to provide the Taxpayer Advocate with access to information necessary to assist taxpayers. The taxpayer advocate and the Chief Appeals Officer shall report annually to Taxation Committee, the State Tax Assessor and the Governor. Public Law 2011, chapter 439 provides transition provisions and an effective date of July 1, 2012.

LD 1384    **An Act To Provide a Sales Tax Holiday**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS ROSEN R	OTP-AM MAJ ONTP MIN	H-288

This bill provides an exemption from the sales tax for items sold over the first weekend in October 2011 including Energy Star products. The bill also sets out exemptions to the sales tax holiday weekend. The bill requires the Executive Director of the Bureau of Revenue Services within the Department of Administrative and Financial Services to report to the State Controller the amount of sales tax unpaid, as well as revenue raised from personal and corporate income taxes and other sources, as a result of the sales tax holiday weekend. The Bureau of Revenue Services in consultation with the Maine Merchants Association is required to recommend one weekend beginning annually in 2012 to designate as a sales tax holiday weekend and report to the Joint Standing Committee on Taxation. The Joint Standing Committee on Taxation has authority to submit legislation to the Second Regular Session of the 125th Legislature pertaining to the dates that are selected for the sales tax holiday weekend.

### **Committee Amendment "A" (H-288)**

This amendment changes the bill by limiting the sales tax holiday to one day and limiting the exemption from the sales tax to the sale of individual items of clothing up to \$200 and Energy Star products up to \$1,500. The amendment eliminates the provisions requiring certification of the amount of sales tax unpaid as well as revenue raised as a result of the sales tax holiday and submission of a report to the Joint Standing Committee on Taxation. It also adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment.

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**LD 1385 An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine**

**PUBLIC 313**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVES DIAMOND	OTP-AM	H-510

Current law exempts from excise tax motor vehicles owned by a resident or nonresident on active military duty who is permanently stationed at a military base in Maine.

This bill also exempts from the excise tax vehicles owned by residents of Maine who are on active military duty and who are either permanently stationed at a military or naval base outside of Maine or are deployed for military service in the United States Armed Forces, including the National Guard and Reserves, for a period of more than 30 days.

**Committee Amendment "A" (H-510)**

This amendment replaces the bill and allows a municipality the option of exempting from excise tax vehicles owned by residents of Maine who are on active military duty and who are either permanently stationed at a military or naval base outside of Maine or deployed for military service in the United States Armed Forces, including the National Guard and Reserves, for a period of more than 180 days. It also provides an effective date of January 1, 2012.

**Enacted Law Summary**

Public Law 2011, chapter 313 allows a municipality the option of exempting from excise tax vehicles owned by residents of Maine who are on active military duty and who are either permanently stationed at a military or naval base outside of Maine or deployed for military service in the United States Armed Forces, including the National Guard and Reserves, for a period of more than 180 days. It also provides an effective date of January 1, 2012.

**LD 1401 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations**

**ONTP**

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

This resolution proposes to amend the Constitution of Maine to:

1. Allow for the change in valuation of real property and the buildings on that real property only upon a change in ownership, a change in type of land use or the expansion of the land use to increase income;
2. Limit the change in valuation to the greater of the just value and the appraised just value of the taxable real property as may be required by the local tax assessor;
3. Require the equalized just value of a municipality to equal 100%; and
4. Require that the change in value be subject to the real estate transfer tax, which must be paid solely by the seller if there is a change in ownership, or by the owner if there is a change or expansion in land use, and require that the tax be paid to the municipality and used only for the purpose of property tax relief.

*Joint Standing Committee on Taxation*

**LD 1414      An Act To Provide Property Tax Relief for Year-round Residents 67 Years of Age or Older      ONTP**

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

This bill establishes an additional property tax relief for residents 67 years of age or older who qualify for the Circuitbreaker Program, have an income of no more than \$75,000 and assets of no more than \$200,000.

**LD 1440      An Act To Amend the Nonresident Income Tax Filing Requirements      DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODBURY	OTP-AM MAJ ONTP MIN	S-134

This bill provides new minimum taxability thresholds for nonresidents. The new thresholds permit greater income-earning activity by nonresidents in the State before Maine income tax liability is triggered. The bill also excludes from the determination of taxability in the State up to 24 days of personal services related to certain training, management functions, equipment upgrades and new investment.

**Committee Amendment "A" (S-134)**

This amendment adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment. See LD 1043, Part CCCC.

**LD 1449      An Act To Strengthen Maine Industry through Energy Efficiency Investment      ONTP**

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

This bill creates a 50% income tax credit for any capital investment in a manufacturing facility that the Efficiency Maine Trust has determined is cost effective and is likely to reduce the facility's net energy costs through energy efficiency, renewable energy technology or smart grid technology. During a transition period that ends January 1, 2018, a taxpayer may elect to take the credit rather than claiming the sales and use tax exemptions applicable to the purchase of fuel and electricity for manufacturing facilities. After that date, the income tax credit will replace the sales and use tax exemption.

*Joint Standing Committee on Taxation*

**LD 1459 An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12**

**PUBLIC 235  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-266

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-266)**

This amendment corrects a mathematical error.

**Enacted Law Summary**

Public Law 2011, chapter 235 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 2011, chapter 235 was enacted as an emergency measure effective June 6, 2011.

**LD 1468 An Act Concerning Technical Changes to the Tax Laws**

**PUBLIC 240**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT	OTP-AM	H-336

This bill makes the following changes to the laws governing taxation:

1. It clarifies and corrects cross-references; rectifies grammar, punctuation and spelling errors; repeals obsolete statutes; and replaces archaic and gender-specific language;
2. It relocates a provision of law relating to the Secretary of State from the Maine Revised Statutes, Title 36 to Title 29-A;
3. It clarifies that the State Tax Assessor is authorized to assess unpaid taxes and penalties;
4. It deletes obsolete requirements that certain schedules must be submitted in duplicate;
5. It deletes obsolete provisions relating to calendar year registrations of motor vehicles;
6. It clarifies the scope of the sales tax exemption for certain packaging materials, consistent with longstanding administrative practice;
7. It eliminates a cross-reference to a statute that has been repealed;





## *Joint Standing Committee on Taxation*

The Town of East Millinocket is the site of the recently closed Katahdin Paper Company pulp and paper mill. The closure of the mill has resulted in the loss of 400 jobs is expected to result in the town's reducing the valuation of the mill property by \$66,000,000. The legislation was introduced as the Town of East Millinocket expected to have to pay county taxes based upon the lost valuation and believed the municipality would lose education subsidy and state-municipal revenue sharing based upon the lost valuation. However, the Taxation Committee determined that the municipal issue could be addressed pursuant to Title 36, section 208-A.

*Joint Standing Committee on Taxation*

**SUBJECT INDEX**

*Administration of Tax Laws*

Enacted

LD 1371      **An Act To Promote Fair and Efficient Resolutions in Tax Disputes**      **PUBLIC 439**

Not Enacted

LD 176      **An Act Regarding Sales and Use Tax Audit Procedures and Enforcement**      **ONTP**

LD 451      **Resolve, To Study Adoption of the Streamlined Sales and Use Tax Agreement**      **MAJORITY (ONTP) REPORT**

LD 469      **An Act To Increase the Collection of Sales and Use Tax**      **MAJORITY (ONTP) REPORT**

LD 590      **An Act To Require Review of Certain Changes to Sales Tax Policy Application or Practice prior to Implementation**      **Carried Over**

LD 868      **An Act To Reform Maine Revenue Services Procedures**      **ONTP**

LD 1535      **An Act Relating to Fiscal Notes on Proposed Legislation**      **Carried Over**

*Cigarette and Tobacco Taxes*

Enacted

LD 617      **An Act To Modify the Process Regarding the Return of Unfit Tobacco Products**      **PUBLIC 441**

Not Enacted

LD 536      **An Act To Help Deter Youth Smoking and To Help Smokers Quit**      **MAJORITY (ONTP) REPORT**

LD 1226      **An Act To Prevent and Treat Cancer in Maine by Implementing Critical Portions of the Comprehensive Cancer Program**      **MAJORITY (ONTP) REPORT**

*Commercial Forestry Excise Tax*

Enacted

LD 921      **An Act To Clarify the Collection Process for the Commercial Forestry Excise Tax**      **PUBLIC 462**

*Estate Tax*

Not Enacted

LD 195	An Act To Provide Relief from Estate Tax Valuation Requirements for Surviving Spouses	ONTP
LD 423	An Act To Eliminate Maine's Estate Tax	ONTP
LD 490	An Act To Exempt the Value of Family Farms from the Estate Tax	ONTP
LD 898	An Act To Reform the Maine Estate Tax	ONTP
LD 1147	An Act To Conform Maine's Estate Tax to the Federal Estate Tax	INDEF PP

*Excise Tax*

Enacted

LD 1385	An Act To Provide Tax Relief to Residents Deployed for Military Duty or Stationed outside of Maine	PUBLIC 313
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Not Enacted

LD 79	An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price	MAJORITY (ONTP) REPORT
LD 117	An Act To Amend the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities	MAJORITY (ONTP) REPORT
LD 238	An Act To Limit the Vehicle Excise Tax Exemption Provided to Benevolent and Charitable Institutions and To Repeal the Exemption Provided to Literary and Scientific Institutions	ONTP
LD 436	An Act To Base the Motor Vehicle Excise Tax on the Purchase Price of a Motor Vehicle	ONTP
LD 462	An Act To Amend the Laws Governing Excise Tax Credits	ONTP
LD 706	An Act To Base the Motor Vehicle Excise Tax on Ninety Percent of the Maker's List Price	ONTP
LD 1216	An Act To Impose an Excise Tax on the Extraction of Water for Bottling	ONTP

*Hospital and Health Care Provider Taxes*

Enacted

LD 1016	An Act To Restore the Health Care Provider Tax to 6 Percent	PUBLIC 411
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Not Enacted

LD 577      An Act To Limit Taxes on Hospitals      ONTP

*Income Tax - General*

Enacted

LD 1130      An Act To Amend the Laws Regarding the Determination of Domicile Based on the Geographic Location of an Individual's Bank      PUBLIC 132 EMERGENCY

Not Enacted

LD 500      An Act To Create an Income Tax Checkoff To Benefit Libraries      ONTP

LD 549      An Act Regarding the Recognition of Corporate Entities for Tax Purposes      INDEF PP

LD 1161      An Act To Waive Penalties Imposed under Laws Governing Taxation for Persons Who Are Unemployed      ONTP

LD 1225      An Act To Create an Income Tax Return Checkoff To Fund Cancer Screening, Detection and Prevention      Carried Over

*Income Tax - Reform*

Not Enacted

LD 9      An Act To Reduce Income Tax to 4.5% and Remove Low-income Families from Taxation      ONTP

LD 849      An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes      Carried Over

LD 1350      An Act To Provide Income Tax Relief      ONTP

LD 1369      An Act To Simplify the Maine Income Tax Law      ONTP

*Income Tax Credits, Exemptions, Deductions and Incentives*

Enacted

LD 22      An Act To Improve the Maine Seed Capital Tax Credit      PUBLIC 454

LD 164      An Act To Extend the Dental Care Access Credit for Dentists Who Practice in Underserved Areas of the State      PUBLIC 434

LD 358      An Act To Exempt from the Income Tax Military Survivors Annuity Payments      PUBLIC 138

LD 433      An Act To Exempt from Income Tax the Income of Nonresidents Working in Maine Pursuant to an Interlocal Agreement      PUBLIC 130

LD 742      An Act To Amend the Maine Historic Preservation Tax Credit      PUBLIC 453

Not Enacted

LD 119	An Act To Allow a Tax Credit for Students Enrolled in Postsecondary Nondegree Programs	ONTP
LD 140	An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards	DIED ON ADJOURNMENT
LD 255	An Act To Provide an Income Tax Deduction for Amounts Received as Loan Forgiveness under the Maine Dental Education Loan Program	ONTP
LD 260	An Act To Extend the Historic Preservation Tax Credit	DIED IN CONCURRENCE
LD 338	An Act To Provide an Income Tax Credit for Persons Engaged in Commercial Forestry	HELD BY GOVERNOR
LD 421	An Act To Create the Maine Fishery Infrastructure Tax Credit Program	DIED ON ADJOURNMENT
LD 489	An Act To Exempt Active Duty Armed Services Income from the Income Tax	ONTP
LD 521	An Act To Employ the Unemployed	MAJORITY (ONTP) REPORT
LD 647	An Act To Exempt Retired Military Pay from State Income Tax	DIED ON ADJOURNMENT
LD 695	An Act To Reduce Taxes and Promote Employment	DIED IN CONCURRENCE
LD 705	An Act To Reduce the Income Tax for Low-income Families	ONTP
LD 707	An Act To Increase the State Earned Income Credit	ONTP
LD 805	An Act To Decrease the Tax Burden on Maine's Seniors	DIED ON ADJOURNMENT
LD 835	An Act To Strengthen Maine's Economy through Improvements to the Educational Opportunity Tax Credit	Carried Over
LD 836	An Act To Repeal the Alternative Minimum Tax	DIED ON ADJOURNMENT
LD 847	An Act To Increase the Amount of Deductible Business Expense Allowed for Property Placed in Service Beginning in 2011	ONTP
LD 875	An Act To Provide an Incentive for Unemployed Persons To Become Self-employed	ONTP

LD 876	An Act To Convert Vacant Commercial Property to Occupied Commercial Property	Carried Over
LD 991	An Act To Establish the Maine New Markets Capital Investment Program	DIED ON ADJOURNMENT
LD 1044	An Act To Allow a Tax Credit for Tuition Paid to Private Schools	ONTP
LD 1086	An Act To Promote Plug-in Electric Vehicle Sales	MAJORITY (ONTP) REPORT
LD 1092	An Act To Allow a Tax Credit for Tuition Paid to Private Schools	DIED BETWEEN HOUSES
LD 1118	An Act To Provide a Tax Credit for High-quality Child Care Sites	MAJORITY (ONTP) REPORT
LD 1137	An Act To Conform Business Expense Deductions to Federal Law	DIED ON ADJOURNMENT
LD 1164	An Act To Support Maine Farms and Alleviate Hunger	Carried Over
LD 1174	An Act To Help Maine's Employers To Recruit Skilled Workers by Expanding the Availability of the Educational Opportunity Tax Credit	INDEF PP
LD 1287	An Act To Create a Scholarship Granting Organization Tax Credit	MAJORITY (ONTP) REPORT
LD 1336	An Act To Provide an Internship Employment Tax Credit	DIED BETWEEN HOUSES
LD 1440	An Act To Amend the Nonresident Income Tax Filing Requirements	DIED ON ADJOURNMENT
LD 1449	An Act To Strengthen Maine Industry through Energy Efficiency Investment	ONTP

*Miscellaneous Taxes*

Enacted

LD 557	An Act To Qualify the Port of Eastport as Tax Exempt for Purpose of Bonding	P & S 7 EMERGENCY
LD 1325	An Act To Amend the Tax Laws	PUBLIC 285
LD 1468	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 240

Not Enacted

LD 752	An Act To Provide Funding for Landfills by Imposing a Gift Package Surcharge	ONTP
LD 1235	An Act To Allow a Tax-free Employee Illness Account	ONTP
LD 1292	Resolve, To Establish a Study Group To Examine the Taxation by Municipalities of Renewable Energy Facilities' Property	ONTP
LD 1574	An Act To Tax Water Used by Hydroelectric Facilities	INDEF PP

### *Municipal Revenue Sharing*

Not Enacted

LD 147	Resolve, To Provide \$1,000,000 to the Fund for the Efficient Delivery of Local and Regional Services	ONTP
LD 312	An Act To Reinstate the Fund for the Efficient Delivery of Local and Regional Services	ONTP
LD 623	An Act To Reestablish the Municipal Revenue Sharing Program as a Compact between the State and Municipal Governments	ONTP
LD 762	An Act To Provide Equitable Revenue-sharing Distribution	MAJORITY (ONTP) REPORT

### *Personal Property and Business Equipment Taxes*

Not Enacted

LD 822	An Act To Remove Taxes on Equipment Used for Business	ONTP
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### *Property Tax - Current Use*

Enacted

LD 507	An Act To More Closely Coordinate the Classification of Forested Farmland under the Farm and Open Space Tax Laws with the Maine Tree Growth Tax Law	PUBLIC 404
LD 1142	Resolve, Directing the Department of Administrative and Financial Services, Bureau of Revenue Services To Review the Farm and Open Space Tax Law	RESOLVE 86

Not Enacted

LD 191	An Act To Define Lienholder Rights under the Maine Tree Growth Tax Law	MAJORITY (ONTP) REPORT
LD 459	An Act To Improve Municipal Reimbursement under the Maine Tree Growth Tax Law	ONTP
LD 1138	An Act To Prevent Unnecessary Expulsion of Landowners from the Maine Tree Growth Tax Law Program	Carried Over

LD 1470	An Act To Ensure Harvesting of Timber on Land Taxed under the Maine Tree Growth Tax Law	Carried Over
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*Property Tax - Exemptions*

Not Enacted

LD 405	An Act To Clarify Charitable Status for Property Tax Exemption	ONTP
LD 684	An Act To Clarify the Taxing of Property of Quasi-municipal Organizations	ONTP
LD 686	An Act To Promote Small Business in Maine	ONTP
LD 1081	An Act To Provide a Property Tax Exemption for Family Burying Grounds	DIED BETWEEN HOUSES

*Property Tax - General*

Enacted

LD 297	An Act To Allow Treasurers To Process Tax Lien Discharge and Sanitary District Sewer Lien Documents Using Facsimile Signatures	PUBLIC 104
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Not Enacted

LD 149	An Act To Authorize Municipalities To Impose Service Charges on Tax-exempt Property Owned by Certain Nonprofit Organizations	ONTP
LD 229	An Act To Protect Homeowners Concerning Property Liens	ONTP
LD 764	An Act To Ensure That Municipalities Refund Amounts Collected in Excess of Tax Liens	ONTP
LD 931	An Act To Ensure Proper Tax Assessment of Property Owners	ONTP
LD 1295	An Act To Amend the Process of Resolving Property Tax Abatement Disputes	ONTP

*Property Tax - Valuation*

Not Enacted

LD 305	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Land and Buildings To Be Assessed Differently	Carried Over
LD 965	Resolve, Directing the Bureau of Revenue Services To Provide Guidance Regarding the Valuation of Residential Alternative Energy Infrastructure	MAJORITY (ONTP) REPORT
LD 1401	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Property Revaluations	ONTP

LD 1578      **Resolve, Relating to the State Valuation of the Town of East  
Millinocket**      **ONTP**

*Property Tax Relief Programs*

Not Enacted

LD 474      **An Act To Improve the Circuitbreaker Program**      **DIED ON  
ADJOURNMENT**

LD 550      **An Act To Provide a Property Tax Credit to Veterans**      **ONTP**

LD 838      **An Act To Make the Homestead Property Tax Exemption More  
Flexible for Municipalities and Remain Revenue Neutral for the  
State**      **ONTP**

LD 1341      **An Act To Provide Rent Relief to Low-income Maine Residents**      **ONTP**

LD 1351      **An Act To Improve and Simplify the Application for Benefits  
under the Circuitbreaker Program**      **ONTP**

LD 1414      **An Act To Provide Property Tax Relief for Year-round Residents  
67 Years of Age or Older**      **ONTP**

*Real Estate Transfer Tax*

Not Enacted

LD 1097      **An Act To Amend the Laws Governing the Real Estate Transfer  
Tax**      **ONTP**

*Sales Tax*

Not Enacted

LD 52      **An Act To Dedicate a Percentage of the Sales and Use Tax on  
Motor Vehicles and Motor Vehicle Parts to the Highway Fund**      **Carried Over**

LD 88      **An Act To Streamline Purchasing by Entities Exempt from Sales  
Tax**      **ONTP**

LD 131      **An Act To Change the Threshold for Qualification for a Sales  
Tax Resale Certificate**      **ONTP**

LD 563      **RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Use a Portion of the Sales and Use Tax for the  
Protection of Maine's Fish and Wildlife**      **FINAL PASSAGE  
FAILED**

LD 571      **An Act To Amend the Laws Governing Sales Tax on Used Motor  
Vehicles**      **MAJORITY  
(ONTP) REPORT**

LD 826      **An Act To Permit a Local Option Sales Tax**      **ONTP**

LD 1205      **An Act To Provide Economic Incentives to Businesses for the  
Collection of State Taxes**      **MAJORITY  
(ONTP) REPORT**

*Sales Tax Exemptions, Exclusions or Refunds*

Enacted

LD 59	An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers	PUBLIC 425
LD 611	An Act Relating to Sales Tax on Certain Rental Vehicles	PUBLIC 209
LD 713	An Act To Amend the Definition of Automobile for Purposes of the Sales and Use Tax Law	PUBLIC 296

Not Enacted

LD 6	An Act To Provide a Sales Tax Exemption for Bags Provided by Redemption Centers for Returnable Containers	DIED ON ADJOURNMENT
LD 7	An Act Concerning Taxation of Automobile Manufacturers' Rebates	ONTP
LD 21	An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities	DIED ON ADJOURNMENT
LD 42	An Act Regarding the Tax on Fuel Used for Commercial Agriculture, Fishing and Forestry	ONTP
LD 185	An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Groundfishing Boats	DIED ON ADJOURNMENT
LD 205	An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations	HELD BY GOVERNOR
LD 234	An Act To Provide a Sales Tax Exemption to Commercial Horticulturists	Carried Over
LD 239	An Act To Provide a Sales Tax Exemption on Fuel Used for Heating a Business	ONTP
LD 396	An Act To Amend the Law Governing Sales Tax Exemptions for Certain Nonprofit Youth Organizations	DIED ON ADJOURNMENT
LD 415	An Act To Provide a Sales Tax Trade-in Credit for Core Parts	ONTP
LD 476	An Act To Create a Sales Tax Holiday for Energy-efficient Appliances and Fixtures	DIED ON ADJOURNMENT
LD 604	An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax	DIED ON ADJOURNMENT
LD 745	An Act To Encourage the Use of Reusable Bags	ONTP
LD 809	An Act Regarding the Fairness of Sales Tax on Certain Precious Metals Purchases	ONTP

LD 834	An Act To Define "Prosthetic Device" for Purposes of Sales Tax Law	DIED ON ADJOURNMENT
LD 946	An Act To Amend the Sales and Use Tax Exemption for Aircraft	DIED ON ADJOURNMENT
LD 961	An Act To Exempt Internet Sales from the Sales and Use Tax	INDEF PP
LD 1096	An Act To Enhance Economic Development by Encouraging Job and Business Growth in Maine's Aviation Industry	ONTP
LD 1259	An Act To Encourage Computer Data Center Development	ONTP
LD 1384	An Act To Provide a Sales Tax Holiday	DIED ON ADJOURNMENT

### *Tax Increment Financing*

#### Enacted

LD 533	An Act To Clarify the Use of Tax Increment Financing Funds for Recreational Development	PUBLIC 102
LD 823	An Act To Amend the Law Governing Tax Increment Financing Districts	PUBLIC 287
LD 855	An Act To Treat Plantations in the Same Manner as Towns for Purposes of Tax Increment Financing	PUBLIC 101
LD 895	An Act To Allow the City of Bangor To Replace the Bangor Auditorium and Civic Center at the Bass Park Complex	P & S 15

#### Not Enacted

LD 1036	An Act To Clarify the Municipal Development District Law	ONTP
LD 1157	An Act To Protect Property Tax Revenue in the Unorganized Territory	MINORITY (ONTP) REPORT
LD 1266	An Act To Protect Municipalities That Host Wind Energy Developments	MAJORITY (ONTP) REPORT

### *Tax Reform - Tax and Spending Limits*

#### Not Enacted

LD 603	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Approval by a 2/3 Vote of Each Branch of the Legislature in Order To Raise a Tax or Impose a New Tax	FINAL PASSAGE FAILED
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### *Telecommunications Taxation*

#### Enacted

LD 441      **An Act To Reform Telecommunications Taxation**      **PUBLIC 430**

*Unorganized Territory*

Enacted

LD 518      **Resolve, Authorizing the State Tax Assessor To Convey the  
Interest of the State in Certain Real Estate in the Unorganized  
Territory**      **RESOLVE 54**

LD 1459      **An Act To Establish Municipal Cost Components for  
Unorganized Territory Services To Be Rendered in Fiscal Year  
2011-12**      **PUBLIC 235  
EMERGENCY**

Not Enacted

LD 808      **An Act Regarding Property Taxes in the Unorganized Territories**      **ONTP**

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

July 2011

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REP. EDWARD J. MAZUREK  
REP. GEORGE HOGAN  
REP. ANN E. PEOPLES  
REP. CHARLES KENNETH THERIAULT

*Joint Standing Committee on Transportation*

**LD 4      Resolve, To Establish Training Routes for School Bus Drivers      ONTP**

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

This resolve directs the Department of the Secretary of State, Bureau of Motor Vehicles to establish by rule a procedure to authorize training routes on public ways for school bus drivers.

**LD 5      Resolve, Directing the Department of Transportation To Reopen the Pittsfield Rest Areas and To Plow a Scenic Overlook      MAJORITY (ONTP) REPORT**

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

This resolve requires that rest areas on Interstate 95 in Pittsfield be reopened. It directs the Department of Transportation to open and maintain for public use year-round the scenic overlook in the Town of Medway on Interstate 95 northbound.

**LD 23      An Act To Authorize the Inclusion of Information Regarding Blood Type on Driver's Licenses      ONTP**

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

This bill allows a person to have that person's blood type listed on a driver's license or nondriver identification card in a manner similar to the anatomical gifts listing on driver's licenses.

**LD 24      Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway      RESOLVE 1**

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

This resolve names the part of Route 2 from Frost Street in the Town of Lincoln to the East Winn Road in the Town of Winn the Master Sergeant Gary Gordon Highway.

**Enacted Law Summary**

*Joint Standing Committee on Transportation*

Resolve 2011, chapter 1 names the part of Route 2 from Frost Street in the Town of Lincoln to the East Winn Road in the Town of Winn the Master Sergeant Gary Gordon Highway.

**LD 25      An Act To Allow the Registration of a Bus as an Antique Vehicle**

**MAJORITY  
(ONTP) REPORT**

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

This bill includes antique buses in the definition of "antique auto" in the laws governing motor vehicles. It includes antique buses in the laws governing the registration of antique autos and in the laws that exempt antique autos from inspection.

**LD 26      Resolve, To Name a Bridge over the Kennebec River between the Town  
of Benton and the Town of Fairfield the Brian L. Buker/Frank W.  
Haskell Medal of Honor Bridge**

**RESOLVE 3**

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

This resolve names a bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge.

**Enacted Law Summary**

Resolve 2011, chapter 3 names a bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge.

**LD 27      An Act Concerning Maine Veterans License Plates**

**ONTP**

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

This bill amends the law that requires a veteran of the United States Armed Forces who is eligible to receive veterans license plates to show proof of veteran status to specify that proof is required only for the initial application and that the Secretary of State shall keep the copies of the documents on file to be used for any subsequent application for plates. It also expands the list of acceptable documents to provide for veterans who do not have their original discharge from military service papers.

*Joint Standing Committee on Transportation*

**LD 36      Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream**

**RESOLVE 2  
EMERGENCY**

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

This resolve repeals the directive to the Department of Transportation to designate the new bridge over Pattagumpus Stream in the Town of Medway the Nicatou Bridge.

**Enacted Law Summary**

Resolve 2011, chapter 2 repeals the directive to the Department of Transportation to designate the new bridge over Pattagumpus Stream in the Town of Medway the Nicatou Bridge.

Resolve 2011, chapter 2 was finally passed as an emergency measure effective March 1, 2011.

**LD 47      An Act Directing the Department of Transportation To Allow a Break in Control of Access on William L. Clarke Drive in the City of Westbrook**

**P & S 3**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEOPLES	OTP-AM	H-21

Under existing law, the Commissioner of Transportation may allow a break in a control of access of a highway for development of a state highway or state aid highway. This bill provides that the commissioner shall approve a break in a control of access if: the owner of the property abutting the highway submits a request in writing to the commissioner for a driveway, entrance or approach within the right-of-way of a state highway or state aid highway; the Department of Transportation acquired access rights prior to August 11, 2000; and the commissioner finds that the request will not have an undue adverse impact on the safety and efficiency of the operation of the highway.

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

This amendment, which strikes and replaces the bill, requires the Department of Transportation, at the request of the owner of the parcel on Westbrook Tax Map 32, Lot 52, to allow an entrance on William L. Clarke Drive in the City of Westbrook on the condition that the owner assume all costs for repayment of federal funds used by the Department of Transportation to acquire control of access on William L. Clarke Drive in the City of Westbrook and for environmental permitting for the break in control of access to be built on William L. Clarke Drive in the City of Westbrook.

**Enacted Law Summary**

Private and Special Law 2011, chapter 3 requires the Department of Transportation, at the request of the owner of the parcel on Westbrook Tax Map 32, Lot 52, to allow an entrance on William L. Clarke Drive in the City of Westbrook on the condition that the owner assume all costs for repayment of federal funds used by the Department of Transportation to acquire control of access and for environmental permitting for the break in control of access.

*Joint Standing Committee on Transportation*

**LD 50      An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel**

**PUBLIC 13**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD MCCORMICK	OTP-AM	H-14

Current law prohibits a person under 18 years of age who has been issued a driver's license from carrying passengers other than immediate family members, including foreign exchange students, for 6 months after being issued a license unless accompanied by an older driver. This bill allows a young driver to carry a passenger who is a person under guardianship of an immediate family member of the young driver or is a child whose parent is deployed for military service if that person or child lives with the immediate family of the young driver.

**Committee Amendment "A" (H-14)**

This amendment modifies the exception in the bill allowing a young driver to carry a passenger who is a person under guardianship of an immediate family member to specify that the guardianship is court-appointed.

This amendment also adds details to the provision allowing a young driver to carry a child whose parent is deployed for military service, specifying that the child must be under guardianship of an immediate family member as provided on an Armed Forces Family Care Plan form.

The amendment defines "deployed for military service" to mean assigned to active military duty with the state military forces, as defined in the Maine Revised Statutes, Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station.

**Enacted Law Summary**

Public Law 2011, chapter 13 allows a young driver to carry a passenger who is a person under court-appointed guardianship of the driver's immediate family member.

The law also allows a young driver to carry a passenger who is a child whose parent is deployed for military service. It specifies that the child must be under guardianship of an immediate family member as provided on an Armed Forces Family Care Plan form. It defines "deployed for military service" to mean assigned to active military duty with the state military forces, as defined in the Maine Revised Statutes, Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station.

**LD 54      An Act To Revise the Law Regarding Vehicle Turning and Signals**

**MAJORITY  
(ONTP) REPORT**

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

*Joint Standing Committee on Transportation*

This bill amends the law regarding vehicle turning and signals by requiring that an operator of a vehicle must use an appropriate signal when merging into traffic or changing lanes.

**LD 64      An Act To Make a Violation of the Laws Governing Seat Belts a  
Secondary Offense**

**MAJORITY  
(ONTP) REPORT**

Sponsor(s)

COLLINS

Committee Report

ONTP MAJ  
OTP-AM MIN

Amendments Adopted

This bill restores a prior law that prohibited the enforcement of the seat belt law unless the driver was stopped for a suspected violation of a different law.

**LD 96      An Act To Reduce Noise and Emissions Associated with Trains**

**ONTP**

Sponsor(s)

DION

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reduce noise and air pollution attributed to train engines by prohibiting trains from idling for long periods of time in various residential neighborhoods.

**LD 102      An Act To Allow Landowners Access across Railroad Tracks**

**ONTP**

Sponsor(s)

JACKSON

Committee Report

ONTP

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide to a landowner who owns property that is bisected by a railroad access to all of that property at a lower cost to the landowner.

*Joint Standing Committee on Transportation*

**LD 135      An Act To Allow the Placement of Certain Road Signs That Advertise a Small Business**

**MAJORITY  
(ONTP) REPORT**

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

This bill allows a person or business that employs fewer than 10 persons to place a sign on private property within one mile of the place of business without a license or permit.

**LD 143      An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities**

**PUBLIC 23**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILBERT COLLINS	OTP-AM	H-22

This bill provides that a person who has a permanent disability and whose physician certifies that the disability is permanent does not need to continue to show proof of that disability for a disability plate or placard.

**Committee Amendment "A" (H-22)**

The bill provides that a person with a disability whose physician, physician assistant, nurse practitioner or registered nurse certifies that the disability is permanent does not need to continue to show proof of that disability every 4 years for a disability plate or placard.

This amendment clarifies that the exception applies only to the person with a disability and not to a vehicle owner who is a spouse, parent or legal guardian of the person with a disability, when the person with a disability is a resident of this State or a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation. This exception also does not apply to an organization or agency in this State that transports persons with disabilities.

This amendment also removes the emergency preamble and emergency clause from the bill.

**Enacted Law Summary**

Public Law 2011, chapter 23 provides that a person with a disability whose physician, physician assistant, nurse practitioner or registered nurse certifies that the disability is permanent does not need to continue to show proof of that disability every 4 years for a disability plate or placard.

It also clarifies that the exception applies only to the person with a disability and not to a vehicle owner who is a spouse, parent or legal guardian of the person with a disability, when the person with a disability is a resident of this State or a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation. This exception also does not apply to an organization or agency in this State that transports persons with disabilities.

*Joint Standing Committee on Transportation*

**LD 144 An Act To Regulate the Use of Magnesium Chloride**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'CONNOR SNOWE-MELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to determine the effects of the use of magnesium chloride on public fleets, private vehicles, vegetation, water supplies, corrosion of utility and electric lines and safety.

**LD 162 An Act To Exempt Antique Autos from the Law Requiring Mufflers**

**ONTP**

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

This bill exempts antique autos from the muffler requirements under the Maine Revised Statutes, Title 29-A, section 1912.

**LD 198 An Act To Update Motor Vehicle Safety Inspection Laws**

**Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill makes changes to the motor vehicle safety inspection laws to improve safety, provide administrative efficiency and reduce costs.

This bill was carried over to any special session and/or regular session of the 125th Legislature by joint order, H.P. 1190.

*Joint Standing Committee on Transportation*

**LD 201      An Act To Modernize and Reduce the Cost of Driver Education**

**DIED BETWEEN  
HOUSES**

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

This bill provides that classroom instruction provided by a driver education school licensed in this State may be taught interactively through the use of communications technology, including the Internet, so that persons taking the classroom portion of the driver education requirement need not be physically present in a classroom. The effective date for this change in law is July 1, 2012.

This bill does not alter current requirements in rule for behind-the-wheel instruction.

This bill directs the Secretary of State, before July 1, 2012, to amend current rules governing the licensure of driver education schools to permit the use of communications technology for driver education instruction.

**LD 206      Resolve, Directing the Department of Transportation To Repair and  
Maintain the Red Iron Bridge Crossing the Saco River in the Town of  
Fryeburg**

**LEAVE TO  
WITHDRAW**

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

This resolve directs the Department of Transportation to repair and maintain the Red Iron Bridge, which crosses the Saco River in the Town of Fryeburg.

**LD 208      Resolve, To Establish a Study Commission To Examine the Maine  
Turnpike**

**ONTP**

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

This resolve establishes the Commission to Examine the Maine Turnpike.

*Joint Standing Committee on Transportation*

**LD 217      An Act To Require the Maine Turnpike Authority To Promote Maine Products and Businesses      ONTP**

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

This bill requires the Maine Turnpike Authority to promote and accommodate Maine products and businesses at rest areas owned or operated by the authority, with the advice and approval of the Department of Economic and Community Development.

**LD 218      An Act To Improve the Safety of Minors by Collecting Data on Vehicle Collision Rates      ONTP**

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

This bill requires the Secretary of State to make available online annually a report detailing the collision rate within 12 months of licensure for all students and for minor students of every approved driver education course in the State during the previous fiscal year. The report must also list the severity of the collisions underlying the collision rate.

**LD 221      An Act To Make Changes to the Motorcycle Inspection Sticker Requirements      PUBLIC 167**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-66

Public Law 2009, chapter 624 provides that, effective January 1, 2012, an inspection sticker for a motorcycle must be affixed to the rear of the motorcycle either on a mounting plate or on a rear fender or similar frame or body part of the motorcycle, but not on the registration plate. This bill provides that, effective January 1, 2012, an inspection sticker for a motorcycle may be affixed to the registration plate.

The bill also provides that if an official inspection sticker is affixed to the registration plate and the registration plate is reassigned to another motorcycle, the certificate of inspection and the official inspection sticker expire upon reassignment.

Currently, the Secretary of State issues 2 stickers for motor vehicle registration, the first bearing the month of issue and the 2nd bearing the year of issue, in lieu of issuing new registration plates each calendar year. This bill directs the Secretary of State to design one registration sticker for motorcycle registration plates, to be used in lieu of issuing new motorcycle registration plates each calendar year. This registration sticker must clearly indicate both the year and month of registration.

**Committee Amendment "A" (S-66)**

*Joint Standing Committee on Transportation*

The amendment changes the registration period for motorcycles to a fixed registration period of April 1st to March 31st of the next calendar year. The amendment also provides that the registration fee and excise tax for motorcycles due for renewal in 2012 will be prorated accordingly.

The amendment provides that, beginning March 1, 2012, an inspection sticker for a motorcycle must be affixed to the registration plate and not on a mounting plate or rear fender or similar frame or integral body part of the motorcycle. The amendment also provides that if the registration plate is reassigned to another motorcycle, the certificate of inspection and the official inspection sticker expire upon reassignment.

The amendment changes the deadline for the Secretary of State to design one registration sticker, which must clearly indicate both the year and month of registration expiration, for motorcycle registration plates from January 1, 2012 to March 1, 2012.

The amendment also provides that before March 1, 2013, if a motorcycle meets the inspection standard, either a valid certificate of inspection or an official inspection sticker for the motorcycle is acceptable proof of inspection.

**Enacted Law Summary**

Public Law 2011, chapter 167 changes the registration period for motorcycles to a fixed registration period of April 1st to March 31st of the next calendar year. It also provides that the registration fee and excise tax for motorcycles due for renewal in 2012 will be prorated accordingly.

The law provides that, beginning March 1, 2012, an inspection sticker for a motorcycle must be affixed to the registration plate and not on a mounting plate or rear fender or similar frame or integral body part of the motorcycle. It also provides that if the registration plate is reassigned to another motorcycle, the certificate of inspection and the official inspection sticker expire upon reassignment.

The law changes the deadline for the Secretary of State to design one registration sticker, which must clearly indicate both the year and month of registration expiration, for motorcycle registration plates from January 1, 2012 to March 1, 2012.

It also provides that before March 1, 2013, if a motorcycle meets the inspection standard, either a valid certificate of inspection or an official inspection sticker for the motorcycle is acceptable proof of inspection.

**LD 235      An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection**

**PUBLIC 8  
EMERGENCY**

Sponsor(s)

GILBERT  
THOMAS

Committee Report

OTP

Amendments Adopted

This bill includes antique motorcycles on the list of vehicles that are exempt from inspection.

**Enacted Law Summary**

Public Law 2011, chapter 8 includes antique motorcycles on the list of vehicles that are exempt from inspection.

Public Law 2011, chapter 8 was enacted as an emergency measure effective March 25, 2011.

*Joint Standing Committee on Transportation*

**LD 246      An Act To Require the Daytime Use of Headlights on Motor Vehicles      ONTP**

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

This bill requires that the driver of a motor vehicle manufactured after 2010 use headlights any time the motor vehicle is operated on a way. The bill also adds a provision allowing enforcement of the mandatory headlights provision only when a vehicle is stopped for a suspected violation of another law. A hybrid vehicle is exempt from the requirement of using headlights any time the vehicle is operated on a way.

**LD 249      An Act To Allow Trained Local Law Enforcement Officers To Enforce      ONTP  
Federal Motor Carrier Regulations**

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

This bill allows a local or county law enforcement officer to enforce federal highway transportation regulations if that officer has received the appropriate training.

**LD 259      An Act To Limit the Duration of a Legal Alien's Driver's License      ONTP**

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

This bill requires an applicant for a driver's license or nondriver identification card to provide proof of citizenship or documentation that the applicant is a legal resident of the United States. The bill limits the duration of a legal alien's driver's license or nondriver identification card to the duration of the visa granted to the legal alien by the authority of the United States.

**LD 265      Resolve, To Study New and Used Motor Vehicle Dealer Licensing      RESOLVE 11  
Requirements**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU THOMAS	OTP-AM	H-13

This bill eliminates the requirement that a motor vehicle dealer, to qualify for a dealer license, maintain a repair department that accommodates the repair of 2 vehicles simultaneously. This bill provides that, for the purpose of

**Joint Standing Committee on Transportation**

providing repair services, a motor vehicle dealer may enter into a contract with a mechanic to perform repairs or may lease the dealer's facility to a mechanic who performs repairs.

This bill directs the Secretary of State to amend rules establishing the requirements for licensing motor vehicle dealers before January 1, 2012. This bill also directs the Secretary of State to convene a working group to study licensing requirements for motor vehicle dealers and directs the working group to submit a report to the Joint Standing Committee on Transportation. This bill gives the committee authority to submit a bill to the Second Regular Session of the 125th Legislature concerning licensing requirements for motor vehicle dealers.

**Committee Amendment "A" (H-13)**

This amendment, which strikes and replaces the bill, directs the Department of the Secretary of State, Bureau of Motor Vehicles to convene a working group to study licensing requirements for new and used motor vehicle dealers. The amendment directs the working group to submit a report to the Joint Standing Committee on Transportation no later than January 15, 2012. The amendment gives the committee the authority to submit a bill to the Second Regular Session of the 125th Legislature concerning the requirements for licensing motor vehicle dealers.

**Enacted Law Summary**

Resolve 2011, chapter 11 directs the Department of the Secretary of State, Bureau of Motor Vehicles to convene a working group to study licensing requirements for new and used motor vehicle dealers. It directs the working group to submit a report to the Joint Standing Committee on Transportation no later than January 15, 2012. It gives the committee the authority to submit a bill to the Second Regular Session of the 125th Legislature concerning the requirements for licensing motor vehicle dealers.

**LD 272      An Act To Provide Funds for Municipal Sand and Salt Storage Facilities**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM MAJ ONTP MIN	S-27

This bill allocates \$1,725,949 from the Highway Fund for the purpose of providing funds to municipalities for the construction of Priority 3 and Priority 4 sand and salt sheds.

**Committee Amendment "A" (S-27)**

This amendment incorporates a fiscal note.

**LD 283      An Act To Require That Motor Vehicles Be Clear of Solid Precipitation When Operated on Public Ways**

**ONTP**

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

This bill requires that a person operating a motor vehicle at 40 miles per hour or more on a public way clear the motor vehicle of solid precipitation. Failure to clear a motor vehicle is a traffic infraction subject to a \$250 fine for a first offense and \$500 for a 2nd or subsequent offense.

*Joint Standing Committee on Transportation*

**LD 288      An Act To Amend the Laws Governing Municipal Motor Vehicle  
Registration and License Agent Fees**

**ACCEPTED  
REPORT B  
(ONTP)**

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

This bill increases the motor vehicle licensing and registration service fees that may be assessed, collected and retained by municipalities from \$3 to \$5 for the renewal of a license or registration and from \$4 to \$6 for the issuance of a new license or registration.

**LD 301      An Act Relating to Abandoned Vehicles**

**PUBLIC 46**

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

This bill amends the abandoned vehicle laws by increasing the number of days that must lapse before a vehicle is considered abandoned from 7 to 14. The bill also increases the maximum time a person has to notify the Secretary of State from 7 to 14 days in order to be eligible for additional daily storage fees.

**Enacted Law Summary**

Public Law 2011, chapter 46 increases the number of days that must lapse before a vehicle is considered abandoned from 7 to 14. It also increases the maximum time a person has to notify the Secretary of State from 7 to 14 days in order to be eligible for additional daily storage fees.

**LD 351      An Act Concerning Motorcycle Safety**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAUDOIN CRAVEN	LV/WD	

This bill requires an operator of a motorcycle who has held a license endorsed for the operation of a motorcycle for less than 10 years to wear protective headgear.

**Joint Standing Committee on Transportation**

**LD 354      Resolve, To Improve the Intersection of Route 1 and Manktown Road in Waldoboro      ONTP**

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

This resolve directs the Department of Transportation to improve the intersection of Route 1 and Manktown Road in Waldoboro, including visibility improvements, lane widening and construction of a southbound turning lane. The department is also required to install flashing school zone signs on Manktown Road on either side of the school zone occupied by Medomak Middle School and Medomak Valley High School.

**LD 357      An Act To Repeal Motor Vehicle Inspection Requirements      ONTP**

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

This bill repeals statutory provisions that require motor vehicles registered in the State to have an annual motor vehicle inspection.

**LD 365      An Act Pertaining to Railroad Crossing Fees      MAJORITY (ONTP) REPORT**

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

This bill prohibits a railroad from charging a fee from or requiring insurance of a person who owns or has a right of way to pass over a railroad crossing.

**LD 367      An Act To Amend the Laws Regarding Noncommercial Foreign Vessels      PUBLIC 14**

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

This bill exempts noncommercial foreign vessels of under 200 feet from the requirement that a pilot licensed in this State be on board.

*Joint Standing Committee on Transportation*

**Enacted Law Summary**

Public Law 2011, chapter 14 exempts noncommercial foreign vessels of under 200 feet from the requirement that a pilot licensed in this State be on board.

**LD 370      An Act To Modify Vehicle Inspection Fees      ONTP**

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

This bill increases the maximum amount charged for vehicle inspections by \$4 and increases the maximum fees for enhanced inspections that are applicable to Cumberland County by \$3.

**LD 383      An Act To Eliminate the Annual Indexing of Fuel Tax Rates      ONTP**

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

This bill repeals the annual indexing of motor fuel tax rates and deletes cross-references.

**LD 414      An Act To Allow Landowners Road Access      ONTP**

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

This bill requires the Department of Transportation to waive certain requirements in rule and issue a permit for a driveway when no other location exists for vehicular access to a property and the property has at least 50 feet of frontage on a state highway or state aid highway. This bill also authorizes the department to impose reasonable restrictions on vehicular access to a person's property to improve safety, except that these restrictions may not include modifications to the state highway or state aid highway.

**Joint Standing Committee on Transportation**

**LD 426      An Act To Amend the Laws Governing the TransCap Trust Fund**

**MAJORITY  
(ONTP) REPORT**

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

This bill provides that 9.5% of the money that otherwise would be deposited in the TransCap Trust Fund be transferred to the Urban-Rural Initiative Program, Other Special Revenue Funds account in the Department of Transportation and requires approval by the voters at referendum for each new authorization of TransCap revenue bonding beginning October 1, 2011. It requires the joint standing committee of the Legislature having jurisdiction over transportation matters to review the goals of the TransCap Trust Fund every 2 years and authorizes the joint standing committee to report out legislation related to its review to the first regular session of the Legislature.

**LD 432      An Act To Authorize a GARVEE Bond for the Interstate 95 Bridge at  
the Maine-New Hampshire State Line**

**ONTP**

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

This bill authorizes the Maine Municipal Bond Bank to issue \$15,000,000 in federally authorized grant anticipation revenue vehicle debt financing instruments, GARVEE bonds, to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation for bridge repairs to the Interstate 95 bridge at the Maine and New Hampshire border known as the Piscataqua River Bridge, programmed in the 2012-2013 biennium.

**LD 437      An Act Relating to Inspection Requirements for New Motor Vehicles**

**PUBLIC 191**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-121

This bill changes the annual inspection requirement for motor vehicles, except for commercial vehicles, trailers and semitrailers, to a biennial inspection requirement unless the motor vehicle is over 6 years old. This bill also changes the annual enhanced inspection requirement for vehicles registered in Cumberland County in a similar manner. It exempts motor vehicles with an attached dealer plate from inspection.

**Committee Amendment "A" (S-121)**

This amendment replaces the bill and provides that a new motor vehicle owned by a new vehicle dealer with a dealer plate is exempt from motor vehicle inspection requirements only if the vehicle is operated for purposes directly connected with the business of buying, selling, testing, adjusting, servicing, demonstrating or exchanging the vehicle or for use by customers for not more than 7 days to demonstrate the vehicle.

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The amendment defines "new motor vehicle" as a motor vehicle of the current model year or model year immediately preceding the current model year that has not been previously registered or titled.

This amendment also increases the cost of inspection stickers for new vehicle dealers by \$1, from \$2.50 to \$3.50 per sticker.

**Enacted Law Summary**

Public Law 2011, chapter 191 provides that a new motor vehicle owned by a new vehicle dealer with a dealer plate is exempt from motor vehicle inspection requirements only if the vehicle is operated for purposes directly connected with the business of buying, selling, testing, adjusting, servicing, demonstrating or exchanging the vehicle or for use by customers for not more than 7 days to demonstrate the vehicle.

The law defines "new motor vehicle" as a motor vehicle of the current model year or model year immediately preceding the current model year that has not been previously registered or titled.

It also increases the cost of inspection stickers for new vehicle dealers by \$1, from \$2.50 to \$3.50 per sticker.

**LD 454      An Act To Permit Variation in Motor Vehicle Registration Expiration      ONTP**  
**Dates**

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

This bill permits motor vehicle owners to choose the renewal date of their motor vehicle registrations at the time of registration, in which case the excise tax is prorated for the first year of registration.

**LD 456      An Act Relating to Temporary Disability Parking Permits      PUBLIC 117**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGSTAFF COLLINS	OTP-AM	H-145

This bill authorizes a licensed physician, physician assistant, nurse practitioner or registered nurse to issue a 21-day disability parking permit to a person with a disability to be used while the person is obtaining a temporary or permanent disability parking credential from the Department of the Secretary of State, Bureau of Motor Vehicles.

**Committee Amendment "A" (H-145)**

The bill permits the Secretary of State to authorize certain medical professionals to issue a 21-day parking permit for a person with a disability. This amendment directs the Secretary of State to create a 21-day parking permit for a person with a disability to be used while that person is waiting to receive a disability registration plate or placard.

The amendment alters the requirement that the 21-day parking permit be displayed on a vehicle's dashboard to require instead that the 21-day parking permit be displayed in a manner so that it may be viewed from the front of the vehicle.

*Joint Standing Committee on Transportation*

The amendment also directs the Secretary of State to adopt rules to establish qualifications and requirements for a person authorized to issue a 21-day parking permit.

**Enacted Law Summary**

Public Law 2011, chapter 117 permits the Secretary of State to authorize certain medical professionals to issue a 21-day parking permit for a person with a disability. It directs the Secretary of State to create a 21-day parking permit for a person with a disability to be used while that person is waiting to receive a disability registration plate or placard.

The law requires that the 21-day parking permit be displayed in a manner so that it may be viewed from the front of the vehicle.

It also directs the Secretary of State to adopt rules to establish qualifications and requirements for a person authorized to issue a 21-day parking permit.

**LD 471      An Act To Reduce Certain Highway Fund Obligations**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA THOMAS	OTP-AM	H-280

This bill:

1. Changes the state funding support for the Maine State Ferry Service from the Highway Fund to the General Fund;
2. Decreases the portion of the Department of Public Safety, Bureau of State Police funding provided by the Highway Fund from 49% to 33% and increases the portion of funding provided by the General Fund from 51% to 67%; and
3. Provides that the amount of savings to the Highway Fund due to the transfer of support of the Maine State Ferry Service from the Highway Fund to the General Fund and due to the reduction of funding, from 49% to 33%, from the Highway Fund to support the Bureau of State Police must be used for highway resurfacing and maintenance paving.

**Committee Amendment "A" (H-280)**

This amendment strikes from the bill the provision that changes the source of the state funding support for the Maine State Ferry Service from the Highway Fund to the General Fund.

The amendment also strikes the provisions specifying that the amount of savings to the Highway Fund due to the transfer of support of the Maine State Ferry Service from the Highway Fund to the General Fund and due to the reduction of funding, from 49% to 33%, from the Highway Fund to support the Department of Public Safety, Bureau of State Police must be used for highway resurfacing and maintenance paving.

The amendment leaves in place the provision in the bill that decreases the portion of the Department of Public Safety, Bureau of State Police funding provided by the Highway Fund from 49% to 33% and increases the portion of funding provided by the General Fund from 51% to 67%.

The amendment adds an appropriations and allocations section.

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**LD 477      An Act Relating to Noise Violations by Motor Vehicles, Including Motorcycles**

**PUBLIC 158  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUSSELL	OTP-AM MAJ ONTP MIN	H-144

This bill requires that all motorcycles manufactured after 1982 must be equipped with an exhaust muffler bearing the federal Environmental Protection Agency-required labeling applicable to the motorcycles' model year. This bill provides that a person who violates the requirement may be subject to a fine of at least \$500 for the first offense, \$750 for a 2nd offense and \$999 for a 3rd or subsequent offense. The bill also provides that the fines may be reduced if a person brings the motorcycle into compliance within 15 business days after the citation and does not commit another violation within a year.

**Committee Amendment "A" (H-144)**

This amendment strikes and replaces the bill, which requires motorcycles to be equipped with certain mufflers approved by the United States Environmental Protection Agency.

Current law provides a defense for owners of motor vehicles charged with violations of excessive and unusual noise under the Maine Revised Statutes, Title 29-A, section 1912, subsections 1 and 3, except that the defense does not apply to motorcycles. This amendment makes technical changes to this provision of law and provides a defense for motorcycles.

This amendment also adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Current law provides a defense for owners of motor vehicles charged with violations of excessive and unusual noise under the Maine Revised Statutes, Title 29-A, section 1912, subsections 1 and 3, except that the defense does not apply to motorcycles.

Public Law 2011, chapter 158 makes technical changes to this provision of law and provides a defense for motorcycles.

Public Law 2011, chapter 158 was enacted as an emergency measure effective May 26, 2011.

**LD 483      Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Hebron Academy at the Closest Interstate Exits**

**RESOLVE 23  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE MASON	OTP-AM	H-60 H-73 TIMBERLAKE

This resolve directs the Department of Transportation to place directional signs on Interstate 95 at the northbound and southbound exits of the highway that are located closest to Hebron Academy and Hebron Academy to assume all costs associated with the directional signs.

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### **Committee Amendment "A" (H-60)**

This amendment corrects a technical error in the bill by directing the Maine Turnpike Authority, rather than the Department of Transportation, to place directional signs on Interstate 95 for Hebron Academy. The amendment also clarifies that the signs must be placed on the portion of Interstate 95 designated as the Maine Turnpike.

### **House Amendment "A" To Committee Amendment "A" (H-73)**

This amendment amends Committee Amendment "A" to add an emergency preamble and emergency clause to the resolve.

### **Enacted Law Summary**

Resolve 2011, chapter 23 directs the Maine Turnpike Authority to place directional signs on the portion of Interstate 95 designated as the Maine Turnpike for Hebron Academy.

Resolve 2011, chapter 23 was finally passed as an emergency measure effective April 20, 2011.

**LD 501      An Act To Provide the Opportunity To Register with the Selective Service System When Obtaining a Driver's License or Nondriver Identification Card**

**PUBLIC 170**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT FARNHAM	OTP-AM	H-157 H-229 CEBRA

This bill allows a male United States citizen or immigrant to register with the federal Selective Service System on the application for a driver's license.

### **Committee Amendment "A" (H-157)**

The amendment strikes and replaces the bill. The amendment provides that, before issuing or renewing a driver's license or nondriver identification card to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant a short statement on the requirements of the federal Military Selective Service Act and a corresponding federal Military Selective Service registration form.

The amendment also provides that if the eligible applicant consents to register with the federal Selective Service System, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.

The amendment also adds an appropriations and allocations section.

### **House Amendment "A" To Committee Amendment "A" (H-229)**

This amendment strikes an appropriations and allocations section that was inadvertently included in Committee Amendment "A".

### **Enacted Law Summary**

Public Law 2011, chapter 170 provides that, before issuing or renewing a driver's license or nondriver identification card to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant a short statement on the requirements of the federal Military Selective

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Service Act and a corresponding federal Military Selective Service registration form.

The law also provides that if the eligible applicant consents to register with the federal Selective Service System, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.

**LD 520 An Act To Allow a Waiver for On-premises Signs**

**PUBLIC 115**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAULIEU THOMAS	OTP-AM	H-201

Current law prohibits on-premises signs within 20 feet from the outside edge of the paved portion of any state or state aid highway with more than 2 travel lanes and a total paved portion in excess of 24 feet in width. This bill gives the Commissioner of Transportation the authority to grant a person a waiver of this requirement if the majority of on-premises signs on either edge of the public way within 1,000 feet of the location of the proposed on-premises sign are located within 20 feet from the outside edge of the paved portion of the public way or the proposed on-premises sign replaces an on-premise sign at the same location within 20 feet from the outside edge of the paved portion of the public way.

The bill also requires that the property owner assume all costs for removal and installation of the on-premise sign and record this fact with the registry of deeds.

**Committee Amendment "A" (H-201)**

This amendment adds to the provisions set out in the bill that permit a waiver for on-premises signs. The amendment provides that if an on-premises sign is granted a waiver, the owner of the on-premises sign does not gain any permanent property rights by installing the on-premises sign within the right-of-way of the public way. The amendment also provides that the Department of Transportation is not responsible for loss or damage to an on-premises sign granted a waiver from the use of the right-of-way of the public way for highway purposes. The amendment also provides that an on-premises sign granted a waiver may be removed at any time by the department without compensation to the owner of the on-premises sign and at the owner's expense to accommodate highway uses. The amendment gives the Commissioner of Transportation the authority to adopt rules to implement the law pertaining to granting a waiver for on-premises signs.

The amendment also changes the definition of "on-premise sign" to define instead "on-premises sign" and makes other grammatical corrections. It directs the Revisor of Statutes to apply the correct term in the relevant chapter of law.

**Enacted Law Summary**

Current law prohibits on-premises signs within 20 feet from the outside edge of the paved portion of any state or state aid highway with more than 2 travel lanes and a total paved portion in excess of 24 feet in width.

Public Law 2011, chapter 115 gives the Commissioner of Transportation the authority to grant a person a waiver of this prohibition if the majority of on-premises signs on either edge of the public way within 1,000 feet of the location of the proposed on-premises sign are located within 20 feet from the outside edge of the paved portion of the public way or the proposed on-premise sign replaces an on-premises sign at the same location within 20 feet from the outside edge of the paved portion of the public way.

The law also clarifies that if an on-premises sign is granted a waiver, the owner of the on-premises sign does not

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gain any permanent property rights by installing the on-premises sign within the right-of-way of the public way. It also provides that the Department of Transportation is not responsible for loss or damage to an on-premises sign granted a waiver from the use of the right-of-way of the public way for highway purposes. It also provides that an on-premises sign granted a waiver may be removed at any time by the department without compensation to the owner of the on-premises sign and at the owner's expense to accommodate highway uses. The law gives the Commissioner of Transportation the authority to adopt rules to implement the law pertaining to granting a waiver for on-premises signs.

The law also changes the definition of "on-premise sign" to define instead "on-premises sign" and makes other grammatical corrections. It directs the Revisor of Statutes to apply the correct term in the relevant chapter of law.

**LD 546      An Act To Amend the Motor Vehicle Laws Concerning Driving with      ONTP**  
**Animals**

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

This bill prohibits a person from operating a motor vehicle with an animal on the person's lap or while otherwise allowing an animal to impede the control or vision of the person.

**LD 570      An Act To Regulate the Use of Traffic Surveillance Cameras      ONTP**

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

This bill provides for the use of automatic license plate recognition systems in the enforcement of motor vehicle violations.

**LD 574      An Act To Extend the Time of a Temporary Registration Plate      ONTP**

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

This bill changes the period of time of a motor vehicle temporary registration plate from 14 days to 30 days.

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**LD 576      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 Year Ending June 30, 2011**

**PUBLIC 20  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM	S-9

Part A makes allocations of funds for the fiscal year ending June 30, 2011.

Part B makes allocations of funds for approved reclassifications.

**Committee Amendment "A" (S-9)**

Part A makes allocations of funds for the fiscal year ending June 30, 2011.

Part B makes allocations of funds for approved reclassifications.

Part C increases the amount of savings from \$1,000,000 to \$1,800,000 from the Department of Secretary of State, Administration - Motor Vehicles program All Other line category to be carried forward through fiscal year 2012-13 for the acquisition of a document management system to improve the efficiency and effectiveness of the department's operations.

**Enacted Law Summary**

Public Law 2011, chapter 20 makes allocations of funds for the fiscal year ending June 30, 2011. It also makes allocations of funds for approved reclassifications. The law increases the amount of savings from \$1,000,000 to \$1,800,000 from the Department of Secretary of State, Administration - Motor Vehicles program All Other line category to be carried forward through fiscal year 2012-13 for the acquisition of a document management system to improve the efficiency and effectiveness of the department's operations.

Public Law 2011, chapter 20 was enacted as an emergency measure effective April 1, 2011.

**LD 583      An Act To Establish a National Rifle Association License Plate**

**ONTP**

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

This bill authorizes the issuance of a special registration plate for the National Rifle Association that will fund special programs offered by the National Rifle Association that offer firearm training and firearm safety training and hunter training and hunter safety training.

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**LD 597      An Act To Provide Funding for the State Transit, Aviation and Rail  
Transportation Fund**

**MAJORITY  
(ONTP) REPORT**

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

This bill removes the cap on the annual amount available for distribution under the transit bonus payment program, which is currently set at 2.5% of the annual funding dedicated for the Urban-Rural Initiative Program.

It also increases from 50% to 100% the transfer to the STAR Transportation Fund of revenue from the tax imposed on the value of rental of an automobile.

**LD 610      An Act To Clarify the Procedure by Which a Salvage Company May  
Apply for a Motor Vehicle Title**

**PUBLIC 88**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-45

This bill allows a salvage company or similar entity that is in possession of an unclaimed vehicle after release by an insurance company, financial institution or dealer and notice to the owner to obtain title to that vehicle.

**Committee Amendment "A" (S-45)**

This amendment makes technical changes to clarify that the owner of a vehicle left without a transferable title on the premises of an independent entity that temporarily stores a damaged or dismantled vehicle pursuant to an agreement with an insurance company, financial institution or dealer has 30 days after notice to pick up the vehicle before the vehicle is considered abandoned.

**Enacted Law Summary**

Public Law 2011, chapter 88 allows a salvage company or similar entity that is in possession of an unclaimed vehicle after release by an insurance company, financial institution or dealer and notice to the owner to obtain title to that vehicle. It also clarifies that the owner of a vehicle left without a transferable title on the premises of an independent entity that temporarily stores a damaged or dismantled vehicle pursuant to an agreement with an insurance company, financial institution or dealer has 30 days after notice to pick up the vehicle before the vehicle is considered abandoned.

**LD 618      An Act To Authorize a GARVEE Bond for the Memorial Bridge in  
Kittery**

**ONTP**

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

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This bill authorizes the Maine Municipal Bond Bank to issue \$35,000,000 in federally authorized grant anticipation revenue vehicle debt financing instruments, GARVEE bonds, to be repaid with federal transportation funds, the proceeds of which will be used by the Department of Transportation to repair the Memorial Bridge, which carries Route 1 across the Piscataqua River, programmed in the 2012-2013 biennium.

**LD 622      An Act To Permit the Display of the National Emergency Service Medal      PUBLIC 22**  
**on Registration Plates of Recipients**

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

This bill allows the Secretary of State to issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded the National Emergency Service Medal.

**Enacted Law Summary**

Public Law 2011, chapter 22 allows the Secretary of State to issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded the National Emergency Service Medal.

**LD 625      An Act To Amend the Law Pertaining to Loaner Registration Plates      PUBLIC 44**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELIVEAU HILL	OTP-AM	H-71

This bill removes the restriction that prohibits all but new car dealers from using special loaner plates bearing the same combination of letters and numbers as appears on the dealer's special initial registration plates.

**Committee Amendment "A" (H-71)**

This amendment strikes the bill and authorizes the Secretary of State to select and issue special distinguishing letters, marks or designs for number plates issued to owners of body shops, transmission shops and garages. The amendment also provides that a used car dealer or an owner of a body shop, transmission shop or garage may apply for special vanity registration plates that may bear letters or combinations of letters and numbers that are approved by the Secretary of State. The amendment allows a used car dealer or an owner of a body shop, transmission shop or garage to apply for special vanity loaner plates bearing the same combination of letters and numbers as appears on the special vanity registration plates.

**Enacted Law Summary**

Public Law 2011, chapter 44 authorizes the Secretary of State to select and issue special distinguishing letters, marks or designs for number plates issued to owners of body shops, transmission shops and garages. It also provides that a used car dealer or an owner of a body shop, transmission shop or garage may apply for special vanity registration plates that may bear letters or combinations of letters and numbers that are approved by the Secretary of State. The law allows a used car dealer or an owner of a body shop, transmission shop or garage to apply for special vanity loaner plates bearing the same combination of letters and numbers as appears on the special vanity registration

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plates.

**LD 630      An Act To Require Disability Registration Plates To Be Renewed in Person When Registering at a Municipality      ONTP**

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

This bill requires an applicant to present a certificate of disability in person when the applicant applies for an extension of a disability plate or placard through a municipality.

**LD 632      Resolve, To Direct the Department of Transportation To Rebuild Williams Road in the Town of Newport      ONTP**

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

This resolve directs the Department of Transportation to make and implement plans to rebuild Williams Road in the Town of Newport, on which two schools are located.

**LD 661      An Act To Require Driver Education for All New Drivers      ONTP**

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

This bill requires persons 18 years of age or older to successfully complete a 4-hour driver education course before they are issued a license to operate a motor vehicle in this State. The bill also directs the Secretary of State to establish rules governing the driver education curriculum for persons who are 18 years of age or older so that the driver education course includes, but is not limited to, a review of motor vehicle laws and information about driving under the influence of alcohol and drugs and its effect on a person's ability to drive safely.

**LD 670      An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle      MAJORITY (ONTP) REPORT**

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

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This bill prohibits the use of a handheld cellular telephone and a handheld electronic device while operating a motor vehicle. The bill clarifies that law enforcement officers, corrections officers, firefighters, drivers of authorized emergency vehicles, holders of commercial driver's licenses, physicians, municipal public works personnel, Maine Turnpike Authority personnel and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.

**LD 673      An Act To Expand Fiscally Responsible Transportation through      ONTP**  
**Increased ZOOM Bus Service**

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

This bill directs the Maine Turnpike Authority to transfer at least 3% of the authority's operating revenues to the Department of Transportation.

This bill also directs the authority to provide new ZOOM commuter bus service between Portland and Lewiston and Auburn, expand ZOOM bus service between Portland and points in York County and provide new ZOOM bus service between Portland and Augusta. This bill also directs the authority to install wireless Internet service in the entire ZOOM bus fleet.

**LD 697      An Act To Provide Funding for the Maine Gateway Bridges      Carried Over**

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

This bill includes an ongoing allocation of \$5,500,000 to the Department of Transportation, Highway and Bridge Capital program in fiscal years 2011-12 and 2012-13 to provide funding for the replacement, repair and maintenance of the 3 bridges between Kittery, Maine and Portsmouth, New Hampshire: Memorial Bridge, U.S. Route 1; Sarah Mildred Long Bridge, U.S. Route 1 Alternate; and Piscataqua River Bridge, Interstate 95. This funding may not be used for any other purpose. Beginning with the 2014-2015 biennium, and each subsequent biennium, this amount must be included within the baseline Highway Fund allocations. The bill also requires that the State comply with the funding recommendations of the Bi-State Bridge Funding Task Force.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 704      An Act To Repeal the Motorcycle Inspection Law      ONTP**

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

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This bill exempts a motorcycle registered in the State from the requirement that a motor vehicle have an annual inspection.

**LD 722      An Act To Reduce Fines for Certain Trucking Violations**

**PUBLIC 219**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM	S-114

This bill changes the fine, from the current minimum fine of \$250 to a new maximum fine of \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for a 3rd or subsequent offense, for a violation of the federal regulations requiring drivers of commercial motor vehicles to limit driving time for property-carrying vehicles and to complete and keep a record of duty status for each 24-hour driving period.

**Committee Amendment "A" (S-114)**

This amendment strikes the bill and removes the emergency preamble and the emergency clause.

The amendment provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that does not meet the definition of an out-of-service order is \$250. The amendment also provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that meets the definition of an out-of-service order is \$500.

The amendment provides that an out-of-service order means a declaration by a law enforcement officer authorized to enforce Federal Motor Carrier Safety Administration regulations that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to federal law.

**Enacted Law Summary**

Public Law 2011, chapter 219 provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that does not meet the definition of an out-of-service order is \$250. It also provides that the maximum fine for a violation of a state rule that adopts by reference the Federal Motor Carrier Safety Administration regulations and that meets the definition of an out-of-service order is \$500.

The law provides that an out-of-service order means a declaration by a law enforcement officer authorized to enforce Federal Motor Carrier Safety Administration regulations that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to federal law.

**LD 727      An Act Relating to Indemnity Agreements in Motor Carrier  
Transportation Contracts**

**PUBLIC 85**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-43

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This bill provides that certain indemnity agreements in motor carrier transportation contracts are void and unenforceable.

### **Committee Amendment "A" (S-43)**

This amendment provides a definition of "motor carrier" and clarifies the definition of "promisee." This amendment also provides that the change in law in the bill that provides that certain indemnity agreements in motor carrier transportation contracts are void and unenforceable applies to only motor carrier transportation contracts entered into or renewed on or after the effective date of the Act.

### **Enacted Law Summary**

Public Law 2011, chapter 85 provides that certain indemnity agreements in motor carrier transportation contracts are void and unenforceable. It also provides that the change in law applies to only motor carrier transportation contracts entered into or renewed on or after the effective date of the Act.

**LD 734      An Act To Allow a Front-wheel-drive Vehicle To Be Equipped with      ONTP**  
**Studded Tires on the Front Only**

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

This bill allows a person to operate a front-wheel-drive vehicle with studded tires on the front only and directs the Department of Public Safety to amend its rules to implement the provision.

**LD 736      An Act To Prohibit Texting while Driving      PUBLIC 207**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP MAJ OTP-AM MIN	S-39 DIAMOND

This bill provides that a person may not operate a motor vehicle while engaging in text messaging.

### **Senate Amendment "A" (S-39)**

This amendment removes from the definition of "text messaging" the sending of electronic communications.

### **Enacted Law Summary**

Public Law 2011, chapter 207 provides that a person may not operate a motor vehicle while engaging in text messaging. The law defines "text messaging" as reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system.

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**LD 748 An Act To Improve Driver Education Licensing**

**PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI	OTP-AM	H-227

This bill extends driver education school licenses from one year to 2 years. It also extends the teaching license of a driver education teacher or instructor to 5 years. The bill also adds 2 members from the board of a statewide driver and traffic safety education association and 2 business owners who hold Class A licenses to teach driver education to the Secretary of State's Technical Review Panel and increases the license fees for teachers and instructors from \$80 to \$100.

**Committee Amendment "A" (H-227)**

This amendment removes the provision in the bill that proposes to extend driver education school licenses from one year to 2 years. The amendment also changes the duration of a teaching license of a driver education teacher or instructor from the proposed 5 years in the bill to 2 years. The amendment also strikes the provision that proposes to add 2 members from the board of a statewide driver and traffic safety education association and 2 business owners who hold Class A licenses to teach driver education to the Secretary of State's Technical Review Panel.

**Enacted Law Summary**

Currently, the duration of a teaching license of a driver education teacher or instructor is one year. Public Law 2011, chapter 442 changes the duration of a teaching license of a driver education teacher or instructor to 2 years and provides that the fee for the 2-year teaching license is \$100.

**LD 766 An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2012**

**P & S 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-383

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2012 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

**Committee Amendment "A" (H-383)**

This amendment incorporates a fiscal note.

**Enacted Law Summary**

Private and Special Law 2011, chapter 16 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2012 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

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**LD 770      Resolve, To Establish a Study Group To Update Weight Regulations      ONTP**

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

This resolve directs the Department of Transportation to convene a study group to examine the current weight limits on public ways and the problems that have arisen concerning the issue of load distribution problems and the enforcement of the limits and develop recommendations to adjust the limits to ensure the safety and structure of public ways in the State and to increase productivity and efficiency in motor transportation. The department is directed to invite the participation of the trucking and transportation industry and to report to the Second Regular Session of the 125th Legislature with its findings.

**LD 778      An Act To Amend the Process of Federal Aviation Administration      PUBLIC 351**  
**Airport Improvement Program Grants**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE M FARNHAM	OTP-AM	H-193 H-479 CEBRA

This bill requires that, for projects receiving both federal and state aid under the Federal Aviation Administration's airport improvement program, state aid funds must be administered in accordance with federal requirements for federal aid. This bill authorizes the Department of Transportation, through the major substantive rule process, to adopt additional requirements in addition to the federal requirements.

Current law provides that the Commissioner of Transportation must approve any project and project application for a request for federal aid under the federal Airport and Airway Development Act of 1970's airport improvement program before it is submitted to the Federal Aviation Administration by a municipality or other political subdivision of this State. This bill clarifies that a municipality or other political subdivision operating an airport that has at least 10,000 passenger boardings per year in this State may discuss federal aid with the Federal Aviation Administration for purposes of planning and developing a project application.

**Committee Amendment "A" (H-193)**

This amendment strikes those sections of the bill that require state aid funds for airport development projects receiving both federal and state funds under the Federal Aviation Administration's airport improvement program to be administered in accordance with federal law and allow a municipality or other political subdivision to discuss federal aid with the Federal Aviation Administration.

The amendment provides that the Department of Transportation is not responsible for aiding and assisting municipalities and other political subdivisions in the maintenance and operation of their public airports. The amendment also repeals the requirement in current law that the department aid and assist in the repair of, maintenance of and removal of snow from municipal, state and county airports.

This amendment also requires the department to administer the Primary Airport Capital Improvement Grant Program, which the amendment establishes. The amendment requires the department to distribute available state

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grant program funds to primary airports for eligible capital improvement projects as determined by the department. The amendment provides that state grant program funds may also be used for Federal Aviation Administration-eligible equipment. The amendment directs the department to evenly share the local match with the eligible municipality or other political subdivision in this State for the Federal Aviation Administration airport improvement program grant offer and award an amount contingent upon the availability of state grant program funds. The amendment further provides that airport improvement projects must be approved by the Federal Aviation Administration to be eligible for state grant program funds. The amendment provides that the department is not responsible for oversight or eligibility of airport improvement projects.

This amendment also provides that federal aid requests made by municipalities or other political subdivisions for primary airport improvement projects are not subject to approval by the Commissioner of Transportation.

**House Amendment "A" To Committee Amendment "A" (H-479)**

This amendment restores the language that provides that the Commissioner of Transportation must approve any project and project application for a request for federal aid under the federal Airport and Airway Improvement Act of 1982's airport improvement program before it is submitted to the Federal Aviation Administration by a municipality or other political subdivision of this State.

The amendment clarifies that the Department of Transportation may distribute funds from the Primary Airport Capital Improvement Grant Program to primary airports without prior project approval by the Commissioner of Transportation.

The amendment also requires municipalities and other political subdivisions when applying for and accepting federal aid to further any purpose related to the development of aeronautics to follow the procedures set out in the Maine Revised Statutes, Title 6, section 18, subsections 2 and 2-A.

**Enacted Law Summary**

Public Law 2011, chapter 351 establishes the Primary Airport Capital Improvement Grant Program as a discretionary state grant program administered by the Department of Transportation.

The law requires the department to distribute available state grant program funds to primary airports, which are airports that have at least 10,000 passenger boardings per year, for eligible capital improvement projects as determined by the department. The law also provides that airport improvement projects must be approved by the Federal Aviation Administration to be eligible for state grant program fund and clarifies that the department may distribute funds from the Primary Airport Capital Improvement Grant Program to primary airports without prior project approval by the Commissioner of Transportation.

The law directs the department to evenly share the local match with the eligible municipality or other political subdivision in this State for the Federal Aviation Administration airport improvement program grant offer and award an amount contingent upon the availability of state grant program funds.

**LD 796 An Act To Continue the Axle Fine Waiver during the Midwinter Season**

**PUBLIC 86  
EMERGENCY**

Sponsor(s)

COLLINS

Committee Report

OTP-AM

Amendments Adopted

S-40

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This bill repeals the repeal date for the provision waiving axle fines during the midwinter season on public ways.

**Committee Amendment "A" (S-40)**

This amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2011, chapter 86 repeals the repeal date for the provision waiving axle fines during the midwinter season on public ways.

Public Law 2011, chapter 86 was enacted as an emergency measure effective May 16, 2011.

**LD 815      An Act To Limit the Placement of Motor Vehicle Inspection Stickers in      ONTP**  
**Automobiles**

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

This bill requires that a motor vehicle inspection sticker be placed only in the lower left-hand corner of the vehicle's windshield and that the sticker must be at least 3 inches high and 4 inches wide.

**LD 845      An Act To Hold the Maine Turnpike Authority Accountable for Its      ONTP**  
**Obligation under Maine Law To Transfer Annual Surplus Revenue to**  
**the Department of Transportation for Road and Bridge Projects around**  
**the State**

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

Under current law, the Maine Turnpike Authority is required to transfer any operating surplus of the Maine Turnpike each year to the Department of Transportation. "Operating surplus" means the total annual operating revenues of the authority, after money has been put aside to pay reasonable operating expenses, to pay or to reserve for capital expenditures and to meet the requirements of any resolution authorizing bonds of the authority.

This bill directs the authority to submit an annual report to the joint standing committee of the Legislature having jurisdiction over transportation matters regarding the level and proper determination of operating surplus provided to the department each year. This bill also directs the Attorney General to investigate an allegation that the authority has failed to provide an operating surplus to the department.

This bill also directs the authority to submit a one-time report to the committee no later than January 15, 2012 regarding the amount of operating surplus provided to the department annually after December 31, 1999. The bill gives the committee the authority to submit a bill to the Second Regular Session of the 125th Legislature concerning the subject matter of the report.

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**LD 883      Resolve, To Name the Katahdin Rest Area on Interstate 95      ONTP**

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

This resolve directs the Department of Transportation to designate the scenic overlook that overlooks Mount Katahdin on Interstate 95 the "Katahdin View Rest Area," and to install a sign at the scenic overlook with an explanation of what is seen in the panoramic view. It also requires the department to erect a stone monument at the scenic overlook with a bronze plaque describing Mount Katahdin and its importance to the State.

**LD 925      An Act Regarding Motorcycle Proof of Inspection      ONTP**

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

This bill requires a person to have a motorcycle inspected and insured prior to registering the motorcycle. The bill also requires that the inspection and registration take place during the same month. The bill requires the Secretary of State to implement a system that allows for the synchronization of motorcycle inspection and registration renewals.

**LD 945      Resolve, To Require the Commissioner of Inland Fisheries and Wildlife  
To Submit a New Design for the Sportsman Registration Plate      ONTP**

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

Current law requires that the Commissioner of Inland Fisheries and Wildlife submit a new proposed design for the sportsman registration plate every 6 years. This resolve requires the commissioner to submit a new design featuring the image of a deer for the sportsman registration plate for issuance beginning in 2012.

**LD 970      An Act To Increase Safety for Law Enforcement Officers and  
Emergency Responders      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CORNELL DU HOUX GERZOFISKY	ONTP	

Current law requires a minimum fine of \$250 for an operator of a vehicle who passes a stationary authorized emergency vehicle or wrecker in an unsafe manner. This bill raises that fine to \$500 for a 2-year period, after which

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the fine will go back to \$250.

**LD 986      An Act To Allow a Person To Receive a Designation of Active Military  
or Veteran Status on a Driver's License or Nondriver Identification  
Card**

**PUBLIC 134**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-62

This bill requires the Secretary of State to place a designation on a driver's license indicating that the licensee is an honorably discharged veteran upon receiving documentation that the licensee served in and was honorably discharged from the Armed Forces of the United States.

**Committee Amendment "A" (S-62)**

This amendment strikes and replaces the bill. This amendment requires the Secretary of State, at the request of an eligible applicant, to issue a driver's license or nondriver identification card to the applicant with a military service designation that identifies the applicant as a person actively serving in an enlisted grade of the United States Armed Forces or as a veteran of the United States Armed Forces.

The amendment further requires the Secretary of State to determine the design and location on the license and nondriver identification card for the military service designation.

**Enacted Law Summary**

Public Law 2011, chapter 356, sections 20 and 24 repeal and replace Public Law 2011, chapter 134.

Public Law 2011, chapter 134 requires the Secretary of State, at the request of an eligible applicant, to issue a driver's license or nondriver identification card to the applicant with a military service designation that identifies the applicant as a person actively serving in an enlisted grade of the United States Armed Forces or as a veteran of the United States Armed Forces. The law also requires the Secretary of State to determine the design and location on the license and nondriver identification card for the military service designation. Public Law 2011, chapter 134 did not go into effect before it was repealed by Public Law 2011, chapter 356 (LD 1313).

Public Law 2011, chapter 356 provides for a military service designation on driver's licenses and nondriver identification cards for all service members, not just those in an enlisted grade, and honorably discharged veterans. The law also requires the Secretary of State to determine the design and location on the license and nondriver identification card for the military service designation.

Public Law 2011, chapter 356 was enacted as an emergency measure; those sections of the law that provide for military service designation on driver's licenses and nondriver identification cards took effect on June 15, 2011 while all other sections, except for one, take effect 90 days after adjournment.

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**LD 1011      An Act To Curb the Noise of Motorcycles without Mufflers      ONTP**

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

This bill imposes a fine of \$150 for operating a motorcycle without a muffler. The bill also requires a law enforcement officer to confiscate a muffler that is making excessive noise.

**LD 1024      An Act To Amend the Laws Governing Land Surveyors      PUBLIC 126**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCABE	OTP-AM	H-203

This bill restores the 2-zone coordinate system for land surveyors.

**Committee Amendment "A" (H-203)**

This amendment strikes and replaces the bill and restores in law the original systems of plane coordinates established by the National Ocean Survey and the National Geodetic Survey. The amendment recognizes the Maine 2000 West Zone, Maine 2000 Central Zone and Maine 2000 East Zone established by the State and recognized by the National Geodetic Survey and National Ocean Survey.

**Enacted Law Summary**

Public Law 2011, chapter 126 restores in law the original systems of plane coordinates established by the National Ocean Survey and the National Geodetic Survey. The law recognizes the Maine 2000 West Zone, Maine 2000 Central Zone and Maine 2000 East Zone established by the State and recognized by the National Geodetic Survey and National Ocean Survey.

**LD 1032      Resolve, To Require the Department of Transportation To Improve a      ONTP**  
**Portion of U.S. Route 1**

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

This resolve directs the Department of Transportation to make improvements to the portion of U.S. Route 1 from the town line between the Town of Madawaska and the Town of Frenchville to the area of the Town of Van Buren known as Turkey Curve.

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**LD 1047 An Act Pertaining to Vehicle Registrations**

**ONTP**

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

Under current law, when an application for registration of a motor vehicle is made after the registration for the previous year has expired, the term of renewal begins on the month of issuance of the previous registration. Trailers may only be registered for a registration period of March 1st to the end of February. This bill provides that, when an application for registration of a vehicle, including trailers, is made after the registration has expired, the term of the renewal begins on the month of the issuance of the renewal.

**LD 1052 An Act To Require Equal Treatment of All Roads in a Road Association**

**ONTP**

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

This bill requires a road association to conduct regular maintenance equally on all portions of a private road, private way or bridge and, if the association has jurisdiction over more than one private road, private way or bridge, the regular maintenance must be conducted equally on all those private roads, private ways and bridges.

**LD 1064 Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority**

**Carried Over**

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

This bill expands the scope of the study of existing highway infrastructure and future capacity needs west of Route 1 in York and Cumberland counties, including the greater Gorham and Sanford areas, which is being conducted by the Department of Transportation and the Maine Turnpike Authority, to include the area west of Sanford along the United States Route 202 corridor to the New Hampshire border. It also requires the Department of Transportation and the Maine Turnpike Authority to report the results of their study to the Joint Standing Committee on Transportation no later than December 7, 2011 and allows the committee to submit a bill to the Second Regular Session of the 125th Legislature upon its receipt and review of the report.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 1068    An Act To Protect the Privacy of Maine Residents under the Driver's License Laws**

**PUBLIC 149**

Sponsor(s)

CHIPMAN  
THOMAS

Committee Report

OTP-AM

Amendments Adopted

H-177

This bill is a partial repeal of current Maine law enacted to comply with the requirements of the federal REAL ID Act of 2005.

This bill:

1. Repeals the requirement that the Secretary of State issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States;
2. Exempts social security numbers in the possession of the Secretary of State from the definition of "public records" under Maine's freedom of access laws;
3. Provides that the Secretary of State may not disseminate social security numbers to any entity without legislative authorization;
4. Restricts the distribution and retention of digital information used to produce a license;
5. Prohibits the Secretary of State from use of biometric technology, such as retinal scans, facial recognition or fingerprint technology, but not including digital photographs in the production or storing of license information;
6. Repeals the requirement that the Secretary of State participate in the federal Systematic Alien Verification for Entitlements Program, the centralized database system used and maintained by the United States Citizenship and Immigration Services;
7. Repeals the requirement that the Secretary of State study the most cost-effective technology to prevent driver's license or nondriver identification card duplication;
8. Provides that cost savings as a result of this Act must be allocated to the Highway and Bridge Capital program within the Department of Transportation;
9. Does not change the current requirement that an applicant for a Maine driver's license or nondriver identification card must provide proof of residency; and
10. Repeals the requirement that a license or nondriver identification card of a noncitizen or legal permanent resident expires at the end of the licensee's authorized duration of stay in the United States.

**Committee Amendment "A" (H-177)**

This amendment:

1. Strikes the repeal of the requirement that the Secretary of State issue driver's licenses and nondriver identification cards only to individuals who present documentary evidence of legal presence in the United States;
2. Provides that the Secretary of State may not disseminate social security numbers to any entity without legislative

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authorization unless it is authorized by the federal Driver's Privacy Protection Act of 1994;

3. Provides that digital images and digitized signatures used to produce a driver's license or nondriver identification card are confidential;

4. Clarifies that the Secretary of State may store, record and retain digital images and digitized signatures used to produce a driver's license or nondriver identification card solely for the purpose of producing driver's licenses or nondriver identification cards;

5. Provides that digital images and digitized signatures used to produce a driver's license or nondriver identification card may be distributed only to a law enforcement agency;

6. Strikes the repeal of the requirement that the Secretary of State participate in the federal Systematic Alien Verification for Entitlements Program, the centralized database system used and maintained by United States Citizenship and Immigration Services; and

7. Strikes the repeal of the requirement that a license or nondriver identification card of a noncitizen or legal permanent resident expires at the end of the person's authorized duration of stay in the United States.

**Enacted Law Summary**

**Public Law 2011, chapter 149:**

1. Provides that the Secretary of State may not disseminate social security numbers to any entity without legislative authorization unless it is authorized by the federal Driver's Privacy Protection Act of 1994;

2. Provides that digital images and digitized signatures used to produce a driver's license or nondriver identification card are confidential;

3. Clarifies that the Secretary of State may store, record and retain digital images and digitized signatures used to produce a driver's license or nondriver identification card solely for the purpose of producing driver's licenses or nondriver identification cards; and

4. Provides that digital images and digitized signatures used to produce a driver's license or nondriver identification card may be distributed only to a law enforcement agency.

**LD 1071      An Act To Allow the Use of Mini-trucks on Public Ways**

**ONTP**

Sponsor(s)

AYOTTE  
JACKSON

Committee Report

ONTP

Amendments Adopted

This bill permits mini-trucks to be operated on public ways, but only within 100 miles of the address at which the mini-truck is registered. The mini-truck, a 4-wheeled motor vehicle with a maximum speed of 60 miles per hour and a maximum weight of 2,000 pounds, must be registered and meet the same inspection standards as other motor vehicles in order to be operated on a public way.

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**LD 1123 An Act To Amend the Motor Vehicle Laws**

**PUBLIC 448**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	OTP-AM	H-291 S-355 ROSEN R

This bill makes it a Class E crime if, at a time when a person's inspection mechanic license is suspended or revoked pursuant to the Maine Revised Statutes, Title 29-A, section 1763, the person performs a state or federally approved motor vehicle inspection in order for a certificate of inspection or report to be issued by a 3rd party or issues a state or federally approved certificate of inspection or a report.

The bill permits Department of Labor motor vehicles operated by workplace safety inspectors to be equipped with auxiliary lights that emit an amber light.

**Committee Amendment "A" (H-291)**

This amendment adds an appropriations and allocations section.

**Senate Amendment "A" To Committee Amendment "A" (S-355)**

This amendment establishes a July 1, 2012 effective date for the provision concerning the performance of a motor vehicle inspection by a person with a suspended or revoked inspection mechanic license and removes the General Fund appropriation of \$3,132 in fiscal year 2011-12.

**Enacted Law Summary**

Public Law 2011, chapter 448 makes it a Class E crime if, at a time when a person's inspection mechanic license is suspended or revoked, the person performs a state or federally-approved motor vehicle inspection in order for a certificate of inspection or report to be issued by a third party or issues a state or federally-approved certificate of inspection or a report. The law establishes an effective date of July 1, 2012 for this provision.

The law also permits Department of Labor motor vehicles operated by workplace safety inspectors to be equipped with auxiliary lights that emit amber light.

**LD 1124 An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses**

**Carried Over**

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

The bill allows a municipality, law enforcement agency or school administrative unit to enforce violations of overtaking and passing a school bus through the use of traffic surveillance cameras and automated license plate recognition systems that are attached to a school bus, and requires a fine imposed for a violation of overtaking and passing a school bus to accrue to the municipality in which the violation occurred.

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This bill also makes technical corrections by removing references to the term "forfeitures" to reflect the current usage in the statutes of the term "fine."

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1148      An Act To Improve Vehicle Safety for First Responders      ONTP**

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

This bill allows emergency medical service vehicles, fire department vehicles and personal vehicles of emergency medical personnel, firefighters and police officers to be equipped with a device that provides for alternate flashing of the vehicle's brake or rear directional lights and back-up lights or strobe lights behind the rear brake lenses when responding to an emergency.

**LD 1167      An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents      PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	OTP-AM MAJ OTP-AM MIN	H-406

This bill permits law enforcement officers to disclose certain information relating to motor vehicle accidents and permits law enforcement officers to furnish a copy of a motor vehicle accident report only to certain individuals specified in the bill. The bill also provides greater protection of the personal privacy of individuals who are involved in motor vehicle accidents and allows aggregated nonpersonally identifying accident report data to be publicly disseminated.

**Committee Amendment "A" (H-405)**

This amendment, which is the majority report, strikes and replaces the bill. The amendment reorganizes the provision of law relating to accident report information and makes technical changes.

The amendment provides that accident reports and information contained in accident reports, except as otherwise provided, are confidential and may be released only to a person who was involved in the accident that is the subject of the report as well as to:

1. That person's licensed attorney, licensed insurance representative or authorized agent if authorization is evidenced in writing;
2. That person's insurance carrier or insurance producer;
3. That person's family or household members, as long as no temporary or permanent protection from abuse or protection from harassment order against the requesting family or household member is in effect at the time the request is made;
4. If the person is a minor, that person's parent or legal guardian, as long as no temporary or permanent protection

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from abuse or protection from harassment order against the requesting parent or legal guardian is in effect at the time the request is made;

5. An attorney licensed to practice law in this State, but only if the request is made for the purpose of informing a potential or pending criminal or civil case, or for use in such a case, if the case involves a specifically identified person who may be or is a party to the potential or pending case;
6. Another criminal justice agency;
7. The Department of the Secretary of State, Bureau of Motor Vehicles; and
8. An insurance support organization.

The amendment provides that the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police, but may publicly disseminate nonpersonally identifying accident report data. The amendment also defines "data" as information existing in an electronic medium and contained in an accident report database.

The amendment also provides that a person commits a Class E crime if that person intentionally or knowingly makes a material misstatement of fact on any application or document submitted either in support of or as a request made for a copy of an accident report or intentionally or knowingly further disseminates a report or report information that has been provided to an attorney pursuant to law.

### **Committee Amendment "B" (H-406)**

This amendment, which is the minority report, strikes and replaces the bill. The amendment provides that the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police, but may publicly disseminate nonpersonally identifying accident report data. This amendment also defines "data" as information existing in an electronic medium and contained in an accident report database.

### **Enacted Law Summary**

Public Law 2011, chapter 390 provides that the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police, but may publicly disseminate nonpersonally identifying accident report data. The law defines "data" as information existing in an electronic medium and contained in an accident report database.

**LD 1189      An Act To Require Bicyclists To Contribute to the Improvement of      ONTP**  
**Bikeways**

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

This bill imposes a 2% surcharge on the retail sale of bicycles. The proceeds are to be used by the Department of Transportation to construct, improve and maintain bikeways for use primarily by bicyclists and pedestrians.

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**LD 1219      Resolve, To Require the Department of Transportation To Designate  
the Park Street Bridge in the Town of Presque Isle the Gold Star  
Memorial Bridge**

**RESOLVE 37**

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

This resolve directs the Department of Transportation to designate the bridge on Park Street in the Town of Presque Isle that crosses Presque Isle Stream the Gold Star Memorial Bridge in honor of those members of the Armed Forces of the United States who lost their lives in the performance of their duties.

**Enacted Law Summary**

Resolve 2011, chapter 37 directs the Department of Transportation to designate the bridge on Park Street in the Town of Presque Isle that crosses Presque Isle Stream the Gold Star Memorial Bridge in honor of those members of the Armed Forces of the United States who lost their lives in the performance of their duties.

**LD 1247      An Act To Specifically Define Reasonable Operating Expenses for the  
Maine Turnpike Authority in Accordance with Its Enabling Act**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the Maine Revised Statutes, Title 23, chapter 24, which governs the operations, powers and duties of the Maine Turnpike Authority, to establish a budget for the operating expenses of the Maine Turnpike Authority as well as the use of revenue generated by the Maine Turnpike Authority.

**LD 1306      An Act Relating to Custom Vehicles**

**PUBLIC 139**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNIGHT COLLINS	OTP-AM	H-200

This bill amends the definition of "antique auto" to include that the vehicle may be used for occasional personal use and that it may not have undergone a change in some of the component parts of the vehicle.

It amends the definition of "custom vehicle" by changing the number of years of age that would constitute a custom vehicle from 30 years to 25 years. It removes the weight limit of what constitutes a custom vehicle and indicates that the exemptions adopted by the Chief of the State Police apply to a custom vehicle.

The bill also directs the Department of the Secretary of State, Bureau of Motor Vehicles to invite the participation of

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representatives of antique auto, street rod and custom vehicle organizations to review the affidavit that must be filed with the bureau when registering an antique auto, custom vehicle, horseless carriage or street rod and to report to the Second Regular Session of the 125th Legislature with its findings.

**Committee Amendment "A" (H-200)**

This amendment strikes and replaces the bill. The amendment changes the definition of "custom vehicle" to include a motor vehicle that is at least 25 years old instead of at least 30 years old as in current law. The amendment also raises the weight limit for a custom vehicle from the current 6,000 pounds to 10,000 pounds. The amendment clarifies that a custom vehicle is subject to motor vehicle inspection standards except as provided by rules adopted by the Chief of the State Police, which provide certain exemptions for custom vehicles.

**Enacted Law Summary**

Public Law 2011, chapter 139 changes the definition of "custom vehicle" to include a motor vehicle that is at least 25 years old. The law also raises the weight limit for a custom vehicle to 10,000 pounds. The law clarifies that a custom vehicle is subject to motor vehicle inspection standards except as provided by rules adopted by the Chief of the State Police, which provide certain exemptions for custom vehicles.

**LD 1313 An Act To Amend the Motor Vehicle Laws**

**PUBLIC 356  
EMERGENCY**

Sponsor(s)

COLLINS

Committee Report

OTP-AM

Amendments Adopted

S-192

S-218 COLLINS

This bill makes several changes to the motor vehicle laws. The bill:

1. Adds the Secretary of State, Bureau of Motor Vehicles detectives to the list of law enforcement personnel not required to disclose investigative information;
2. Clarifies the definition of "special mobile equipment";
3. Clarifies that a motor vehicle drawing a camp trailer is not registered for the gross weight;
4. Removes obsolete language relative to registering interstate buses;
5. Clarifies that tow dollies are not required to be registered;
6. Consolidates special equipment registration with trailer registration;
7. Increases the number of special veteran motorcycle registrations a qualified registrant may have from one to 3;
8. Clarifies that certain honorific veterans' plates are issued for no fee and for a gross weight up to 10,000 pounds;
9. Clarifies the requirement for a motor carrier of passengers receiving subsidies to file its vehicle equipment list with the Department of Transportation rather than the Secretary of State, Bureau of Motor Vehicles;
10. Adds "antique motorcycle" to the list of vehicles eligible for warranty titles;
11. Makes failure of a dealer to deliver a title to the Secretary of State, Bureau of Motor Vehicles a traffic infraction

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and establishes minimum and maximum fines;

12. Clarifies that a dealer taking a vehicle in trade on the purchase of another vehicle must satisfy any outstanding security interests on the traded vehicle within 10 days. Failure to do so is a Class E crime;
13. Creates a restricted instruction permit for the purpose of assessing a person with certain disabilities;
14. Extends the sunset date for the autocycle legislation until 2013;
15. Updates the authorized route for Van Buren Canadian weight permits; and
16. Clarifies the issuance of long-term oversize and overweight permits.

### **Committee Amendment "A" (S-192)**

This amendment:

1. Clarifies that reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of the criminal law enforcement unit of the Department of the Secretary of State, Bureau of Motor Vehicles, Office of Investigations are confidential;
2. Deletes those sections of the bill that propose to consolidate special equipment registration with trailer registration;
3. Revises the authorized route in Van Buren for United States-Canada border weight permits;
4. Authorizes lobster registration plates for commercial motor vehicles;
5. Creates a registration plate for a person serving as an honorary consul;
6. Establishes a process for creating motorcycle and commercial vehicle specialty plates for existing specialty plates with at least 10,000 active registrations;
7. Provides that special mobile equipment that is used exclusively on the closed portion of a public way for the limited purposes of constructing or repairing that public way and is transported by another vehicle to and from the construction project is exempt from registration;
8. Eliminates the one-time \$5 administrative fee for Purple Heart motor vehicle and motorcycle registration plates and veterans motorcycle registration plates; and
9. Establishes a moratorium on dealer plate reduction and dealer license denials, adds an emergency preamble and emergency clause specifying that the moratorium takes effect immediately and provides that the moratorium be in place until December 31, 2012.

### **Senate Amendment "A" To Committee Amendment "A" (S-218)**

This amendment provides for a military service designation on driver's licenses and nondriver identification cards for all service members, not just those in an enlisted grade, and honorably discharged veterans and makes that provision effective when this legislation is approved.

### **Enacted Law Summary**

Public Law 2011, chapter 356 does the following:

1. Clarifies that reports or records that contain intelligence and investigative information and that are prepared by,

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prepared at the direction of or kept in the custody of the criminal law enforcement unit of the Department of the Secretary of State, Bureau of Motor Vehicles, Office of Investigations are confidential;

2. Updates the authorized route in Van Buren for United States-Canada border weight permits;
3. Authorizes lobster registration plates for commercial motor vehicles;
4. Creates a registration plate for a person serving as an honorary consul;
5. Establishes a process for creating the classes of motorcycle and commercial vehicle plates for existing specialty plates with at least 10,000 active registrations;
6. Provides that special mobile equipment that is used exclusively on the closed portion of a public way for the limited purposes of constructing or repairing that public way and is transported by another vehicle to and from the construction project is exempt from registration;
7. Eliminates the one-time \$5 administrative fee for Purple Heart motor vehicle and motorcycle registration plates and veterans motorcycle registration plates;
8. Establishes a moratorium on dealer plate reduction and dealer license denial, specifies that the moratorium takes effect immediately and provides that the moratorium be in place until December 31, 2012; and
9. Repeals Public Law 2011, chapter 134 (see also LD 986) and provides for a military service designation on driver's licenses and nondriver identification cards for all service members and honorably discharged veterans.

Public Law 2011, chapter 356 was enacted as an emergency measure. Items 8 and 9 of this summary took effect June 15, 2011 while all other items take effect 90 days after adjournment.

**LD 1319      An Act To Prohibit the Unwarranted Collection of Identifying Data of      ONTP  
Motor Vehicles**

Sponsor(s)

SHAW

Committee Report

ONTP

Amendments Adopted

This bill prohibits a state, county or municipal employee from recording or retaining identifying data about a motor vehicle. The prohibition does not apply to the Department of Transportation if the recording or retaining of identifying data is conducted for the purposes of protecting public safety and transportation infrastructure, to the Department of Public Safety, Bureau of State Police if the recording or retaining of identifying data is conducted for the purposes of commercial motor vehicle screening and inspection or to a state, county or municipal law enforcement agency if the recording or retaining of identifying data is conducted to provide public safety, conduct criminal investigations or ensure compliance with local, state and federal laws.

*Joint Standing Committee on Transportation*

**LD 1330      Resolve, To Expand Commuter and Passenger Rail Transportation in  
Maine**

**ONTP**

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

This resolve directs the Northern New England Passenger Rail Authority to establish and convene the Maine Commuter and Passenger Rail Advisory Task Force to evaluate and prioritize investments in commuter and passenger rail service between communities in this State in order to expedite development of efficient commuter rail service as appropriate in the major economic and population centers in this State to reduce costs to the State, its municipalities and its citizens of travel to and from work, business activities and entertainment and recreation activities.

The task force must develop a Maine commuter and passenger rail plan, which must include investment priorities for the establishment of commuter and passenger rail service between communities in this State. The plan must be based on existing studies and analyses that explore the markets and infrastructure and the potential to remove automobile traffic from excessively used roadways. The plan must also provide for the reduction of highway construction and maintenance costs and ways to limit the need for parking facilities as well as reducing road congestion and lessening transportation costs for citizens living in cities in this State.

The Northern New England Passenger Rail Authority must report the findings and the plan of the task force to the Department of Transportation and the Joint Standing Committee on Transportation no later than December 31, 2011. The Joint Standing Committee on Transportation may submit a bill to the Second Regular Session of the 125th Legislature on the subject matter of the report.

**LD 1340      Resolve, To Suspend Fuel Tax Rate Adjustments for the 2012-2013  
Biennium**

**ONTP**

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

This resolve suspends for 2 years, beginning July 1, 2011 and ending June 30, 2013, the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates.

*Joint Standing Committee on Transportation*

**LD 1348 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013**

**PUBLIC 392  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	OTP-AM	H-622

Part A makes allocations of funds for the fiscal years ending June 30, 2012 and June 30, 2013.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates effective January 1, 2012.

Part D continues for 2 years the pay freeze by denying the awarding of merit pay and longevity pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, during the 2012-2013 biennium. This Part also requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit pay and to transfer the amounts by financial order upon the approval of the Governor.

Part E recognizes an increase in the attrition rate from 1.6% to 5.0 % for the 2012-2013 biennium. The 5.0% rate is currently built into the baseline budget for personnel services.

Part F transfers funds from the Highway Fund unallocated surplus to the TransCap Trust Fund in an amount equal to the savings from changing the General Fund and Highway Fund matching ratio.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation, for capital needs.

Part H allows the transfer of Highway Fund Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Part I repeals the requirement that a percentage of motor vehicle registration fees for certain island towns must be spent on the roads in those towns. A separate initiative in Part A of the bill redirects the amounts to support the Island Ferry Service.

Part J allows transfers of non-bond funds from the TransCap Trust Fund to be used for capital projects having an estimated useful life of 5 years. This allows the funds to be used for light capital paving in an attempt to meet the goal of 600 miles per year.

Part K renames the "Fuel Use Decal Program" within the Department of the Secretary of State the "International Fuel Tax Agreement" program to more accurately reflect the intent of this program.

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### **Committee Amendment "A" (H-622)**

Part A makes allocations of funds for the fiscal years ending June 30, 2012 and June 30, 2013.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates effective January 1, 2012.

Part D continues for 2 years the pay freeze by denying the awarding of merit pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, the legislative branch and the judicial branch during the 2012-2013 biennium. It maintains longevity payments for employees eligible for a longevity payment on June 30, 2011 at the rate in effect on that date during the 2012-2013 biennium. It provides that employees that are not eligible for a longevity payment on June 30, 2011 may not be granted one during the period from July 1, 2011 to June 30, 2013. The savings in this Part may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees. This Part also requires the State Budget Officer to calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with merit pay and longevity pay changes and to transfer the amounts by financial order upon the approval of the Governor.

Part E recognizes an increase in the attrition rate from 1.6% to 5.0 % for the 2012-2013 biennium. The 5.0% rate is currently built into the baseline budget for personnel services.

Part F transfers funds from the Highway Fund unallocated surplus to the TransCap Trust Fund in an amount equal to the savings from changing the General Fund and Highway Fund matching ratio.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund, after deductions for all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation, for capital needs.

Part H allows the transfer of Highway Fund Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Part I repeals the requirement that a percentage of motor vehicle registration fees for certain island towns must be spent on the roads in those towns. A separate initiative in Part A redirects the amounts to support the Island Ferry Service.

Part J allows transfers of non-bond funds from the TransCap Trust Fund to be used for capital projects having an estimated useful life of 5 years. This allows the funds to be used for light capital paving in an attempt to meet the goal of 600 miles per year.

Part K renames the "Fuel Use Decal Program" within the Department of the Secretary of State the "International Fuel Tax Agreement" program to more accurately reflect the intent of this program.

Current law directs the joint standing committee of the Legislature having jurisdiction over transportation matters to review transfers of allocations or subdivisions of an allocation from the Highway Fund. This Part requires the committee to also review all other transfers of allocations or subdivisions of allocations to the Department of Transportation.

This Part L authorizes the joint standing committee of the Legislature having jurisdiction over transportation matters to meet monthly or as often as is determined necessary by the chairs to oversee the transfer of funds.

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Part M carries forward the unexpended balance of \$596,870 in the Personal Services line category in the Department of the Secretary of State, Administration - Motor Vehicle program to fund 5 limited-period Customer Representative Associate II positions to ensure adequate staffing levels exist in the motor vehicle branch offices for the issuance of driver's license renewals in fiscal year 2011-12 and fiscal year 2012-13.

Part N requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with a retirement incentive program and to transfer the amounts by financial order upon the approval of the Governor.

Part O requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with future pension obligation changes and to transfer the amounts by financial order upon the approval of the Governor.

Part P requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with health insurance changes and to transfer the amounts by financial order upon the approval of the Governor.

Part Q authorizes the State Budget Officer to calculate the amount of savings that applies to each executive branch department and agency from the elimination of vacant positions and transfer the savings and related headcount by financial order upon the approval of the Governor.

This Part R includes adjustments to fiscal year 2010-11 allocations.

### **Enacted Law Summary**

Public Law 2011, chapter 392 does the following.

Part A makes allocations of funds for the fiscal years ending June 30, 2012 and June 30, 2013.

Part B provides funding for approved reclassifications and range changes.

Part C repeals the annual indexing of the excise tax imposed on internal combustion engine fuel and distillates effective January 1, 2012.

Part D continues for 2 years the pay freeze by denying the awarding of merit pay to employees in the various departments and agencies within the executive branch, including the constitutional officers and the Department of Audit, the legislative branch and the judicial branch during the 2012-2013 biennium. It maintains longevity payments for employees eligible for a longevity payment on June 30, 2011 at the rate in effect on that date during the 2012-2013 biennium. It provides that employees that are not eligible for a longevity payment on June 30, 2011 may not be granted one during the period from July 1, 2011 to June 30, 2013. The savings in this Part may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees. This Part also requires the State Budget Officer to calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with merit pay and longevity pay changes and to transfer the amounts by financial order upon the approval of the Governor.

Part E recognizes an increase in the attrition rate from 1.6% to 5.0 % for the 2012-2013 biennium. The 5.0% rate is currently built into the baseline budget for personnel services.

Part F transfers funds from the Highway Fund unallocated surplus to the TransCap Trust Fund in an amount equal to the savings from changing the General Fund and Highway Fund matching ratio.

Part G authorizes the State Controller to transfer amounts exceeding \$100,000 from the unallocated balance in the

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Highway Fund, after deductions for all commitments to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation, for capital needs.

Part H allows the transfer of Highway Fund Personal Services savings to the Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs within the Department of Transportation for capital or all other needs.

Part I repeals the requirement that a percentage of motor vehicle registration fees for certain island towns must be spent on the roads in those towns. A separate initiative in Part A redirects the amounts to support the Island Ferry Service.

Part J allows transfers of non-bond funds from the TransCap Trust Fund to be used for capital projects having an estimated useful life of 5 years. This allows the funds to be used for light capital paying in an attempt to meet the goal of 600 miles per year.

Part K renames the "Fuel Use Decal Program" within the Department of the Secretary of State the "International Fuel Tax Agreement" program to more accurately reflect the intent of this program.

Current law directs the joint standing committee of the Legislature having jurisdiction over transportation matters to review transfers of allocations or subdivisions of an allocation from the Highway Fund. This Part requires the committee to also review all other transfers of allocations or subdivisions of allocations to the Department of Transportation.

This Part L authorizes the joint standing committee of the Legislature having jurisdiction over transportation matters to meet monthly or as often as is determined necessary by the chairs to oversee the transfer of funds.

Part M carries forward the unexpended balance of \$596,870 in the Personal Services line category in the Department of the Secretary of State, Administration - Motor Vehicle program to fund 5 limited-period Customer Representative Associate II positions to ensure adequate staffing levels exist in the motor vehicle branch offices for the issuance of driver's license renewals in fiscal year 2011-12 and fiscal year 2012-13.

Part N requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with a retirement incentive program and to transfer the amounts by financial order upon the approval of the Governor.

Part O requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with future pension obligation changes and to transfer the amounts by financial order upon the approval of the Governor.

Part P requires the State Budget Officer to calculate the amount of savings that applies against each Highway Fund account for all departments and agencies from savings associated with health insurance changes and to transfer the amounts by financial order upon the approval of the Governor.

Part Q authorizes the State Budget Officer to calculate the amount of savings that applies to each executive branch department and agency from the elimination of vacant positions and transfer the savings and related headcount by financial order upon the approval of the Governor.

This Part R includes adjustments to fiscal year 2010-11 allocations.

Public Law 2011, chapter 392 was enacted as an emergency measure effective June 21, 2011.

*Joint Standing Committee on Transportation*

LD 1367 An Act To Restore Maine's Secondary Roads

Carried Over

Sponsor(s)

THOMAS

Committee Report

Amendments Adopted

This bill establishes the Secondary Roads Fund as a dedicated, nonlapsing account within the Department of Transportation for the purpose of financing capital improvements to state aid minor collector highways.

This bill provides that revenues generated from the use of land and assets, including, but not limited to, rights-of-way and other property owned by the department must be deposited into the Secondary Roads Fund. This bill also requires that any funds received by the department for damage to state property under the jurisdiction of the department must be deposited into the Secondary Roads Fund.

This bill increases the annual fee for a vanity registration plate by \$10, from \$25 to \$35, which is to be deposited into the Secondary Roads Fund.

This bill also requires that, except as otherwise provided, all fines for traffic infractions and other violations of the motor vehicle statutes accrue to the Secondary Roads Fund. The bill requires that any balance remaining in the Law Enforcement Agency Reimbursement Fund at the end of the fiscal year must be transferred to the Secondary Roads Fund.

Current law directs that state funding for the Bureau of State Police within the Department of Public Safety be allocated as follows: 49% from the Highway Fund and 51% from the General Fund. This bill provides that, beginning in fiscal year 2012-13, the proportional split between Highway Fund allocations and General Fund appropriations to the State Police budgetary appropriation program must be as follows: 25% must be allocated from the Highway Fund and 75% must be appropriated from the General Fund. The bill also provides that an amount equal to 24% of state funding for the Bureau of State Police be allocated from the Highway Fund to the Secondary Roads Fund.

This bill directs the Department of Transportation to set aside 10% of any available federal funds to be deposited into the Secondary Roads Fund for federally eligible projects. This bill provides that federal funds may be used in lieu of local funds, except that the local share may not be less than 10% of the total project cost.

The bill authorizes the Commissioner of Transportation to authorize, for a fee, the placement of off-premises signs within the right-of-way of an interstate highway, a state highway or a state aid highway. This bill also provides that fees collected by the department for the placement of such off-premises signs must be deposited into the Secondary Roads Fund.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**Joint Standing Committee on Transportation**

**LD 1379 An Act To Establish Training Routes for School Bus Drivers**

**MAJORITY  
(ONTP) REPORT**

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

This bill allows a person who is training to operate a school bus to activate flashing red lights before a stop is made even though no passengers are being picked up or discharged. This training may take place only on roads with a posted speed limit of 45 miles per hour or less and during daylight hours.

**LD 1381 An Act Regarding the Requirement That Construction Equipment Have a License Plate**

**ONTP**

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

This bill provides that construction equipment, also known as special mobile equipment, that is not registered may be operated on that portion of a public way that is under construction.

**LD 1405 An Act To Amend the Laws Restricting Advertising on Public Ways**

**ONTP**

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

This bill amends the use of on-premises signs in the following ways.

1. It increases the distance that a sign may be erected from a principle structure of a business or point of interest from 1,000 feet to 2,500 feet.
2. It provides definitions of "point of interest," "outdoor area" and "principle structure" for purposes of determining distance for placement of on-premises signs.
3. It allows on-premises signs to be placed within 20 feet of the edge of certain public ways with more than 2 travel lanes if the signs are erected using approved breakaway mounting devices.
4. It requires the Commissioner of Transportation to manage the permitting process and to authorize the placement of signs adjacent to interstate highways larger and taller than allowed under current law.
5. It increases from 2 to 3 the number of approach signs a business or point of interest may have if that business or point of interest is not visible from or is located more than 1,000 feet from a public way intersection and permits

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those approach signs to be 2-sided.

- 6. It allows changeable signs to change once per minute; current law limits the change to once every 20 minutes.
- 7. It allows a business or point of interest to have one changeable sign per public way that the business or point of interest abuts.
- 8. It allows time and temperature signs to also display the date and permits those signs to change as frequently as once every 2 seconds.
- 9. It allows for changeable signs to be erected adjacent to and for viewing from the interstate highway system.
- 10. It increases the maximum height of a freestanding sign structure statewide from 25 feet to 35 feet above grade.
- 11. It recognizes the value and the role of signs for disseminating information to the motoring public.
- 12. It allows for placement of signs by real estate brokerage agencies for the sale of real estate.

**LD 1454    An Act To Allow Police Officers To Operate Mobile Command Units  
without a Special License**

**PUBLIC 165**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL BRANNIGAN	OTP-AM	H-226

This bill provides that law enforcement officers in the State are allowed to operate a commercial motor vehicle as a mobile command unit under the same allowance given to firefighters and operators of fire apparatus.

**Committee Amendment "A" (H-226)**

This amendment adds a definition of "mobile command unit," which is a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response.

**Enacted Law Summary**

Public Law 2011, chapter 165 provides that law enforcement officers in the State are allowed to operate a commercial motor vehicle as a mobile command unit under the same allowance given to firefighters and operators of fire apparatus. This law also defines "mobile command unit" as a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response.

**LD 1495    An Act To Allow 45 Days To Register a Newly Acquired Motor Vehicle**

**ONTP**

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

This bill changes the period of time of a motor vehicle temporary registration plate from 14 days to 45 days.

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**LD 1512 An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations**

**PUBLIC 164**

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

This bill requires a state police officer or a motor carrier inspector who has satisfactorily completed a prescribed course of instruction established by the Federal Motor Carrier Safety Administration and the Department of Public Safety, Bureau of State Police to investigate an alleged violation of federal safety regulations.

**Enacted Law Summary**

Public Law 2011, chapter 164 authorizes a state police officer or a motor carrier inspector who has satisfactorily completed a prescribed course of instruction established by the Federal Motor Carrier Safety Administration and the Department of Public Safety, Bureau of State Police to investigate an alleged violation of federal safety regulations.

**LD 1529 An Act Honoring Gold Star Families through Special Registration Plates**

**PUBLIC 246  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON COLLINS	OTP-AM	H-355

This bill allows the Secretary of State to issue special gold star family registration plates for vehicles and motorcycles to certain family members eligible to receive gold star lapel buttons under 10 United States Code, Section 1126 (2010).

**Committee Amendment "A" (H-355)**

This amendment does the following.

1. It adds an emergency preamble and emergency clause to the bill.
2. It strikes the provision that proposes to allow the Secretary of State to issue gold star family registration plates for motorcycles.
3. It strikes the requirement that the Secretary of State issue gold star family registration plates that are also vanity plates.
4. It specifies that an applicant may be issued gold star family registration plates for no more than one vehicle.
5. It provides that a single gold star family registration plate, which may not be attached to a motor vehicle and is issued for recognition purposes only, is provided at no fee.
6. It changes the date by which the Secretary of State must begin issuing gold star family registration plates from January 1, 2012 to October 1, 2011.
7. It provides that any donations received for gold star family registration plates be deposited into the Specialty

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License Plate Fund.

**Enacted Law Summary**

Public Law 2011, chapter 246 allows the Secretary of State to issue special gold star family registration plates for vehicles to a person who is eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010) and a grandparent of a member of the United States Armed Forces, if that member dies after March 28, 1973 as a result of an international terrorist attack or military operations.

The law specifies that an applicant may be issued gold star family registration plates for no more than one vehicle.

It provides that a single gold star family registration plate, which may not be attached to a motor vehicle and is issued for recognition purposes only, is provided at no fee.

Public Law 2011, chapter 246 was enacted as an emergency measure effective June 7, 2011.

**LD 1538     An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority**

**PUBLIC 302  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	OTP-AM	H-354 S-271 COLLINS

This bill implements some of the recommendations of the Government Oversight Committee in response to the January 2011 report of the Office of Program Evaluation and Government Accountability regarding the Maine Turnpike Authority.

This bill does the following.

1. It requires the authority annually to transfer to the Department of Transportation an amount equal to 5% of the authority's operating revenues, less any funds spent by the authority on department projects bonds issued for the benefit of the department and on transportation projects funded jointly with the department. The transferred funds may be spent by department only on projects that are within 25 miles of an interchange or other connecting point between the turnpike and the state highway system.
2. It changes the membership of the Maine Turnpike Authority to a board of directors and requires that 4 of the members be from a municipality through which the turnpike passes in each of the counties of York, Cumberland, Androscoggin and Kennebec. It also specifies that each 7-year term expires on March 31st of the 7th year. Members who are currently on the board retain their membership until the expiration of their terms. It provides that a member may be removed for gross misconduct, which is financial malfeasance, a deliberate or reckless failure to attend to duties required for governance of the authority or unexcused absences from 4 or more meetings of the board in a 12-month period. It provides for staggered terms of the members so that in any given year, at most only one member's term will expire.
3. It requires the authority to maintain a system for ongoing internal auditing of the authority's books and

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accounts and for compliance with the authority's financial policies and controls.

4. It changes the fiscal year of the authority to coincide with the state fiscal year, July 1st to June 30th.
5. It requires the authority to present a detailed budget of expenditures from the authority's reserve maintenance fund and include cross-references to show the total of similar expense categories that are included in both the revenue and reserve maintenance funds.
6. It requires, except in certain specified instances, that contracts for goods and services must be awarded by the authority through a competitive procurement process.
7. It requires bond indentures to appoint an engineering consultant and requires the authority to mitigate any advantage the engineering consultant may have due to this position when competing for design and inspection contracts.
8. It requires the authority to establish reciprocity agreements with other toll collecting authorities for the collection of tolls owed by owners of motor vehicles registered in Maine to those other toll collection authorities.

### **Committee Amendment "A" (H-354)**

This amendment:

1. Deletes the provisions in the bill that propose to change the fiscal year of the Maine Turnpike Authority, which is currently based on the calendar year, to coincide with the state fiscal year, July 1st to June 30th;
2. Provides that any necessary alterations to the authority's revenue fund budget must be reported by financial order to the joint standing committee of the Legislature having jurisdiction over transportation matters;
3. Deletes the requirement that any funds transferred by the authority to the Department of Transportation must be spent by the department on projects that are within 25 miles of an interchange or other connecting point between the turnpike and the state highway system;
4. For purposes of the transfer of operating revenues, redefines "Department of Transportation project" as "department project" and limits "department project" to a project or allocation to:
  - A. Build or improve an interchange;
  - B. Maintain, build or improve an access road;
  - C. Study or plan a future highway corridor and study related issues;
  - D. Maintain, build or improve a park and ride lot or other transportation infrastructure for all modes of transportation relating to turnpike use;
  - E. Purchase, lease or improve highway-related infrastructure; or
  - F. Pay debt incurred by the authority for any capital expenditure for any of these projects;
5. Revises the definitions of "reserve maintenance fund" and "revenue fund";
6. Changes the term of the board of directors of the Maine Turnpike Authority from 7 years to 6 years;

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7. Deletes from the bill the requirement that 4 of the members of the board be from a municipality through which the turnpike passes in each of the counties of York, Cumberland, Androscoggin and Kennebec and instead requires that 4 of the members be from the counties of York, Cumberland, Androscoggin and Kennebec, one from each county;
8. Revises the provision in the bill relating to internal auditing by instead requiring that the board of the authority, in addition to retaining an annual auditor, retain a separate compliance auditor to periodically monitor the authority's financial operations and management controls;
9. Revises the provision in the bill relating to reciprocity with away agencies by specifying that the agreement between the authority and the away agency must provide that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by an agency that registers motor vehicles;
10. Clarifies that certain recorded images prepared for the enforcement of authority tolls, which are confidential and not available to the public, are also not available to any person employed by the authority whose duties do not require access to the material; and
11. Makes technical changes.

### **Senate Amendment "A" To Committee Amendment "A" (S-271)**

This amendment adds an emergency preamble and emergency clause to the bill and amends the transition section for members of the board of directors of the Maine Turnpike Authority to specify that the 6-year term limit, as changed by Committee Amendment "A," applies to the current members of the board.

### **Enacted Law Summary**

Public Law 2011, chapter 302 implements some of the recommendations of the Government Oversight Committee in response to the January 2011 report of the Office of Program Evaluation and Government Accountability regarding the Maine Turnpike Authority.

Public Law 2011, chapter 302 does the following.

1. It requires the authority annually to allocate funds for Department of Transportation projects in an amount such that the 3-year rolling average of the allocation equals at least 5% of annual operating expenses. It also provides that all "department projects" are subject to mutual agreement of the authority and the department. For purposes of the transfer of operating revenues, it limits "department project" to a project or allocation to:
  - A. Build or improve an interchange;
  - B. Maintain, build or improve an access road;
  - C. Study or plan a future highway corridor and study related issues;
  - D. Maintain, build or improve a park and ride lot or other transportation infrastructure for all modes of transportation relating to turnpike use;
  - E. Purchase, lease or improve highway-related infrastructure; or
  - F. Pay debt incurred by the authority for any capital expenditure for any of these projects.
2. It changes the membership of the Maine Turnpike Authority to a board of directors and requires that 4 of the members be from the counties of York, Cumberland, Androscoggin and Kennebec, one from each county.

## *Joint Standing Committee on Transportation*

3. It changes the term of the board of directors of the Maine Turnpike Authority from 7 years to 6 years. It also specifies that each 6-year term expires on March 31st of the 6th year and that the 6-year term limit applies to the current members of the board.
4. It provides that a member may be removed for gross misconduct, which is financial malfeasance, a deliberate or reckless failure to attend to duties required for governance of the authority or unexcused absences from 4 or more meetings of the board in a 12-month period. It provides for staggered terms of the members so that no more than one term expires in any given year.
5. It requires the board of the authority, in addition to retaining an annual auditor, to retain a separate compliance auditor to periodically monitor the authority's financial operations and management controls.
6. It requires the authority to present a detailed budget of expenditures from the authority's reserve maintenance fund for the next calendar year and include cross-references to show the total of similar expense categories that are paid from both the revenue and reserve maintenance funds.
7. It also provides that any necessary alterations to the authority's revenue fund budget must be reported by financial order to the joint standing committee of the Legislature having jurisdiction over transportation matters.
8. It requires, except in certain specified instances, that contracts for goods and services must be awarded by the authority through a competitive procurement process.
9. When bond indentures require the authority to appoint an engineering consultant who may gain a disproportionate advantage when competing for other design and inspection contracts, it requires the authority to adopt policies to mitigate and promote any advantage the engineering consultant may have due to this position when competing for design and inspection contracts.
10. It requires the authority to establish reciprocity agreements with other toll collecting authorities for the collection of tolls owed by owners of motor vehicles registered in Maine to those other toll collection authorities. It also specifies that the agreement between the authority and the away agency must provide that each party may charge the other a fee sufficient to cover the costs of collection services, including costs incurred by an agency that registers motor vehicles.
11. It clarifies that certain recorded images prepared for the enforcement of authority tolls, which are confidential and not available to the public, are also not available to any person employed by the authority whose duties do not require access to the material.

Public Law 2011, chapter 302 was enacted as an emergency measure effective June 10, 2011.

**LD 1544     An Act To Promote Rail Competition in Northern Maine**

**INDEF PP**

Sponsor(s)

FITTS

Committee Report

Amendments Adopted

This bill, which was indefinitely postponed without reference to committee, amends the statutes governing the acquisition of railroad lines to require that:

1. In order to receive reimbursement under the railroad assistance program in the Department of

**Joint Standing Committee on Transportation**

Transportation, an entity must make rail access available to all shippers within 50 miles of each other on a nondiscriminatory and equal basis, or allow any shipper to purchase full physical access and control of access to its own shipping docks for the same consideration paid by other shippers within 50 miles of that shipper;

2. An instrumentality of the State may not disburse funds for the upgrade, maintenance, purchase or lease of or any other purpose related to any railroad tracks until the Commissioner of Transportation has determined that the owner or operator of the railroad tracks has provided access to the railroad tracks to all shippers within 50 miles of each other on a nondiscriminatory and equal basis; and
3. A lease entered into after January 1, 2011 for the operation of rail service across railroad tracks owned by the State must be negotiated so as not to discriminate against or impose discrimination upon any entity doing business in the State that is served by those railroad tracks or served by railroad tracks immediately adjacent to those railroad tracks.

In addition, this bill imposes conditions on the expenditure or reimbursement of funds under the control of, or at the request of, the Department of Transportation as it relates to the purchase, pursuant to Public Law 2009, chapter 645, section 6, of railroad track in Aroostook County, known as the Aroostook Lines. The bill requires that the Department of Transportation and the Aroostook Lines operator provide quarterly reports to the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over economic development matters detailing the provision of progress in serving the businesses and communities of the northern part of the State, including both shippers and other interconnected transport facilities located in the State.

**LD 1549      Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel      RESOLVE 52**

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

This resolve renames the Main Street Bridge in the Town of Newport the Donald Sidney Skidgel Memorial Bridge.

**Enacted Law Summary**

Resolve 2011, chapter 52 renames the Main Street Bridge in the Town of Newport the Donald Sidney Skidgel Memorial Bridge.

**LD 1557      An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton      PUBLIC 415**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A SHERMAN	OTP-AM	H-447

This bill raises the speed limit on Interstate 95 from 65 miles per hour to 75 miles per hour on the highway from the City of Old Town to the Town of Houlton.

**Committee Amendment "A" (H-447)**

## *Joint Standing Committee on Transportation*

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2011, chapter 415 raises the speed limit on Interstate 95 from 65 miles per hour to 75 miles per hour on the highway from the City of Old Town to the Town of Houlton.

*Joint Standing Committee on Transportation*

**SUBJECT INDEX**

*Aeronautics*

Enacted

LD 778      An Act To Amend the Process of Federal Aviation Administration Airport Improvement Program Grants      PUBLIC 351

*Bicycles*

Not Enacted

LD 1189      An Act To Require Bicyclists To Contribute to the Improvement of Bikeways      ONTP

*Bridges*

Enacted

LD 26      Resolve, To Name a Bridge over the Kennebec River between the Town of Benton and the Town of Fairfield the Brian L. Buker/Frank W. Haskell Medal of Honor Bridge      RESOLVE 3

LD 36      Resolve, To Deauthorize the Naming of the Bridge over Pattagumpus Stream      RESOLVE 2  
EMERGENCY

LD 1219      Resolve, To Require the Department of Transportation To Designate the Park Street Bridge in the Town of Presque Isle the Gold Star Memorial Bridge      RESOLVE 37

LD 1549      Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel      RESOLVE 52

Not Enacted

LD 432      An Act To Authorize a GARVEE Bond for the Interstate 95 Bridge at the Maine-New Hampshire State Line      ONTP

LD 618      An Act To Authorize a GARVEE Bond for the Memorial Bridge in Kittery      ONTP

LD 697      An Act To Provide Funding for the Maine Gateway Bridges      Carried Over

*Driver Education*

Enacted

LD 748      An Act To Improve Driver Education Licensing      PUBLIC 442

Not Enacted

LD 201	An Act To Modernize and Reduce the Cost of Driver Education	DIED BETWEEN HOUSES
LD 218	An Act To Improve the Safety of Minors by Collecting Data on Vehicle Collision Rates	ONTP
LD 661	An Act To Require Driver Education for All New Drivers	ONTP

*General Highway Fund*

Enacted

LD 576	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 Year Ending June 30, 2011	PUBLIC 20 EMERGENCY
LD 1348	An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2011, June 30, 2012 and June 30, 2013	PUBLIC 392 EMERGENCY

Not Enacted

LD 272	An Act To Provide Funds for Municipal Sand and Salt Storage Facilities	DIED ON ADJOURNMENT
LD 383	An Act To Eliminate the Annual Indexing of Fuel Tax Rates	ONTP
LD 471	An Act To Reduce Certain Highway Fund Obligations	DIED ON ADJOURNMENT
LD 1340	Resolve, To Suspend Fuel Tax Rate Adjustments for the 2012-2013 Biennium	ONTP

*Inspection*

Enacted

LD 221	An Act To Make Changes to the Motorcycle Inspection Sticker Requirements	PUBLIC 167
LD 235	An Act To Include Antique Motorcycles on the List of Vehicles That Are Exempt from Inspection	PUBLIC 8 EMERGENCY
LD 437	An Act Relating to Inspection Requirements for New Motor Vehicles	PUBLIC 191

Not Enacted

LD 198	An Act To Update Motor Vehicle Safety Inspection Laws	Carried Over
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LD 357	An Act To Repeal Motor Vehicle Inspection Requirements	ONTP
LD 370	An Act To Modify Vehicle Inspection Fees	ONTP
LD 704	An Act To Repeal the Motorcycle Inspection Law	ONTP
LD 815	An Act To Limit the Placement of Motor Vehicle Inspection Stickers in Automobiles	ONTP
LD 925	An Act Regarding Motorcycle Proof of Inspection	ONTP

*Marine Transportation*

Enacted

LD 367	An Act To Amend the Laws Regarding Noncommercial Foreign Vessels	PUBLIC 14
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*Miscellaneous - Transportation*

Enacted

LD 1024	An Act To Amend the Laws Governing Land Surveyors	PUBLIC 126
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Not Enacted

LD 4	Resolve, To Establish Training Routes for School Bus Drivers	ONTP
LD 144	An Act To Regulate the Use of Magnesium Chloride	ONTP
LD 288	An Act To Amend the Laws Governing Municipal Motor Vehicle Registration and License Agent Fees	ACCEPTED REPORT B (ONTP)
LD 597	An Act To Provide Funding for the State Transit, Aviation and Rail Transportation Fund	MAJORITY (ONTP) REPORT
LD 1379	An Act To Establish Training Routes for School Bus Drivers	MAJORITY (ONTP) REPORT
LD 1381	An Act Regarding the Requirement That Construction Equipment Have a License Plate	ONTP

*Motor Carriers*

Enacted

LD 722	An Act To Reduce Fines for Certain Trucking Violations	PUBLIC 219
LD 727	An Act Relating to Indemnity Agreements in Motor Carrier Transportation Contracts	PUBLIC 85

LD 796	An Act To Continue the Axle Fine Waiver during the Midwinter Season	PUBLIC 86 EMERGENCY
LD 1512	An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations	PUBLIC 164

Not Enacted

LD 249	An Act To Allow Trained Local Law Enforcement Officers To Enforce Federal Motor Carrier Regulations	ONTP
LD 770	Resolve, To Establish a Study Group To Update Weight Regulations	ONTP

*Motor Vehicles*

Enacted

LD 265	Resolve, To Study New and Used Motor Vehicle Dealer Licensing Requirements	RESOLVE 11
LD 301	An Act Relating to Abandoned Vehicles	PUBLIC 46
LD 610	An Act To Clarify the Procedure by Which a Salvage Company May Apply for a Motor Vehicle Title	PUBLIC 88
LD 1306	An Act Relating to Custom Vehicles	PUBLIC 139
LD 1313	An Act To Amend the Motor Vehicle Laws	PUBLIC 356 EMERGENCY

Not Enacted

LD 25	An Act To Allow the Registration of a Bus as an Antique Vehicle	MAJORITY (ONTP) REPORT
LD 162	An Act To Exempt Antique Autos from the Law Requiring Mufflers	ONTP
LD 1071	An Act To Allow the Use of Mini-trucks on Public Ways	ONTP

*Operator's License*

Enacted

LD 50	An Act To Allow Provisional Drivers To Transport Persons under Guardianship and Children of Active Military Personnel	PUBLIC 13
LD 501	An Act To Provide the Opportunity To Register with the Selective Service System When Obtaining a Driver's License or Nondriver Identification Card	PUBLIC 170
LD 986	An Act To Allow a Person To Receive a Designation of Active Military or Veteran Status on a Driver's License or Nondriver Identification Card	PUBLIC 134

LD 1068 An Act To Protect the Privacy of Maine Residents under the Driver's License Laws PUBLIC 149

Not Enacted

LD 23 An Act To Authorize the Inclusion of Information Regarding Blood Type on Driver's Licenses ONTP

LD 259 An Act To Limit the Duration of a Legal Alien's Driver's License ONTP

*Public Safety*

Enacted

LD 1123 An Act To Amend the Motor Vehicle Laws PUBLIC 448

LD 1167 An Act To Protect the Privacy of Persons Involved in Reportable Motor Vehicle Accidents PUBLIC 390

LD 1454 An Act To Allow Police Officers To Operate Mobile Command Units without a Special License PUBLIC 165

Not Enacted

LD 570 An Act To Regulate the Use of Traffic Surveillance Cameras ONTP

LD 1148 An Act To Improve Vehicle Safety for First Responders ONTP

LD 1319 An Act To Prohibit the Unwarranted Collection of Identifying Data of Motor Vehicles ONTP

*Railroads*

Not Enacted

LD 96 An Act To Reduce Noise and Emissions Associated with Trains ONTP

LD 102 An Act To Allow Landowners Access across Railroad Tracks ONTP

LD 365 An Act Pertaining to Railroad Crossing Fees MAJORITY (ONTP) REPORT

LD 1330 Resolve, To Expand Commuter and Passenger Rail Transportation in Maine ONTP

LD 1544 An Act To Promote Rail Competition in Northern Maine INDEF PP

*Registration Plates*

Enacted

LD 143	An Act Relating to Disability License Plates and Placards for People with Permanent Disabilities	PUBLIC 23
LD 456	An Act Relating to Temporary Disability Parking Permits	PUBLIC 117
LD 622	An Act To Permit the Display of the National Emergency Service Medal on Registration Plates of Recipients	PUBLIC 22
LD 625	An Act To Amend the Law Pertaining to Loaner Registration Plates	PUBLIC 44
LD 1529	An Act Honoring Gold Star Families through Special Registration Plates	PUBLIC 246 EMERGENCY

Not Enacted

LD 27	An Act Concerning Maine Veterans License Plates	ONTP
LD 454	An Act To Permit Variation in Motor Vehicle Registration Expiration Dates	ONTP
LD 574	An Act To Extend the Time of a Temporary Registration Plate	ONTP
LD 583	An Act To Establish a National Rifle Association License Plate	ONTP
LD 630	An Act To Require Disability Registration Plates To Be Renewed in Person When Registering at a Municipality	ONTP
LD 945	Resolve, To Require the Commissioner of Inland Fisheries and Wildlife To Submit a New Design for the Sportsman Registration Plate	ONTP
LD 1047	An Act Pertaining to Vehicle Registrations	ONTP
LD 1495	An Act To Allow 45 Days To Register a Newly Acquired Motor Vehicle	ONTP

*Roads*

Enacted

LD 24	Resolve, To Name Part of Route 2 in the Town of Lincoln and the Town of Winn the Master Sergeant Gary Gordon Highway	RESOLVE 1
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Not Enacted

LD 1052	An Act To Require Equal Treatment of All Roads in a Road Association	ONTP
LD 1367	An Act To Restore Maine's Secondary Roads	Carried Over

*Signs*

Enacted

LD 520      **An Act To Allow a Waiver for On-premises Signs**      PUBLIC 115

Not Enacted

LD 135      **An Act To Allow the Placement of Certain Road Signs That Advertise a Small Business**      MAJORITY (ONTP) REPORT

LD 1405      **An Act To Amend the Laws Restricting Advertising on Public Ways**      ONTP

*Traffic Regulations*

Enacted

LD 477      **An Act Relating to Noise Violations by Motor Vehicles, Including Motorcycles**      PUBLIC 158 EMERGENCY

LD 736      **An Act To Prohibit Texting while Driving**      PUBLIC 207

LD 1557      **An Act To Raise the Speed Limit on Interstate 95 between the City of Old Town and the Town of Houlton**      PUBLIC 415

Not Enacted

LD 54      **An Act To Revise the Law Regarding Vehicle Turning and Signals**      MAJORITY (ONTP) REPORT

LD 64      **An Act To Make a Violation of the Laws Governing Seat Belts a Secondary Offense**      MAJORITY (ONTP) REPORT

LD 246      **An Act To Require the Daytime Use of Headlights on Motor Vehicles**      ONTP

LD 283      **An Act To Require That Motor Vehicles Be Clear of Solid Precipitation When Operated on Public Ways**      ONTP

LD 351      **An Act Concerning Motorcycle Safety**      LEAVE TO WITHDRAW

LD 546      **An Act To Amend the Motor Vehicle Laws Concerning Driving with Animals**      ONTP

LD 670      **An Act To Prohibit Certain Uses of Cellular Telephones and Handheld Electronic Devices while Operating a Motor Vehicle**      MAJORITY (ONTP) REPORT

LD 734      **An Act To Allow a Front-wheel-drive Vehicle To Be Equipped with Studded Tires on the Front Only**      ONTP

LD 970      **An Act To Increase Safety for Law Enforcement Officers and Emergency Responders**      ONTP

LD 1011      **An Act To Curb the Noise of Motorcycles without Mufflers**      ONTP

LD 1124 An Act To Authorize the Use of Traffic Surveillance Cameras To Prove and Enforce Violations of Overtaking and Passing School Buses Carried Over

*Transportation Department*

Enacted

LD 47 An Act Directing the Department of Transportation To Allow a Break in Control of Access on William L. Clarke Drive in the City of Westbrook P & S 3

Not Enacted

LD 5 Resolve, Directing the Department of Transportation To Reopen the Pittsfield Rest Areas and To Plow a Scenic Overlook MAJORITY (ONTP) REPORT

LD 206 Resolve, Directing the Department of Transportation To Repair and Maintain the Red Iron Bridge Crossing the Saco River in the Town of Fryeburg LEAVE TO WITHDRAW

LD 354 Resolve, To Improve the Intersection of Route 1 and Manktown Road in Waldoboro ONTP

LD 414 An Act To Allow Landowners Road Access ONTP

LD 426 An Act To Amend the Laws Governing the TransCap Trust Fund MAJORITY (ONTP) REPORT

LD 632 Resolve, To Direct the Department of Transportation To Rebuild Williams Road in the Town of Newport ONTP

LD 883 Resolve, To Name the Katahdin Rest Area on Interstate 95 ONTP

LD 1032 Resolve, To Require the Department of Transportation To Improve a Portion of U.S. Route 1 ONTP

LD 1064 Resolve, To Expand the Scope of the Study of Existing Highway Infrastructure and Future Capacity Needs West of Route 1 in York and Cumberland Counties Being Conducted by the Department of Transportation and the Maine Turnpike Authority Carried Over

*Turnpike Authority*

Enacted

LD 483 Resolve, Directing the Maine Turnpike Authority To Place Signs Directing Motorists to Hebron Academy at the Closest Interstate Exits RESOLVE 23 EMERGENCY

LD 766 An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2012 P & S 16

**LD 1538      An Act To Amend the Laws Governing the Maine Turnpike Authority and To Implement Certain Recommendations of the Government Oversight Committee in the Office of Program Evaluation and Government Accountability Report Concerning the Maine Turnpike Authority**

**Not Enacted**

<b>LD 208</b>	<b>Resolve, To Establish a Study Commission To Examine the Maine Turnpike</b>	<b>ONTP</b>
<b>LD 217</b>	<b>An Act To Require the Maine Turnpike Authority To Promote Maine Products and Businesses</b>	<b>ONTP</b>
<b>LD 673</b>	<b>An Act To Expand Fiscally Responsible Transportation through Increased ZOOM Bus Service</b>	<b>ONTP</b>
<b>LD 845</b>	<b>An Act To Hold the Maine Turnpike Authority Accountable for Its Obligation under Maine Law To Transfer Annual Surplus Revenue to the Department of Transportation for Road and Bridge Projects around the State</b>	<b>ONTP</b>
<b>LD 1247</b>	<b>An Act To Specifically Define Reasonable Operating Expenses for the Maine Turnpike Authority in Accordance with Its Enabling Act</b>	<b>ONTP</b>

STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON VETERANS  
AND LEGAL AFFAIRS**

July 2011

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SEN. DEBRA D. PLOWMAN  
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OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
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**Joint Standing Committee on Veterans and Legal Affairs**

**LD 2      An Act To Allow Farm Wineries To Charge for Wine Tastings**

**PUBLIC 62**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM MAJ ONTP MIN	S-25

This bill permits farm wineries to charge for serving samples of wine.

**Committee Amendment "A" (S-25)**

This amendment establishes a framework for a farm winery that wishes to charge for samples of wine produced by the winery. In order to charge for samples, the farm winery must notify the Department of Public Safety's bureau that administers the liquor licensing laws and maintain a record of samples. Each sample poured is subject to the 7% sales tax on alcoholic beverages. Once a farm winery charges for samples it may not offer complimentary samples unless it notifies the bureau that samples are no longer subject to a charge.

**Enacted Law Summary**

Public Law 2011, chapter 62 establishes a framework for a farm winery that wishes to charge for samples of wine produced by the winery. In order to charge for samples, the farm winery must notify the Department of Public Safety's bureau that administers the liquor licensing laws and maintain a record of samples. Each sample poured is subject to the 7% sales tax on alcoholic beverages. Once a farm winery charges for samples it may not offer complimentary samples unless it notifies the bureau that samples are no longer subject to a charge.

**LD 34      An Act To Require Candidates for Public Office To Provide Proof of  
Citizenship**

**ONTP**

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

This bill requires candidates for public office to show proof of United States citizenship in the form of a certified copy of the candidate's birth certificate and the candidate's driver's license or other form of government-issued identification to the Secretary of State.

**LD 73      An Act To Establish a Uniform Deadline for Persons Qualifying as  
Candidates**

**ONTP**

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

This bill makes the deadline for submission of signatures for a person to qualify as a candidate for election for candidates placed on the general election ballot by petition the same as for candidates placed on the ballot by primary election.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 74      An Act To Impose Liability on a Landlord for Damages Caused by a Tenant's Pet      ONTP**

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

This bill provides that a tenant and that tenant's landlord are jointly and severally liable for damages caused to a third party by that tenant's pet.

**LD 76      An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee      ONTP**

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

This bill makes a one-time General Fund appropriation of \$28,000 in fiscal year 2011-12 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

**LD 80      An Act Regarding Maine Clean Election Act Funds for a Candidate without a Primary Opponent      ONTP**

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

This bill provides that the Commission on Governmental Ethics and Election Practices may not make a distribution of Maine Clean Election Act funds to a candidate in an uncontested legislative or gubernatorial primary election.

**LD 97      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Certain Changes to a Direct Initiative of Legislation for a Period of Time after It Is Approved by the Voters      MAJORITY (ONTP) REPORT**

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

This resolution proposes to amend the Constitution of Maine to provide that the Legislature may not make a change to a measure initiated and approved by vote of the people for eight years after that measure takes effect if that change is contrary to the general intent of that measure.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 103      An Act To Improve the Access of Beer and Wine Licensees to Agency Liquor Store Licenses      ONTP**

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

This bill provides that the Department of Public Safety, Bureau of Liquor Enforcement may not deny an agency liquor store license to an off-premise retail licensee who is licensed to sell malt liquor and wine solely because of proximity to an existing agency liquor store or the impact of the proposed license on existing agency liquor store licensees.

**LD 120      An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates      Carried Over**

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

This bill eliminates Maine Clean Election Act funding for gubernatorial candidates.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 142      An Act To Improve Party Status Requirements      PUBLIC 227**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN	OTP-AM	H-184 CHIPMAN H-41

This bill removes the requirement that, in order to participate in a primary election, a political party must hold at least one municipal caucus in each county in the State.

**Committee Amendment "A" (H-41)**

This amendment strikes the provision that eliminates the requirement for municipal caucuses in each county as a criterion for maintaining status as a political party. The amendment replaces that provision with the requirement that a party must hold a municipal caucus in a minimum of 12 counties.

**House Amendment "A" To Committee Amendment "A" (H-184)**

This amendment increases the minimum number of counties in which municipal caucuses must be held from 12, as proposed in Committee Amendment "A," to 14.

**Enacted Law Summary**

*Joint Standing Committee on Veterans and Legal Affairs*

Public Law 2011, chapter 227 changes one of the criteria that permits a political party to participate in a primary by reducing the minimum number of counties in which a party must hold a municipal caucus from 16 to 14.

**LD 172      An Act To Exempt Nonprofit Organizations from the Laws Governing      LEAVE TO  
Serving Alcohol near a Church      WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD TRAHAN	LV/WD	

This bill exempts a nonprofit organization from the prohibition against licensing premises that are within 300 feet of a church, chapel or parish house for the sale of liquor to be consumed on the premises.

**LD 178      An Act Relating to Distribution of Revenues from Future Casinos      ONTP**

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

This bill directs the Gambling Control Board within the Department of Public Safety to submit legislation regarding the distribution of net gambling revenue from table games and slot machines for any new gaming facility authorized by initiative or enactment by the Legislature.

**LD 179      An Act To Prohibit the Issuance of a Duplicate Absentee Ballot under      PUBLIC 40  
Certain Circumstances**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING RAYE	OTP-AM	H-58

This bill prohibits a municipal clerk from issuing a second state absentee ballot to an applicant after a ballot has been returned by the applicant to the clerk, except for good cause, and stipulates that an applicant's decision to change a vote does not constitute good cause.

**Committee Amendment "A" (H-58)**

This amendment prohibits a clerk from issuing a duplicate absentee ballot once an absentee ballot is marked and submitted to the clerk.

**Enacted Law Summary**

Public Law 2011, chapter 40 prohibits an election clerk from issuing a duplicate absentee ballot once an absentee ballot is marked and submitted to the clerk.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 196      An Act Regarding Unenrolled Candidates under the Maine Clean Election Act      ONTP**

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

This bill directs the Secretary of State to develop a system that allows voters to choose among unenrolled candidates for the Legislature and for the office of Governor to determine which unenrolled candidate should receive public financing under the Maine Clean Election Act.

**LD 199      An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO		

This bill requires that a voter provide proof of identity with photograph identification approved by the Secretary of State by rule for the purpose of voting.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 203      An Act To Assist Municipal Clerks by Providing Adequate Time To Register Voters      ONTP**

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

Current law authorizes citizens of the State to register to vote on election day. This bill repeals that provision and instead requires that citizens of the State register to vote no later than the Tuesday preceding the election in order to vote in that election.

**LD 220      An Act Relating to Maine Farm Wineries      PUBLIC 48**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	OTP-AM	S-23

This bill provides that the holder of a farm winery license from the Department of Public Safety, Bureau of Liquor Enforcement may sell wine at farmers' markets, permits the licensee to display up to 25 bottles of wine in a shop

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window and directs the Department of Agriculture, Food and Rural Resources to work with the Department of Transportation and a statewide organization representing farm wineries to develop a uniform system of signage identifying the locations of farm wineries.

**Committee Amendment "A" (S-23)**

This amendment strikes the provision of the bill that allows farm wineries to sell wine at farmers' markets and the provision that allows for the development of a uniform system of signage for farm wineries. It also clarifies in which premises a farm winery may display wine in windows.

**Enacted Law Summary**

Public Law 2011, chapter 48 clarifies at which licensed premises a farm winery may place wine on display in windows.

**LD 227 An Act Relating to the Establishment of Casinos**

**Carried Over**

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

This bill authorizes the establishment of three casinos in the State subject to a competitive bidding process. A successful bidder would win the right to enter into a contract with the State to operate a casino for up to 20 years. A successful bidder is subject to a privilege fee of \$5,000,000 to operate a casino. An existing slot machine operator would also be authorized to enter into a contract with the State to operate a casino at the existing slot machine facility without being subject to the competitive bidding process. The privilege fee for a casino that was an existing slot machine facility is \$3,000,000. As determined by a contract with the State, the state share of net gaming revenue from the casinos would be divided equally among three funds that reimburse municipalities for education, veterans property tax exemptions and homestead property tax exemptions.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 231 Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Routine Technical Rules Governing the Maine Clean Election Act and Equipment Repurchase**

**RESOLVE 19**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE A MASON	OTP-AM	H-39

Under rules adopted by the Commission on Governmental Ethics and Election Practices, a candidate who receives Maine Clean Election Act funds and sells property purchased using those funds to the candidate or a family member or staff member must receive at least 40% of the original purchase price for that property. Property that is sold to someone other than the candidate or a family member or staff member must be sold at fair market value. This bill specifies that the amount received from the candidate or a family member or staff member for the purchase of such property must be at least 75% of the original purchase price.

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**Committee Amendment "A" (H-39)**

This amendment strikes the bill and replaces it with a resolve directing the Commission on Governmental Ethics and Election Practices to adopt routine technical rules that require equipment purchased using Maine Clean Election Act funds to be sold for at least 75% of the original purchase price if that equipment is sold to the candidate or to a member of the candidate's immediate family or campaign staff. Current rules require that the item be sold for at least 40% of the purchase price.

**Enacted Law Summary**

Resolve 2011, chapter 19 directs the Commission on Governmental Ethics and Election Practices to adopt routine technical rules that require equipment purchased using Maine Clean Election Act funds to be sold for at least 75% of the original purchase price if that equipment is sold to the candidate or to a member of the candidate's immediate family or campaign staff. Current rules require that the item be sold for at least 40% of the purchase price.

**LD 277 An Act To Make Disputed Ballots in State Elections Public**

**PUBLIC 258**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSEL RECTOR	OTP-AM	H-178

This bill requires the Secretary of State to make available for public inspection a disputed ballot arising from an election recount and specifies that the manner of making an absentee ballot available for public inspection must preserve the voter's anonymity.

**Committee Amendment "A" (H-178)**

This amendment specifies that the Secretary of State is required to make available for public inspection only copies of unresolved disputed ballots rather than the actual ballots. It also limits this public inspection of copies of disputed ballots to elections for the State House of Representatives and the State Senate. The amendment also specifies that the Secretary of State must retain these copies for two years.

**Enacted Law Summary**

Public Law 2011, chapter 258 requires the Secretary of State to make available for public inspection, copies of unresolved disputed ballots. This requirement applies to the public inspection of copies of disputed ballots to elections for the State House of Representatives and the State Senate. The law also specifies that the Secretary of State must retain these copies for two years.

**LD 285 An Act Regarding the Qualifications of Candidates for Office**

**PUBLIC 239**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS HASTINGS	OTP-AM	H-341

This bill requires the Secretary of State to certify that candidates for legislative office meet the age and residency requirements contained in the Constitution of Maine.

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**Committee Amendment "A" (H-341)**

This amendment replaces the bill. The amendment requires the Secretary of State to provide a consent form to be signed by candidates who are seeking election that lists the statutory and constitutional requirements for that office. It also requires that form for replacement candidates selected by a political committee in the event of a vacancy.

**Enacted Law Summary**

Public Law 2011, chapter 239 requires the Secretary of State to provide a consent form to be signed by candidates who are seeking election that lists the statutory and constitutional requirements for that office. It also requires this form for replacement candidates selected by a political committee in the event of a vacancy.

**LD 299      An Act Regarding the Southern Maine Veterans Memorial Cemetery      PUBLIC 440**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	OTP-AM	S-14 S-344 ROSEN R

This bill appropriates \$104,026 in fiscal year 2011-12 and \$198,971 in fiscal year 2012-13 for reorganizing one seasonal Equipment Operator I position to full-time and establishing one Office Associate II position and two Groundskeeper II positions at the Southern Maine Veterans Memorial Cemetery.

**Committee Amendment "A" (S-14)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-344)**

This amendment reduces the cost of the bill by reducing the number of funded positions and delays the funding until July 1, 2012. It also authorizes the Town of Springvale to seek donations to assist with the funding of the provisions.

**Enacted Law Summary**

Public Law 2011, chapter 440 provides funding for two Groundskeeper II positions at the Southern Maine Veterans Memorial Cemetery beginning July 1, 2012 and reorganizes two positions at the cemetery that are not funded. It also authorizes the Town of Springvale to seek donations to assist with the funding of the provisions.

**LD 343      An Act To Facilitate a Change of Location for Agency Liquor Stores      PUBLIC 135**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-68

This bill allows an agency liquor store licensee to change the location of the licensed store to a location within the same municipality upon notice to the municipality and the Department of Public Safety's Bureau of Liquor Enforcement and subject to the provisions in state law concerning the location of agency liquor stores.

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**Committee Amendment "A" (S-68)**

This amendment replaces the bill. It establishes a procedure for the relocation of an agency liquor store within the same municipality.

**Enacted Law Summary**

Public Law 2011, chapter 135 establishes a procedure and criteria for the relocation of an agency liquor store within the same municipality that does not require surrender of the current agency liquor store licensee.

**LD 393 An Act To Implement the Recommendations Regarding the Legislative Review of the Allocation of Slot Machine Revenue**

**PUBLIC 358**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-482

This bill implements the recommendations of the Joint Standing Committee on Legal and Veterans Affairs from the 124th Legislature regarding the allocation of slot machine revenue. The bill establishes a system of reporting by those who receive a distribution of net slot machine income under the Maine Revised Statutes, Title 8, section 1036.

**Committee Amendment "A" (H-482)**

This amendment transfers the responsibility of reporting to the joint standing committees of the Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and appropriations and financial affairs on the use of slot machine revenues by commercial tracks, agricultural fairs, off-track betting facilities and standardbred horse breeders from the entities themselves to the executive director of the State Harness Racing Commission, in consultation with the Commissioner of Agriculture, Food and Rural Resources. The reporting requirements for other recipients of slot machine revenue under the bill are not changed. The amendment requires the commissioner, in consultation with the State Harness Racing Commission, to adopt rules to ensure the reporting requirements are met. The amendment strikes some of the more detailed reporting requirements, including the number of people attending harness races at commercial tracks, detailed payroll information and the number of races originating in the State for simulcasting outside of the State. The amendment makes changes to the information required of horsebreeders in the Maine Standardbred program by clarifying how to quantify the number of Maine Standardbred horses and how to report money from the Sire Stakes Fund. It removes the requirement that the number of breeders and the breeders' geographic locations be reported.

**Enacted Law Summary**

Public Law 2011, chapter 358 requires the executive director of the State Harness Racing Commission, in consultation with the Commissioner of Agriculture, Food and Rural Resource to report the joint standing committees of the Legislature having jurisdiction over slot machines, harness racing, agricultural fairs and appropriations and financial affairs on the use of slot machine revenues by commercial tracks, agricultural fairs, off-track betting facilities and standardbred horse breeders. The reporting requirements for other recipients of slot machine revenue are based on provisions in existing statute. This law requires the commissioner, in consultation with the State Harness Racing Commission, to adopt rules to ensure the reporting requirements are met.

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**LD 416      An Act To Amend the Taste Testing of Wine Law**

**PUBLIC 69**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK PLOWMAN	OTP-AM	S-29

This bill sets a single minimum 125-label standard of qualification for conducting wine taste-testing events by off-premise retail licensees, regardless of whether the licensee also sells other types of alcoholic beverages.

**Committee Amendment "A" (S-29)**

This amendment replaces the bill. It removes any reference to a fine wine store with regard to taste testing of wine. It allows the taste testing of wine for any off-premise retail licensee that stocks at least 125 different wine labels.

**Enacted Law Summary**

Public Law 2011, chapter 69 removes any reference to a fine wine store with regard to taste testing of wine. It allows the taste testing of wine for any off-premise retail licensee that stocks at least 125 different wine labels.

**LD 481      An Act To Make the Cashier or Clerk Who Sells Alcoholic Beverages or Tobacco to an Underage Person Responsible for Paying the Fine**

**ONTP**

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

This bill amends the laws concerning sales of tobacco and alcohol to minors by removing the liability of an employer who did not have knowledge of an employee's violation.

**LD 503      Resolve, Directing the Secretary of State To Examine the Issue of a Run-off Election for Governor**

**MAJORITY  
(ONTP) REPORT**

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

This resolve directs the Secretary of State to examine the issue of a run-off election for Governor and to report to the Joint Standing Committee on Veterans and Legal Affairs by January 31, 2012.

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**LD 504**      **Resolve, Directing the Department of Public Safety, Division of Liquor  
Licensing and Compliance To Amend Its Rules Governing the Return of  
Spirits by Consumers**

**RESOLVE 41**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE PATRICK	OTP-AM	H-119

Currently, rules prohibit the return of spirits by a consumer unless the product is defective. This bill authorizes agency liquor stores to accept spirits for exchange or return of the purchase price under certain conditions.

**Committee Amendment "A" (H-119)**

This amendment strikes the bill and makes it a resolve. The resolve requires the Department of Public Safety's Division of Liquor Licensing and Compliance to adopt rules permitting an agency liquor store to accept the return of an unopened bottle of spirits.

**Enacted Law Summary**

Resolve 2011, chapter 41 requires the Department of Public Safety division of liquor licensing and compliance to adopt rules permitting an agency liquor store to accept the return or exchange of an unopened bottle of spirits.

**LD 528**      **An Act To Change the Frequency of Alcoholic Beverage Tastings  
Allowed in a 12-month Period**

**PUBLIC 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PILON LANGLEY	OTP-AM	H-118

This bill changes the limit on the number of wine tastings that may be held in a 12-month period from 24 to 36.

**Committee Amendment "A" (H-118)**

This amendment applies the increase in the limit on tastings from 24 to 36 per year to malt liquor and spirits as well as wine.

**Enacted Law Summary**

Public Law 2011, chapter 103 increases the limit on the number of alcoholic beverage tastings that may be conducted by a retail licensee from 24 to 36 per year.

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LD 535 An Act To Amend the Laws Pertaining to High-stakes Beano

PUBLIC 410

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL SCHNEIDER	OTP-AM A OTP-AM B ONTP C	H-402 H-606 Soctomah

This bill allows federally recognized Indian tribes in Maine licensed to sell sealed tickets to sell the tickets at any time. It also allows the operation of high-stakes beano games at any time and anywhere in the county that the Indian tribe has its primary seat of government and it reduces the annual license fee for operating high-stakes beano games to \$15,000.

**Committee Amendment "B" (H-402)**

This amendment is the minority report of the committee. It replaces the bill except for the emergency preamble, which the amendment retains. The amendment changes the restriction on the number of days that a federally recognized Indian tribe in the State may conduct high-stakes beano to 90 days, consisting of 30 events of up to three days each. The amendment changes the parcel of land on which the Houlton Band of Maliseet Indians may operate high-stakes beano. The amendment also provides that those eligible to conduct high-stakes beano may do so by operating electronic beano. Electronic beano is played on individual electronic beano terminals connected to a central computer system that simulates traditional beano but may not show any other form of gaming. Individual electronic beano terminals automatically mark purchased beano cards and may accept cash, cards, tokens, 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. The amendment also adds an appropriations and allocations section.

**House Amendment "B" To Committee Amendment "B" (H-606)**

This amendment makes the following changes.

1. The amendment removes emergency provisions from the bill.
2. It provides that a federally recognized Indian tribe other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may conduct high-stakes beano up to 100 days per year.
3. It maintains the fee for a high-stakes beano license at \$25,000 for two additional years.
4. It permits the Passamaquoddy Tribe to operate high-stakes beano in the City of Calais if approved by the city.
5. It removes from the committee amendment authority to conduct electronic beano.
6. It removes from the committee amendment the appropriations and allocations section.

**Enacted Law Summary**

Public Law 2011, chapter 410 extends through 2013, the reduction of the fee to conduct high stakes beano from \$50,000 to \$25,000. It also permits the Passamaquoddy Tribe to conduct high stakes beano up to 100 days per year. Other federally recognized Indian tribes in the state eligible to conduct high stakes beano would still be subject to the provision that limits games to 27 weekends per year. The law also permits the Passamaquoddy Tribe to conduct high stakes beano in the municipality of Calais.

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**LD 545      An Act To Improve Ballot Access for Gubernatorial Candidates**

**MINORITY  
(ONTP) REPORT**

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

This bill provides that a candidate for Governor may satisfy the primary petition requirements by acquiring the signatures of 2% of the total number of members enrolled in the candidate's political party.

**LD 561      An Act To Clarify Certain Provisions in the Harness Racing Laws**

**PUBLIC 142  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM MAJ ONTP MIN	S-73

This bill amends the harness racing laws to clarify that slot machine facilities satisfy the qualifications necessary for simulcast races.

**Committee Amendment "A" (S-73)**

This amendment adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2011, chapter 142 provides that a slot machine facility operated by a commercial track is authorized to accept wagers on simulcast harness horse races.

This law was passed as an emergency measure effective May 25, 2011.

**LD 633      An Act To Update Department of Defense, Veterans and Emergency  
Management Laws**

**PUBLIC 112**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT SAVIELLO	OTP-AM	H-120

Currently the Adjutant General and assistant adjutant general must have attained the federally recognized rank of Colonel in the Maine National Guard. This bill requires that the Adjutant General and assistant adjutant general also meet the criteria for federal recognition as a General Officer as prescribed by federal regulation, 10 United States Code, Section 3282. In addition, this bill designates the Maine Municipal Bond Bank as a potential administrative partner in the Dam Repair and Reconstruction Fund in place of the Finance Authority of Maine. It also aligns the definition of "municipality" in the laws governing the fund with the definition set out under the Maine Municipal Bond Bank authorizing statutes, and explicitly allows quasi-municipal corporations and districts to apply for loans

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from the fund.

**Committee Amendment "A" (H-120)**

This amendment strikes a reference to the United States Code regarding the requirement that a person appointed Adjutant General or assistant adjutant general meet the criteria for federal recognition as a General Officer. The amendment states that the appointee must meet the criteria for federal recognition as a General Officer for either the United States Army National Guard or the United States Air National Guard. It also authorizes the Adjutant General to establish a National Guard Youth Challenge Program.

**Enacted Law Summary**

Public Law 2011, chapter 112 changes existing statute which states that the Adjutant General and assistant adjutant general must have attained the federally recognized rank of Colonel in the Maine National Guard. Chapter 112 states that the appointee must meet the criteria for federal recognition as a General Officer for either the United States Army National Guard or the United States Air National Guard. In addition, this law designates the Maine Municipal Bond Bank as a potential administrative partner in the Dam Repair and Reconstruction Fund in place of the Finance Authority of Maine. It also aligns the definition of "municipality" in the laws governing the fund with the definition set out under the Maine Municipal Bond Bank authorizing statutes, and explicitly allows quasi-municipal corporations and districts to apply for loans from the fund. Finally, this law authorizes the Adjutant General to establish a National Guard Youth Challenge Program.

**LD 643      An Act To Protect Public Safety in the Operation of Casinos**

**HELD BY  
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	H-547 S-368 ROSEN R

This bill is a concept draft pursuant to Joint Rule 208. It proposes to amend the laws governing the oversight of the casino eligible to be licensed in Oxford County that are determined to be incomplete or inconsistent with existing laws and rules in other states that authorize the operation of casino gambling.

**Committee Amendment "A" (H-547)**

This amendment replaces the bill, which was a concept draft. The amendment includes an emergency preamble and clause. The amendment requires the Department of Public Safety, Gambling Control Board to adopt emergency major substantive rules governing the oversight of the operation of table games at a casino. The rules must ensure that bets on table games are not made with cash and that the exchange of cash for chips, tokens or other items of value is done in a manner that can provide a thorough audit. The amendment requires the board to report on the process for developing rules that govern the rules of play for table games. The amendment changes current law to provide that license and application fees collected by the board go to a dedicated account for the administration of the board rather than to the General Fund.

**Senate Amendment "A" To Committee Amendment "A" (S-368)**

Committee Amendment "A" requires fees collected from slot machine operators and casinos to be deposited in the Administrative Expenses Other Special Revenue Funds account within the Department of Public Safety, Gambling Control Board instead of in the General Fund. This amendment exempts the fees associated with a casino located in Oxford County and a slot machine facility licensed as such as of January 1, 2011 from that requirement for fiscal years 2011-12 and 2012-13 only and requires those fees from that casino and that slot machine facility to be

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deposited in the General Fund.

**LD 649      An Act To Establish a Special Food and Beverage Industry Taste-testing Event License      PUBLIC 259  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS PLOWMAN	OTP-AM	H-393

This bill amends existing law regarding special taste-testing festivals to include wine manufacturers. It specifies that a festival may be held in conjunction with a trade show, food festival or tourism exposition. It further specifies that a representative of a beer or wine manufacturer or wholesaler is authorized to pour samples at the taste-testing festival.

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

This amendment replaces the bill except for the emergency preamble and emergency clause. The amendment establishes a special food and beverage industry taste-testing event license for manufacturers and wholesalers of alcoholic beverages who are participants in an event designed to promote the food and beverage or hospitality industry. Under current law, only a caterer or other person licensed to sell alcoholic beverages for on-premises consumption may sell or serve samples of alcoholic beverages at such an event. This license permits a manufacturer, wholesaler or a manufacturer's sales representatives to serve alcoholic beverages. The amendment also provides a specific exception that permits a caterer to serve wine that is not registered with the State at a special food and beverage industry taste-testing event in order to promote that wine for distribution and sale in the State.

**Enacted Law Summary**

Public Law 2011, chapter 259 establishes a special food and beverage industry taste-testing event license for manufacturers and wholesalers of alcoholic beverages who are participants in an event designed to promote the food and beverage or hospitality industry. Under existing law, only a caterer or other person licensed to sell alcoholic beverages for on-premises consumption may sell or serve samples of alcoholic beverages at such an event. This license permits a manufacturer, wholesaler or a manufacturer's sales representatives to serve alcoholic beverages. The law also provides a specific exception that permits a caterer to serve wine that is not registered with the State at a special food and beverage industry taste-testing event in order to promote that wine for distribution and sale in the State.

Public Law 2011, chapter 259 was enacted as an emergency measure effective June 8, 2011.

**LD 657      An Act To Permit Disposal of Abandoned Manufactured Housing      PUBLIC 127  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT HASTINGS	OTP-AM	H-183

This bill provides landlords a process for the disposal of abandoned manufactured housing. This process is based on the provisions of the Maine Revised Statutes, Title 33, section 1954, former subsection 2, which governed the disposal of tangible property in general by a landlord, until it was repealed by the Second Regular Session of the 124th Legislature.

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**Committee Amendment "A" (H-183)**

This amendment replaces the bill. The amendment provides mobile home park owners and operators a process for the disposal of abandoned manufactured housing. For purposes of the amendment, "manufactured housing" is defined to include a mobile home or a modular home on leased land. This process is based on the provisions of the Maine Revised Statutes, Title 14, section 6013, which were enacted in Public Law 2009, chapter 566 by the Second Regular Session of the 124th Legislature and relate to the disposal of personal property abandoned by a tenant. Public Law 2009, chapter 566 also inadvertently repealed the process governing the disposal of manufactured housing by a landlord. The amendment also adds an emergency preamble and emergency clause to the bill.

**Enacted Law Summary**

Public Law 2011, chapter 127 provides mobile home park owners and operators a process for the disposal of abandoned manufactured housing. This process is based on the provisions of the Maine Revised Statutes, Title 14, section 6013, which were enacted in Public Law 2009, chapter 566 by the Second Regular Session of the 124th Legislature and relate to the disposal of personal property abandoned by a tenant. For purposes of the law, "manufactured housing" is defined to include a mobile home or a modular home on leased land.

Public Law 2011, chapter 127 was enacted as an emergency measure effective May 23, 2011.

**LD 659      An Act To Repeal the Maine Clean Election Laws**

**MAJORITY  
(ONTP) REPORT**

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

This bill repeals the Maine Clean Election Act.

**LD 663      An Act To Amend the Laws Governing Corporate Political Donations**

**MAJORITY  
(ONTP) REPORT**

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

This bill provides a tax on corporate campaign contributions and electioneering communications.

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**LD 677      An Act Regarding the Determination of Distance for the Purposes of the  
Gambling Control Board Laws**

**PUBLIC 56**

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

This bill makes a technical clarification regarding the determination of distance in the laws governing the Department of Public Safety, Gambling Control Board.

**Enacted Law Summary**

Public Law 2011, chapter 56 provides that, for the purpose of determining distances between gambling facilities under the jurisdiction of the Gambling Control Board, the board shall measure the distance using the most commonly used roadway as determined by the Department of Transportation.

**LD 723      An Act To End Homelessness for Veterans in Maine**

**PUBLIC 329**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-251

This bill requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a partnership with a national, human services-based volunteer organization, such as the Volunteers of America, to help remedy and prevent the problem of homelessness among veterans.

**Committee Amendment "A" (S-251)**

This amendment authorizes the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to accept outside or federal funding to accomplish the goals of the partnership to address homelessness of veterans. The amendment also prioritizes the goals of the partnership.

**Enacted Law Summary**

Public Law 2011, chapter 329 requires the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management to establish a partnership with a national, human services-based volunteer organization, such as the Volunteers of America, to help remedy and prevent the problem of homelessness among veterans. It authorizes the director to accept outside or federal funding to accomplish the goals of the partnership to address homelessness of veterans. This law also prioritizes the goals of the partnership.

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LD 726      **Resolve, To Reduce Funding to Maine Clean Election Act Candidates**

**RESOLVE 89**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCORMICK	OTP-AM	S-253

This resolve provides that the amount distributed to certified candidates by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2012 election cycle must be 20% less than the amount distributed to certified candidates by the commission during the 2010 election cycle.

**Committee Amendment "A" (S-253)**

This amendment changes the amount by which distributions from the Maine Clean Election Fund to certified candidates will be reduced in the 2012 election cycle from 20% to 5%. The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Resolve 2011, chapter 89 reduces the amount of distributions from the Maine Clean Election Fund to certified candidates in the 2012 election cycle by 5%.

LD 763      **An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets**

**PUBLIC 280**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD	OTP-AM MAJ ONTP MIN	H-342

This bill allows in-state manufacturers of wine or malt liquor to sell their wine or malt liquor at authorized farmers' markets in the State.

**Committee Amendment "A" (H-342)**

This amendment replaces the bill. The amendment strikes the provisions that wine and malt liquor may be provided to others for retail sale and establishes an authorization process for small breweries and farm wineries to sell the products they produce at farmers' markets. The amendment also adds a requirement that a farmers' market must have municipal approval to sell wine and malt liquor.

**Enacted Law Summary**

Public Law 2011, chapter 280 establishes an authorization process for small breweries and farm wineries to sell the products they produce at farmers' markets. This process, administered by the Division of Liquor Licensing within the Department of Public Safety, includes a requirement that a farmers' market must have municipal approval to sell wine and malt liquor.

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**LD 797      An Act To Reform the Election Laws**

**LEAVE TO  
WITHDRAW**

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

Current law authorizes citizens of the State to register to vote on election day. This bill repeals that provision and instead requires that citizens of the State register to vote no later than seven days preceding the election in order to vote in that election. The bill also requires that a person provide proof of citizenship to register to vote. This bill also requires that a voter provide proof of identity with documentation approved by the Secretary of State by rule. This bill also prohibits a municipal clerk from issuing a second state absentee ballot to an applicant after a ballot has been returned by the applicant to the clerk, except for good cause, and stipulates that an applicant's decision to change a vote does not constitute good cause.

**LD 798      An Act To Prohibit Nonresidents from Contributing to Maine Political Campaigns or Candidates**

**ONTP**

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

This bill requires that contributions to candidate and ballot measure campaigns may only come from residents of this State or organizations that are incorporated in this State.

**LD 814      An Act Relating to Political Action Committees in Maine**

**MAJORITY  
(ONTP) REPORT**

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

This bill limits the amount a person, other than a political action committee, may contribute to a political action committee during a two-year election cycle; limits the aggregate amount that a person, other than a political action committee, may give to candidate political action committees during a two-year election cycle; and limits the amount that political action committees may give to candidate political action committees during a two-year election cycle. The bill defines "candidate political action committee" as a political action committee that makes contributions or expenditures for the purpose of promoting, supporting, opposing or defeating the nomination or election of any person to political office.

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**LD 820      An Act To Alter the Distribution of Maine Clean Election Act Funding      ONTP**

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

This bill does the following.

1. It decreases from 3,250 to 750 the number of qualifying contributions required for a gubernatorial candidate to be certified as a Maine Clean Election Act candidate.
2. It provides that a Maine Clean Election Act gubernatorial candidate may continue to collect \$5 contributions from registered voters in the State after certification as a Maine Clean Election Act candidate.
3. It allows a voter who provides a \$5 qualifying contribution to a gubernatorial candidate in a contested primary to provide an additional \$5 contribution to that candidate after certification.
4. It provides that each \$5 qualifying contribution and each \$5 additional contribution must be matched by a distribution of \$55 from the Maine Clean Election Fund.
5. It decreases the distribution limits for gubernatorial primary elections from \$400,000 to \$350,000 and increases the distribution limits for gubernatorial general elections from \$600,000 to \$750,000.

**LD 821      Resolve, To Study the Feasibility of Transferring Administration of the      VETO  
Liquor Laws to the Bureau of Alcoholic Beverages and Lottery      SUSTAINED  
Operations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY PATRICK	OTP-AM	H-483

This bill transfers the responsibility of liquor licensing and enforcement to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. It provides that the Department of Public Safety may provide assistance when personnel with law enforcement authority are required to enforce the laws governing alcoholic beverages.

**Committee Amendment "A" (H-483)**

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 and the director of the division of liquor licensing within the Department of Public Safety to issue a report to the Joint Standing Committee on Veterans and Legal Affairs examining the feasibility of transferring administration of the liquor laws from the division of liquor licensing to the Bureau of Alcoholic Beverages and Lottery Operations. The resolve authorizes the committee to report out a bill to the Second Regular Session of the 125th Legislature.

*Joint Standing Committee on Veterans and Legal Affairs*

**LD 832 An Act Regarding Write-in Candidates in Municipal and City Elections**

**DIED BETWEEN  
HOUSES**

Sponsor(s)

DILL C  
BLISS

Committee Report

OTP-AM MAJ  
ONTP MIN

Amendments Adopted

This bill requires a write-in candidate for a municipal or city election to file a declaration of candidacy on or before 45 days prior to the election and meet all other qualifications for office.

**LD 843 An Act To Modernize the Maine Clean Election Act by Allowing for  
Private Contributions**

**ONTP**

Sponsor(s)

CORNELL DU HOUX

Committee Report

ONTP

Amendments Adopted

This bill replaces the existing matching funds distribution system under the Maine Clean Election Act. This bill permits a participating candidate to accept private contributions. Such contributions are subject to the same limits and reporting requirements as those of traditionally funded candidates. When a participating candidate has an opponent who spends more than the candidate's initial distribution from the Maine Clean Election Fund, the candidate is authorized to spend the private contributions up to the amount of the initial distribution received from the fund, which will be matched dollar for dollar by the fund.

**LD 846 An Act To Assist Nonprofit Corporations Harmed by a Casino**

**NOT PROPERLY  
BEFORE BODY**

Sponsor(s)

PATRICK

Committee Report

Amendments Adopted

This bill establishes the Casino Remedial Fund, and requires a casino to distribute 2% of its gaming revenues to be placed in the Casino Remedial Fund. Funds in the fund will be disbursed to a nonprofit corporation within 35 miles of a casino that can show it has been financially harmed by the casino operations.

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**LD 848      Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act**

**RESOLVE 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	S-332 COURTNEY S-54

This resolve directs the Commission on Governmental Ethics and Election Practices to study the Maine Clean Election Act to address any adverse rulings by the United States Supreme Court in the case of *McComish v. Bennett*, No. CV-08-1550-PHX-ROS (D. Ariz. Jan. 20, 2010) and to report its findings, including any suggested changes, to the Joint Standing Committee on Veterans and Legal Affairs by October 15, 2011. The Joint Standing Committee on Veterans and Legal Affairs shall report out legislation based on the report by December 1, 2011 for presentation to the Second Regular Session of the 125th Legislature.

**Committee Amendment "A" (S-54)**

This amendment incorporates a fiscal note.

**Senate Amendment "A" (S-332)**

This amendment requires the State Controller to transfer \$3,250 from the Commission on Governmental Ethics and Election Practices, Clean Elections Other Special Revenue Funds account to the Legislative, General Fund account in the Legislature to fund the costs of two interim meetings of the Joint Standing Committee on Veterans and Legal Affairs to review the report of the Commission on Governmental Ethics and Election Practices on its study of the Maine Clean Election Act and report out legislation.

**Enacted Law Summary**

Resolve 2011, chapter 103 directs the Commission on Governmental Ethics and Election Practices to study the Maine Clean Election Act to address any adverse rulings by the United States Supreme Court in the case of *McComish v. Bennett*, No. CV-08-1550-PHX-ROS (D. Ariz. Jan. 20, 2010) and to report its findings, including any suggested changes, to the Joint Standing Committee on Veterans and Legal Affairs by October 15, 2011. Under this resolve, the Joint Standing Committee on Veterans and Legal Affairs is required to report out legislation based on the report by December 1, 2011 for presentation to the Second Regular Session of the 125th Legislature.

**LD 856      An Act To Change the Campaign Contribution Limits**

**PUBLIC 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP MAJ ONTP MIN	S-220 PLOWMAN S-297 PLOWMAN

This bill amends the laws governing campaign contribution limits by setting a maximum contribution of \$350 for a legislative candidate and \$750 for any other candidate, before adjustments for inflation.

**Senate Amendment "A" (S-220)**

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This amendment increases the maximum campaign contribution to a gubernatorial candidate from \$750 to \$1,500.

**Senate Amendment "B" (S-297)**

This amendment delays until January 1, 2012 the increase in the contribution limit from \$350 to \$750 for contributions to candidates for municipal office.

**Enacted Law Summary**

Public Law 2011, chapter 382 increases the contribution limit for gubernatorial candidates from \$750 to \$1500 and provides that beginning January 1, 2012 the contribution limit for municipal and other non-legislative candidates is \$750. The contribution limit of \$350 for legislative candidates is not affected by this law.

**LD 864 An Act Regarding the Minimum Stock Required by Agency Liquor Stores**

**PUBLIC 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-69

This bill reduces the minimum dollar amount of product an agency liquor store is required to stock in order to be licensed from \$10,000 to \$5,000. The bill also requires the Department of Public Safety to amend its rules to implement the provisions of the bill.

**Committee Amendment "A" (S-69)**

This amendment replaces the bill. The amendment establishes a minimum number of product codes an agency liquor store must maintain as a licensee.

**Enacted Law Summary**

Public Law 2011, chapter 140 provides that an agency liquor store located in a municipality with a population of 999 or less is only required to carry a minimum of 50 different spirit product codes. All other agency liquor stores are required to carry a minimum of 100 different spirit product codes.

**LD 896 An Act To Adopt the Uniform Military and Overseas Voters Act**

**Carried Over**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes the adoption in this State of the Uniform Military and Overseas Voters Act approved and recommended by the National Conference of Commissioners on Uniform State Laws and the incorporation of the provisions of the uniform act into the State's election laws.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.



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This bill allows the relocation of an agency liquor store within the same municipality as the old location if notice is given to the municipality, the new location meets or exceeds the licensing criteria of the old location, the new location is not within 300 feet of another agency liquor store unless the old location was within 300 feet of another agency liquor store and the store has not relocated within the previous five-year period.

**LD 943      An Act To Amend the Laws Governing the Eviction of Residential Tenants      ONTP**

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

This bill provides that the tenant in an eviction action has seven days in which to appeal the judgment. Current law allows the tenant to file an appeal until the writ of possession is issued, which the court must issue seven days after the judgment. The bill does not change the requirement that the tenant must move out within 48 hours after being served with the writ of possession.

**LD 968      An Act To Require Participating Candidates Who Are Principal Officers of Political Action Committees To Give a Percentage of Funds to the Maine Clean Election Fund      ONTP**

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

This bill requires a candidate for the Senate or House who is a participating candidate in the Maine Clean Election Act and a principal officer of a political action committee established for the purpose of promoting the election or defeat of another candidate to deposit a percentage of the contributions received by the political action committee to the Maine Clean Election Fund. Deposits to the fund are capped at \$5,000 for Senate candidates and \$1,000 for House candidates.

**LD 974      An Act To Revise the Laws on Tournament Games      PUBLIC 325**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALONEY PATRICK	OTP-AM	H-179

This bill revises the laws concerning tournament games of chance involving playing cards by allowing up to five tournament games per month and by replacing the graduated license fee that is determined by the number of players with a flat fee of \$100 per tournament game, \$300 per month or \$1,200 per year.

**Committee Amendment "A" (H-179)**

This amendment reduces the number of monthly tournament games proposed by the bill from five to two. It replaces the license fee section of the bill with a fee structure that allows for a tournament that does not exceed 100 players to

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have a per tournament, monthly or annual license fee. For tournament games with over 100 players, the per tournament fee structure is the same as in existing law. The amendment also clarifies that the total amount of bets received for winner-take-all rounds must be paid to the winner or winners of the round and that all prizes awarded in conjunction with tournament games must be cash.

**Enacted Law Summary**

Public Law 2011, chapter 325 increases the number of monthly tournament games authorized to be conducted by a charitable nonprofit organization from two to five. It replaces the license fee structure in current law with a fee structure that allows for a tournament that does not exceed 100 players to have a per tournament, monthly or annual license fee. For tournament games with over 100 players, the per tournament fee structure is the same as in existing law. This law also authorizes the licensee to run a 50-50 raffle and one \$5 maximum winner take-all round in conjunction with the tournament. Under chapter 325, the total amount of bets received for winner-take-all rounds must be paid to the winner or winners of the round and all prizes awarded in conjunction with tournament games must be cash.

**LD 985      An Act Regarding Establishing a Slot Machine Facility**

**DIED BETWEEN  
HOUSES**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP MAJ  
OTP-AM MIN

This initiated bill authorizes the establishment of a slot machine facility in a municipality with a population of at least 30,000 in which slot machines were not in operation as of July 1, 2010 if the person who applies for a license to operate slot machines holds an option to purchase real property located in and owned by that municipality that was in effect on July 1, 2010 and approved by the voters of the municipality no later than July 1, 2010. The initiated bill removes the existing limit on the total number of slot machines that may be registered in this State, 1,500 machines, and replaces it with a limit of 1,500 slot machines at each licensed slot machine facility. The initiated bill provides for regulation of the slot machine facility authorized in the initiated bill by the Gambling Control Board. The slot machine operator would be required to collect and distribute 1% of gross slot machine income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the Gambling Control Board. The initiated bill also requires the slot machine operator to collect and distribute 40% of net slot machine income to the board for distribution to various entities, in specified percentages for a variety of purposes that are also specified in the bill.

**LD 989      An Act To Improve Transparency in Political Campaigns by Providing  
Quicker Access to Reports**

**PUBLIC 367**

Sponsor(s)

Committee Report

Amendments Adopted

PATRICK

OTP-AM

S-232

This bill moves up by one week the last quarterly report before a November election required of political action committees and party committees for the reporting of contributions and expenditures.

**Committee Amendment "A" (S-232)**

This amendment changes the date proposed by the bill when political action and party committees must submit their

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last quarterly reports before a November election from October 3rd to October 5th.

**Enacted Law Summary**

Public Law 2011, chapter 367 changes the date when political action and party committees must submit their last quarterly reports before a November election from October 10th to October 5th.

**LD 1000      Resolve, Directing the Secretary of State To Examine Centralization of      RESOLVE 75**  
**the Petition Signature Verification Process**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIPMAN	OTP-AM	H-507

This bill requires the Secretary of State rather than the registrars to verify signatures on petitions. The Secretary of State is required to verify the signatures on primary petitions, nomination petitions, citizen initiatives and people's veto referenda. The Secretary of State is required to fund the system of centralized voter signature verification within existing budgeted resources, although the Secretary of State may seek outside grant funding.

**Committee Amendment "A" (H-507)**

This amendment replaces the bill and creates a resolve directing the Secretary of State to examine the feasibility of centralizing the process for verifying signatures on candidate petitions, citizens' initiatives and people's veto referendum petitions.

**Enacted Law Summary**

Resolve 2011, chapter 75 directs the Secretary of State to examine the feasibility of centralizing the process for verifying signatures on candidate petitions, citizens' initiatives and people's veto referendum petitions.

**LD 1006      An Act To Provide a Remedy to Property Owners When a Tenant      PUBLIC 122**  
**Defaults on a Lease**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON	OTP-AM	H-180

In *Rubin v. Josephson*, 478 A.2d 665 (Me. 1984), the Supreme Judicial Court held that, when a residential lease does not contain termination language, the landlord may not use the tenancy at will provisions of state law to terminate the lease. In those cases, the only remedy available to a landlord when there is nonpayment of rent by the tenant is the use of a forcible entry and detainer action. In response to that case, this bill allows a landlord, after providing notice and service, and with cause, as provided in the tenancy at will statute, to terminate a lease that does not contain termination, default or forfeiture language.

**Committee Amendment "A" (H-180)**

The bill provides that when a lease fails to contain termination language, the landlord may terminate the lease by providing the tenant with seven days' notice and proof of cause. The amendment continues that provision but additionally allows the tenant to terminate such a lease or contract by providing the landlord with seven days' notice in the event of a substantial breach of a provision of the lease or contract. This amendment also removes the emergency preamble and emergency clause and the application section, which applied the bill's provisions to

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residential leases existing on or after the effective date of the legislation.

**Enacted Law Summary**

In *Rubin v. Josephson*, 478 A.2d 665 (Me. 1984), the Supreme Judicial Court held that, when a residential lease does not contain termination language, the landlord may not use the tenancy at will provisions of state law to terminate the lease. In those cases, the only remedy available to a landlord when there is nonpayment of rent by the tenant is the use of a forcible entry and detainer action. In response to that case, Public Law 2011, chapter 122 allows a landlord, after providing notice and service, and with cause, as provided in the tenancy at will statute, to terminate a lease that does not contain termination, default or forfeiture language. The law also allows the tenant to terminate such a lease or contract by providing the landlord with seven days' notice in the event of a substantial breach of a provision of the lease or contract.

**LD 1037      An Act To Establish a Welcome Home Bonus for Veterans of the      ONTP**  
**Campaigns in Iraq and Afghanistan**

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

This bill provides to a veteran of the United States Armed Forces who served in Iraq or Afghanistan subsequent to September 11, 2001 a bonus of \$1,000 for the veteran's first deployment and \$500 for every subsequent deployment and to a veteran of the United States Armed Forces who served at least six months' active duty subsequent to September 11, 2001 but did not serve in Iraq or Afghanistan a bonus of \$500. In order to receive the bonus, the veteran must have been domiciled in the State for at least six months immediately prior to entering the Armed Forces, be honorably discharged and apply and provide proof of domicile to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans Services. The next of kin of a service member who is killed in action receives the bonus to which the service member would have been entitled. The bonus will not be available to a service member who serves after the cessation of hostilities in Iraq and Afghanistan.

**LD 1048      An Act To Delay the Implementation of the Rental Housing Radon      PUBLIC 157**  
**Testing Requirement**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-212

Current law requires the owners of residential rental property to begin testing the air in that rental property for the presence of radon by 2012. This bill delays the date by which testing must be done to March 1, 2015.

**Committee Amendment "A" (H-212)**

This amendment changes the date by which radon testing of rental property must be done to March 1, 2014, instead of March 1, 2015, as proposed in the bill.

**Enacted Law Summary**

Current law requires the owners of residential rental property to begin testing the air in that rental property for the presence of radon by 2012. Public Law 2011, chapter 157 delays the date by which testing must be done to March 1, 2014.

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**LD 1054 An Act To Revise the Maine Clean Election Act Regarding Legislative Leadership Positions**

**ACCEPTED  
REPORT A  
(ONTP)**

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

This bill prohibits a participating candidate under the Maine Clean Election Act from soliciting contributions from or accepting contributions for the establishment of a political action committee to influence or support the election of that participating candidate to a legislative leadership position.

**LD 1067 An Act To Improve Awareness of Smoking Policies in Maine Rental Housing**

**PUBLIC 199**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN BLISS	OTP-AM	H-276

This bill establishes the duties of a landlord in disclosing the policy pertaining to smoking on the premises to all tenants or potential tenants as well as purchasers of condominiums. Disclosures must be in writing and signed by both parties.

**Committee Amendment "A" (H-276)**

This amendment changes the title and replaces the bill. The amendment requires that landlords disclose the policy pertaining to smoking on the premises to all tenants or potential tenants. The amendment requires the landlord to provide notice as part of a lease agreement or through a separate written notice to those tenants or potential tenants entering into a tenancy at will agreement. The amendment removes the requirement in the bill that the landlord provide notice using a form developed by the Department of Health and Human Services, Maine Center for Disease Control and Prevention through rules. The amendment removes the penalty provision in the bill and clarifies that the failure by a landlord to provide disclosure of the smoking policy as required does not create grounds for a private cause of action by a tenant against a landlord. The amendment clarifies that a tenant may not use a violation of a smoking policy by another tenant as the basis for a private cause of action against a landlord. The amendment also removes the section of the bill requiring disclosure of smoking policies to purchasers of condominiums.

**Enacted Law Summary**

Public Law 2011, chapter 199 requires that landlords disclose the policy pertaining to smoking on the premises to all tenants or potential tenants either as part of a written lease agreement or through a separate written notice to those tenants or potential tenants entering into a tenancy at will agreement. The law clarifies that the failure by a landlord to provide disclosure of the smoking policy as required does not create grounds for a private cause of action by a tenant against a landlord and also clarifies that a tenant may not use a violation of a smoking policy by another tenant as the basis for a private cause of action against a landlord.

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**LD 1100    An Act To Increase Transparency in Funding of Campaign Advertisements**

**PUBLIC 360**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-234

This bill amends the law governing the requirements of campaign communications that are not paid for or authorized by a candidate. For written communications, the font of the disclosure required is increased from 10-point to 12-point. For communications broadcast over television or radio or posted on the Internet, the disclosure must be made at the beginning and at the end of the communication.

**Committee Amendment "A" (S-234)**

This amendment strikes the provision of the bill that requires additional disclaimers for television, radio and Internet advertisements not authorized by a candidate. It retains the portion of the bill that increases the font size on print advertisements not authorized by a candidate.

**Enacted Law Summary**

Public Law 2011, chapter 360 increases the font size on print advertisements not authorized by a candidate from 10-point to 12-point.

**LD 1126    An Act To Require That the Governor Be Elected by the Ranked-choice Voting Method**

**MAJORITY (ONTP) REPORT**

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

This bill creates the ranked-choice voting method of determining winners in elections for Governor. The method simulates the ballot counts that would occur if all voters participated in a series of run-off elections and allows a voter to rank candidates according to that voter's preferences. Each voter has only one vote and the ballot count is the same as would occur if voters participated in a series of run-off elections, with the candidate with the fewest votes eliminated after each round of counting. There is an initial round of counting. If more than two candidates have received votes after the initial round, the Secretary of State conducts a second round. In this second round, the Secretary of State eliminates the candidate with the fewest votes. A ballot that ranks this eliminated candidate as the highest-ranked candidate is counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate is a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes continues until two candidates remain. The candidate with the most votes is declared the winner. The bill requires that the question of electing the Governor in this manner go to a statewide referendum to have the citizens of the State vote on the matter.

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**LD 1134 An Act To Make Municipal Recounts Consistent with State Recounts**

**PUBLIC 255**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-176

This bill makes most provisions governing recounts of state elections for office and ballot initiatives apply to recounts of municipal elections for office and referenda.

**Committee Amendment "A" (S-176)**

This amendment clarifies that election officials may take part in municipal recounts of elections. It also provides that a preliminary inspection of the ballots and the incoming voting list may be requested to determine whether or not to request a recount as established by the bill. That inspection process is based on what is in current law for the inspection of ballots at the municipal level. This amendment also makes technical changes to the bill, replacing the term "ballot inspection" with the term "recount" where applicable.

**Enacted Law Summary**

Public Law 2011, chapter 255 applies the process that governs recounts of state elections for office and ballot initiatives to recounts of municipal elections for office and referenda. Unlike state recounts, the municipal process established in this law provides that a preliminary inspection of the ballots and the incoming voting list may be requested to determine whether or not to request a recount as established by the bill. That inspection process is based on what is in current law for the inspection of ballots at the municipal level.

**LD 1140 An Act To Amend the Dual Liquor License Law**

**ONTP**

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

This bill allows a licensee who has a dual liquor license to serve wine and malt liquor on the premises. This bill also extends the time that wine and malt liquor may be served to 11:00 p.m.

**LD 1141 An Act To Allow Direct Shipment of Beer and Wine by Retail Licensees**

**ACCEPTED  
ONTP REPORT**

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

This bill allows off-premise retail licensees of beer and wine to direct ship beer and wine in and outside the State subject to certain conditions, including:





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**LD 1203     An Act To Amend the Laws Governing the Deadline and Conditions for  
Municipal Approval of a Second Racino and To Allow a Tribal Racino  
in Washington County**

**ENACTMENT  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ OTP-AM MIN	H-400

This initiated bill allows the Gambling Control Board within the Department of Public Safety to accept applications for a license to operate slot machines from any person who is licensed to operate a commercial track located at or within a 25-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 or from any person who is licensed to operate a commercial track that is owned and operated by one or more federally recognized Indian tribes located in this State if the operation of these slot machines is approved by the voters of the municipality in which the commercial track to be licensed is located by referendum held before December 31, 2013. Current law requires the commercial track to be located at or within a five-mile radius of the center of a commercial track that conducted harness racing with pari-mutuel wagering on more than 25 days during calendar year 2002 and requires the referendum to have been held before December 31, 2003. The initiated bill changes the definition of "commercial track" to include a harness horse racing track licensed to conduct harness horse racing with pari-mutuel wagering that is owned and operated by one or more federally recognized Indian tribes located in this State, is located more than 90 miles from the nearest existing commercial track that operates slot machines, is within 45 miles of the operating tribe's Indian reservation and conducts racing on more than 25 days each calendar year after having been granted a license to conduct harness horse racing. The initiated bill provides that a license to operate slot machines at a commercial track may not be denied on the basis of the proximity of the commercial track to any other gambling facility if the commercial track was licensed and operating before the other gambling facility was licensed, unless the commercial track proposes to relocate or has relocated closer to the other gambling facility after the other facility was licensed and operating. The initiated bill permits the Gambling Control Board to allow an additional 1,500 slot machines to be registered for each commercial track at which slot machines were not operated prior to January 1, 2010 and at which the operation of slot machines is licensed after January 1, 2010. Current law limits the total number of slot machines registered in the State to 1,500.

**Committee Amendment "A" (H-400)**

This amendment incorporates a fiscal note.

**LD 1228     An Act To Streamline the Liquor Licensing Reporting Procedure**

**PUBLIC 147**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN	OTP-AM	H-137

This bill simplifies the process for reporting and payment of taxes on malt liquor and wine by requiring reports and payments for liquor excise taxes to be made at the same time as sales tax and permits a distiller that is an in-state manufacturer with a retail license to pay the alcohol bureau based upon the difference between the retail price of the manufacturer's product and the price that the alcohol bureau pays the manufacturer for the product rather than requiring the manufacturer to deliver the product to the state warehouse and purchase it back for

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retail sale.

**Committee Amendment "A" (H-137)**

This amendment strikes the provision of the bill that provided an exception to the procedure for the distribution of spirits for an in-state manufacturer with a small distillery off-premises retail license.

**Enacted Law Summary**

Public Law 2011, chapter 147 changes the process for reporting and payment of taxes on malt liquor and wine by requiring reports and payments for liquor excise taxes to be made at the same time as sales tax.

**LD 1245      An Act To Modify the Responsibilities of the Commission on      ONTP**  
**Governmental Ethics and Election Practices**

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

This bill requires the Commission on Governmental Ethics and Election Practices to issue an advisory opinion at the request of a person with duties under the governmental ethics laws.

**LD 1254      Resolve, Directing the Executive Director of the Commission on      RESOLVE 87**  
**Governmental Ethics and Election Practices To Review the Law**  
**Governing Push Polling**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP-AM	S-233

This bill amends the laws restricting push polling by:

1. Exempting an organization that collects or tabulates significant survey results, as determined by the Commission on Governmental Ethics and Election Practices; and
2. Increasing the fine that may be imposed for a violation of push polling requirements or failing to register as a person conducting push polling from \$500 to an amount up to \$10,000, which gives the commission some discretion when imposing a fine.

**Committee Amendment "A" (S-233)**

This amendment replaces the bill with a resolve directing the executive director of the Commission on Governmental Ethics and Election Practices to review the laws governing push polling and submit a report to the Joint Standing Committee on Veterans and Legal Affairs.

**Enacted Law Summary**

Resolve 2011, chapter 87 directs the executive director of the Commission on Governmental Ethics and Election Practices to review the laws governing push polling and submit a report no later than February 1, 2012 to the Joint Standing Committee on Veterans and Legal Affairs.

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**LD 1260 An Act To Improve Transparency in Maine Government**

**MAJORITY  
(ONTP) REPORT**

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

Under current law and rules of the Legislature, a Legislator is prohibited from voting on legislation on the grounds of conflict of interest only if the Legislator or certain family members or business associates would derive a unique and distinct benefit from the legislation. This bill provides that a Legislator faces a conflict of interest in voting if the Legislator or an immediate family member or close economic associate of the Legislator would be benefited or harmed by the legislation to a degree that is significantly greater than similarly situated persons or entities, or the Legislator, a member of the Legislator's immediate family or a close economic associate is a member of a small group of persons or entities that would derive a significant benefit or harm from the proposed legislation. The bill also prohibits a person who served as a Legislator from lobbying until one year after that person's term as a Legislator ends and prohibits a person who has been registered as a lobbyist from serving as an official in the executive branch until one year after that person's registration as a lobbyist expires. The bill subjects the transition team of a Governor-elect to the laws governing freedom of access.

**LD 1262 An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws**

**Carried Over**

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

This bill sets the basic penalties for filing a late report by a party committee and a political action committee to 5% of the committee's total contributions or expenditures for the relevant filing period multiplied by the number of calendar days late for a first violation, 10% for a second violation and 15% for a third and subsequent violation. The bill also changes the law setting out the maximum penalties to provide for a \$100,000 penalty for late reports required under the Maine Revised Statutes, Title 21-A, section 1019-B, subsection 3 and Title 21-A, sections 1056-B and 1059; a \$100,000 penalty for late state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E; a \$5,000 penalty for reports required under Title 21-A, section 1017, subsection 2, paragraph A; and a \$1,000 penalty for late reports by municipal, district and county committees required under Title 21-A, section 1017-A, subsection 4-B. The bill eliminates the cap on the penalty for reports required under Title 21-A, section 1017, subsection 3-A, paragraph A. The bill also allows the Commission on Governmental Ethics and Election Practices to assess a fine up to \$100,000 for a violation of the reporting requirements of Title 21-A, sections 1017 and 1019-B if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. The bill also corrects a cross-reference.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

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**LD 1265 An Act To Allow the Unclaimed Remains of a Veteran To Have Proper Burial**

**PUBLIC 318**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNHAM	OTP-AM	S-231

This bill allows a funeral director or other authorized person to determine the veteran status of cremated remains left in the possession of the funeral director or other authorized person for over 120 days and, if the remains are those of a veteran, to relinquish control of or dispose of the remains to a veterans' service organization to be finally disposed of in a national cemetery or other cemetery that memorializes or recognizes the graves of veterans.

**Committee Amendment "A" (S-231)**

This amendment increases the time period in the bill after which a funeral director may dispose of or relinquish possession of a veteran's cremated remains from 120 days to one year.

**Enacted Law Summary**

Public Law 2011, chapter 318 allows a funeral director or other authorized person to determine the veteran status of cremated remains left for over one year in the possession of the funeral director or other authorized person and, if the remains are those of a veteran, to relinquish control of or dispose of the remains to a veterans' service organization to be finally disposed of in a national cemetery or other cemetery that memorializes or recognizes the graves of veterans.

**LD 1277 An Act To Exempt Contributions for the Retirement of Old Campaign Debt from Contribution Limits**

**ONTP**

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

This bill provides an exception to the law that limits campaign contributions. It provides that contributions may exceed the limit if their purpose is to retire campaign debt that is at least six years old. In order to accept these contributions in excess of the limit, the former candidate may not be serving in office or be a candidate for office.

**LD 1300 An Act To Create a Consolidated Liquor License and Amend the Laws Governing Agency Liquor Stores**

**PUBLIC 460**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM MAJ OTP-AM MIN	S-226

Current law limits the number of agency liquor stores that sell spirits based on the population of a municipality. This bill removes those limits. The bill provides that beginning January 1, 2012 a municipality may establish a limit for agency liquor stores through action of the governing body or a popular referendum. The bill also provides for a

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combined license for agency liquor stores that also sell beer and wine. Under current law an agency liquor store must obtain separate licenses to sell beer and wine. Finally, this bill dedicates 10% of that combined license fee to the Department of Health and Human Services, Office of Substance Abuse for underage drinking prevention.

**Committee Amendment "A" (S-226)**

This amendment strikes the sections of the bill that remove limits on the number of agency liquor stores established under state law and allow municipalities to set a limit on the number of agency liquor stores. The amendment provides that an applicant for an agency liquor store license that is a branch of a chain retailer that has held agency liquor store licenses without violation is not subject to the requirement that the applicant be licensed to sell beer and wine for one year prior to being eligible for an agency liquor store license. The amendment reduces the fee for the Class VIII license established by the bill from \$900 to \$775 and provides that the fee may be prorated. Finally, the amendment changes the amount that is credited to the Department of Health and Human Services, Office of Substance Abuse from 10% of the Class VIII license fees to \$75 from each Class VIII license fee. The amendment also adds an appropriations and allocations section.

**Committee Amendment "B" (S-227)**

This amendment strikes the sections of the bill that remove limits on the number of agency liquor stores established under state law and allow municipalities to set a limit on the number of agency liquor stores. The amendment provides that an applicant for an agency liquor store license that is a branch of a chain retailer that has held agency liquor store licenses without violation is not subject to the requirement that the applicant be licensed to sell beer and wine for one year prior to being eligible for an agency liquor store license. The amendment reduces the fee for the Class VIII license established by the bill from \$900 to \$700 and provides that the fee may be prorated. This amendment was not adopted.

**Enacted Law Summary**

Public Law 2011, chapter 460 establishes a consolidated license for an agency liquor store that includes the license for off-premise sales of beer and wine. The fee for this license, called a Class VIII license, is \$700 and may be prorated. This fee does not include the initial \$2,000 fee required of an agency liquor store. This law also provides that an applicant for an agency liquor store license that is a branch of a chain retailer that has held agency liquor store licenses without violation is not subject to the requirement that the applicant be licensed to sell beer and wine for one year prior to being eligible for an agency liquor store license.

**LD 1305     An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution**

**MAJORITY (ONTP) REPORT**

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

This bill requires the Governor to withhold or withdraw approval of the transfer of the Maine National Guard to federal control in the absence of an explicit authorization in pursuance of the powers delegated to the Federal Government in the United States Constitution, Article I, Section 8.



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- 3. Requires that a candidate receive the lowest rate for television airtime if a political action committee spends \$15,000 to run a televised communication concerning the candidate; and
- 4. Amends the definition of political action committee.

**LD 1358    An Act To Amend the Requirements Concerning Small Restaurants  
That Serve Alcoholic Beverages**

**PUBLIC 242  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITTS MCCORMICK	OTP-AM	H-366

This bill allows a restaurant with a seating capacity of fewer than 40 persons and only one restroom to be issued a dual liquor license.

**Committee Amendment "A" (H-366)**

This amendment replaces the bill, including the title. The amendment provides that restaurants licensed to serve alcoholic beverages for on-premises consumption with a seating capacity of 40 or fewer persons are only required to have one toilet facility. The amendment also adds an emergency preamble and emergency clause.

**Enacted Law Summary**

Public Law 2011, chapter 242 provides that restaurants licensed to serve alcoholic beverages for on-premises consumption with a seating capacity of 40 or fewer persons are only required to have one toilet facility.

Public Law, chapter 242 was enacted as an emergency measure effective June 7, 2011.

**LD 1376    An Act To Preserve the Integrity of the Voter Registration and Election  
Process**

**PUBLIC 399**

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

This bill eliminates registration of new voters on election day and during the two business days before election day, but does allow an already registered voter who has had a change of name or a change of address within the municipality to update voter registration records up to and including on election day. This bill changes the minimum hours required by the registrar to be open to accept new in-person registrations on the deadline for registration before election day. The bill also changes the requirements for the municipality to publish the registrar's hours for the deadline day in a newspaper having general circulation in the municipality at least 10 to 15 business days before election day, and provides that municipalities with a population of 2,500 or fewer may give notice by other means the registrar considers sufficient to provide notice to the voters. The bill establishes a provisional voting procedure, as required by the federal Help America Vote Act of 2002, 42 United States Code, Section 15482, to allow a person who has registered to vote but whose name was omitted from the voting list in error to vote using a provisional ballot. The bill requires that the municipal clerk or registrar resolve and either count or reject the provisional ballots within three business days after the election and report the status of the provisional ballots to the Secretary of State. The Secretary of State must publish the provisional ballot information on the Secretary of State's publicly accessible website at least 20 days after the election, so that provisional voters know whether or not their ballots were cast and counted. The bill also prohibits the issuance of absentee ballots after the third business day

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before election day, except when the voter signs an application designating one of the allowable reasons for voting by absentee ballot on that day.

**Enacted Law Summary**

Public Law 2011, chapter 399 eliminates registration of new voters on election day and during the two business days before election day, but does allow an already registered voter who has had a change of name or a change of address within the municipality to update voter registration records up to and including on election day. It changes the minimum hours required by the registrar to be open to accept new in-person registrations on the deadline for registration before election day. Chapter 399 also changes the requirements for the municipality to publish the registrar's hours for the deadline day in a newspaper having general circulation in the municipality at least 10 to 15 business days before election day, and provides that municipalities with a population of 2,500 or fewer may give notice by other means the registrar considers sufficient to provide notice to the voters. This law establishes a provisional voting procedure, as required by the federal Help America Vote Act of 2002, 42 United States Code, Section 15482, to allow a person who has registered to vote but whose name was omitted from the voting list in error to vote using a provisional ballot. It requires that the municipal clerk or registrar resolve and either count or reject the provisional ballots within three business days after the election and report the status of the provisional ballots to the Secretary of State. The Secretary of State must publish the provisional ballot information on the Secretary of State's publicly accessible website at least 20 days after the election, so that provisional voters know whether or not their ballots were cast and counted. This law also prohibits the issuance of absentee ballots after the third business day before election day, except when the voter signs an application designating one of the allowable reasons for voting by absentee ballot on that day.

**LD 1403      An Act To Allow Eligible Nonprofit Organizations To Hold Two Card Games Per Month      ONTP**

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

Under current law the Chief of the State Police may issue one license a month to conduct a tournament game, including a Texas Hold 'em game, to an eligible nonprofit organization. This bill allows the Chief of the State Police to issue two licenses a month.

**LD 1418      An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011      PUBLIC 417**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON FARNHAM	OTP-AM MAJ ONTP MIN	H-522 H-659 DAMON H-675 DAMON

This bill provides that a slot machine facility that was operating slot machines as of January 1, 2011 may receive a license to operate a casino that includes table games. Distribution of revenue from slot machines operated at a casino that was a slot machine facility is changed to make it similar to that of the slot machine facility except the 1% distribution of gross revenue is replaced by an increase of the net distribution to the General Fund. In total, the amount of distribution is increased to 46% of net revenue. A casino that was not a slot machine facility on January

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1, 2011 is also subject to a 46% distribution of net revenue but the distribution is divided among different accounts.

### **Committee Amendment "A" (H-522)**

This amendment replaces the bill. The amendment provides that the Department of Public Safety, Gambling Control Board may issue a casino operator license to a commercial track that was licensed to operate slot machines on January 1, 2011. It provides that the initial application fee for this type of casino is \$25,000. The amendment establishes a privilege fee for the operation of table games. The distribution of slot machine revenue at a commercial track licensed to operate a casino under this amendment would be the same as when the commercial track was licensed simply as a slot machine facility. The fee for each table is \$100,000 for a 20-year privilege with a \$1,000 annual renewal fee. A casino operated in Oxford County would be permitted to operate table games for one calendar year before being subject to the table game fee. The amendment establishes a separate structure for the distribution of revenue for table games operated at a casino that is a commercial track that distributes 16% of net table game revenue, 9% to the General Fund, 3% to a dedicated administrative expenses account for the Gambling Control Board, 2% to the host municipality and 2% to a fund to benefit charitable nonprofit organizations whose gaming revenue has been negatively affected by slot machine and table game operation. Table game fees and the 3% of net table game revenue at the Oxford County Casino, which under current law goes to the General Fund, goes to the dedicated Gambling Control Board account under this amendment. This amendment also adds an emergency preamble and clause to the bill.

### **House Amendment "B" To Committee Amendment "A" (H-659)**

This amendment strikes the emergency preamble and emergency clause.

### **House Amendment "D" To Committee Amendment "A" (H-675)**

This amendment requires a commercial track licensed to operate slot machines on January 1, 2011 that wants to be licensed as a casino to receive approval of the voters of the county in which the commercial track is located. The amendment also specifies that the question must be sent out to referendum in Penobscot County in November 2011.

### **Enacted Law Summary**

Public Law 2011, chapter 417 provides that the Department of Public Safety, Gambling Control Board may issue a casino operator license to a commercial track that was licensed to operate slot machines on January 1, 2011. It provides that the initial application fee for this type of casino is \$25,000. The distribution of slot machine revenue at a commercial track licensed to operate a casino under this law is the same as when the commercial track was licensed simply as a slot machine facility. This law establishes a privilege fee for the operation of table games in addition to the existing registration fees. The fee for each table is \$100,000 for a 20-year privilege with a \$1,000 annual renewal fee. A casino operated in Oxford County would be permitted to operate table games for one calendar year before being subject to the table game fee. This law establishes a separate structure for the distribution of revenue for table games operated at a casino that is a commercial track that distributes 16% of net table game revenue, 9% to the General Fund, 3% to a dedicated administrative expenses account for the Gambling Control Board, 2% to the host municipality and 2% to a fund to benefit charitable nonprofit organizations whose gaming revenue has been negatively affected by slot machine and table game operation. Table game fees and the 3% of net table game revenue at the Oxford County Casino, which under current law goes to the General Fund, goes to the dedicated Gambling Control Board account under this law.

Chapter 417 requires a commercial track licensed to operate slot machines on January 1, 2011 that wants to be licensed as a casino to receive approval of the voters of the county in which the commercial track is located. The question must be sent out to referendum in Penobscot County in November 2011.

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**LD 1427 An Act To Amend Seasonal Licenses for the Operation of Beano or Bingo Games**

**PUBLIC 339**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM MAJ ONTP MIN	S-252

This bill amends the law regarding seasonal licenses to operate beano or bingo games without profit, which currently may be issued to resort hotels for their registered guests on the premises of the resort. Current law prohibits minors under 16 years of age from playing beano or bingo games or being in a place where the games are being operated without an adult. The bill allows minors under 16 years of age, without being accompanied by an adult, to participate in bingo or beano games operated at the resort hotel as long as the prize is a nonmonetary prize, which may include a credit for food served on the premises of the resort, valued at no more than \$10.

**Committee Amendment "A" (S-252)**

This amendment replaces the bill. It clarifies the description of a resort hotel. The amendment strikes the provision of the bill that permits a fee for participation in a beano or bingo game operated by a seasonal licensee. It requires that all prizes awarded be nonmonetary, unlike the bill, which only places that restriction on players 16 years of age or younger. It also adds a requirement that beano or bingo games played where people under 16 years of age are permitted must be conducted where no alcoholic beverages are sold and that no other gaming activities take place. Finally, this amendment limits the number of seasonal beano or bingo licenses that may be issued to resort hotels by the Chief of the State Police to 10 per year.

**Enacted Law Summary**

Public Law 2011, chapter 339 amends the law that governs seasonal licenses for the operation of beano or bingo by resort hotels. This law clarifies the definition of a resort hotel and permits play by persons under the age of 16 even if they are not accompanied by a parent or guardian. It also adds a requirement that beano or bingo games played where people under 16 years of age are permitted must be conducted where no alcoholic beverages are sold and that no other gaming activities take place. It requires that all prizes awarded be nonmonetary. Finally, chapter 339 limits the number of seasonal beano or bingo licenses that may be issued to resort hotels by the Chief of the State Police to 10 per year.

**LD 1469 An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations**

**Carried Over**

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

This bill allows operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under the United States Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the federal tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose. Video gaming terminal manufacturers, wholesalers and

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operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval is required for a license to operate video gaming terminals. The license specifies the number of terminals allowed on the premises; the maximum number of terminals allowed is five per premises of a licensee. Terminals must be licensed by the Chief of the State Police and must be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a five-year phase-in period, this computer system must provide continuous online monitoring of video gaming terminal activity. Persons under 21 years of age are not allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount for each play is \$5 and the maximum payout is \$1,250. Each game on each machine must return at least 80% of wagers to players, calculated on an annual basis. Net terminal income, which is income after payback to players, is divided as follows: 8% to the State for payment into the Video Gaming Fund, which is established in the bill, for administrative expenses, gambling rehabilitation, municipal revenue sharing and public education; 2% to the Compulsive Gambler Rehabilitation Fund, which is established in the bill; 15% to the General Fund; 10% to the host municipality; and 65% to the licensee. Licenses are issued for one year. Applicants for an initial license must pay the actual costs of processing the application and performing the background investigation.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1474 An Act To Amend the Beano Laws**

**PUBLIC 301**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KESCHL SAVIELLO	OTP-AM MAJ ONTP MIN	H-509

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing "Beano" and "Bingo" games to allow nonprofit organizations to conduct "Beano" and "Bingo" games once a year and award prize baskets with a value of no more than \$5,000 to the winners; nonwinners would be allowed to choose from a number of consolation prizes.

**Committee Amendment "A" (H-509)**

This amendment replaces the bill, which is a concept draft. The amendment allows a person licensed to conduct beano and bingo games to offer a prize with a total value of up to \$2,000 once per calendar year on one occasion. The prize limit in current law is \$1,400.

**Enacted Law Summary**

Public Law 2011, chapter 301 allows a person licensed to conduct beano and bingo games to offer a prize with a total value of up to \$2,000 once per calendar year on one occasion. The prize limit in current law is \$1,400.

**LD 1478 An Act To Fully Enfranchise Voters**

**PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER THOMAS	OTP-AM	H-508 H-654 TURNER

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This bill provides that, if a state legislative district consists of more than one town, a person who resides in a town in that state legislative district that does not hold a caucus after the death, withdrawal or disqualification of a candidate may vote at a caucus held by another town in that state legislative district if the person is eligible to vote in a primary election in that person's town. The bill also requires the chair of each political party to determine where a caucus is to be held.

### Committee Amendment "A" (H-508)

This amendment replaces the bill. It provides that when a political committee holds a meeting to fill a vacancy for a candidacy or seat for a State Senator or Representative in a legislative district containing 10 or more municipalities, the political committee must permit anyone enrolled in the party to vote to nominate or elect a person to fill the vacancy. It also provides that the failure of a municipality in that district to hold a biennial municipal caucus does not prohibit voters in that municipality from participating in or voting at the meeting to fill a vacancy.

### House Amendment "B" To Committee Amendment "A" (H-654)

This amendment allows a municipality that has not held a biennial caucus, following the proclamation of the Governor declaring a vacancy in the House of Representatives for that municipality, to hold a caucus within 15 days of the Governor's proclamation to choose a nominee to fill the vacancy. This amendment also specifies that the Governor must allow the political committee at least 15 days to choose a nominee for the vacant seat.

### Enacted Law Summary

Public Law 2011, chapter 409 allows a municipality that has not held a biennial caucus, following the proclamation of the Governor declaring a vacancy in the House of Representatives for that municipality, to hold a caucus within 15 days of the Governor's proclamation to choose a nominee to fill the vacancy. Chapter 409 also specifies that the Governor must allow the political committee at least 15 days to choose a nominee for the vacant seat.

## LD 1513 An Act To Clarify the Maine State Lottery Agent Licensing Process

PUBLIC 310

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP-AM	H-481

This bill makes the following changes to the law regarding the operations of lotteries.

1. It amends the definition of "person" to include other forms of businesses.
2. It clarifies the rule-making authority of the State Liquor and Lottery Commission relating to license issuance, denial, suspension and revocation.
3. It clarifies that the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services or the director's designee has the authority to deny, suspend or revoke a license to sell lottery tickets or shares.
4. It clarifies that the appeal of a decision to deny, suspend or revoke a license may be made to the commission.

### Committee Amendment "A" (H-481)

This amendment makes technical clarifications regarding the authority of the State Liquor and Lottery Commission and the Director of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to administer all of the forms of lottery games under the commission's jurisdiction. The

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amendment also strikes a provision of the bill that removes the requirement that lottery license suspension or revocation appeals be conducted in accordance with the Maine Administrative Procedure Act.

**Enacted Law Summary**

Public Law 2011, chapter 310 amends the definition of "person" to include other forms of businesses and clarifies the rule-making authority of the State Liquor and Lottery Commission relating to license issuance, denial, suspension and revocation. This law also provides that the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services or the director's designee has the authority to deny, suspend or revoke a license to sell lottery tickets or shares.

**LD 1523      An Act To Improve the Maine Clean Election Act      Carried Over**

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

This bill amends the Maine Clean Election Act by replacing the seed money provisions with provisions for allowable contributions, which are contributions of no more than \$100 from an individual. The bill allows participating and certified candidates to raise allowable contributions, sets limits and other requirements on allowable contributions and provides for matching funds for allowable contributions in the amount of \$3 for every \$1 of allowable contributions.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1526      An Act Regarding Corporate and Other Entity Campaign Advertising      MINORITY  
Disclosure and Accountability      (ONTP) REPORT**

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

This bill requires corporations or groups, including political action committees and unions, that make expenditures or contributions for political communications to get approval from the majority of the corporation's shareholders or, for other groups, approval for contributions and expenditures from a majority of its membership. It provides for specific disclosures by corporations or groups that make political communications. The bill establishes liability for a corporation or group if it violates the disclosure and reporting requirements. It also provides for a shareholder of the corporation or member of the group to seek compensatory and punitive damages from the directors of the corporation or group.

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LD 1528 An Act To Amend the Election Laws and Other Related Laws

PUBLIC 342

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT TRAHAN	OTP-AM	H-474

This bill clarifies the requirements for the information that is created to help voters understand ballot questions, including the Attorney General's explanatory statement of what a "yes" vote favors and what a "no" vote opposes; the Office of Fiscal and Program Review's estimate of the fiscal impact on state revenues, appropriations and allocations of each ballot measure; and the Treasurer's Statement that accompanies each bond issue. This bill reorganizes the section on retention of election materials so that the incoming voting list is addressed separately from the ballots. The bill adds a voter's year of birth to the information that must be included on the incoming voting list and specifies that the incoming voting list is a public record after it is unsealed following the election. This bill reorganizes and enhances the sections of law governing the instructions that the Secretary of State must prepare for election officials and voters and details how informational materials must be made available to the voters. The bill clarifies the sections dealing with candidate withdrawals less than 60 days before a primary or general election. The bill also reorganizes the section of law governing how official ballots are provided to municipalities and specifies how the chain of custody must be maintained. This bill reorganizes the section of law governing how voted ballots are sealed and secured following the election and creates a separate section to describe the ballot security materials supplied by the Secretary of State. The bill creates a new requirement that a municipality must apply to the Secretary of State at least 60 days before an election to change the location of a voting place. The bill makes explicit that it is a crime for a person who is entrusted with another voter's marked ballot to disclose the contents of that ballot to another person. The bill also provides that absentee envelopes and applications are to be sealed separately from the ballots so that they become public records after they are unsealed. The bill permits the Secretary of State to authorize the municipal clerk, in the presence of the warden and an election clerk from each of the major parties, to open the sealed ballot security containers after an election for specific, limited purposes. The bill requires the municipal clerk or registrar to keep a log of the petitions that are submitted to the municipal office for certification. The bill also clarifies the supervisory experience required for candidates for the office of sheriff. The bill makes other routine or technical changes.

**Committee Amendment "A" (H-474)**

This amendment provides that a municipality with a population of 500 or less may open its voting place as late as 10:00 a.m. on election day. All other municipalities must open their voting places no later than 8:00 a.m. The amendment requires notification to be made to the state chairs of each political party when the Secretary of State authorizes a municipal clerk to open a sealed ballot container. Finally, the amendment adds a new section to the bill that prohibits a municipal clerk from removing absentee ballots from the municipal office to conduct in-person absentee voting unless requested to do so by the voter and prohibits a candidate or a member of the candidate's immediate family from assisting the clerk in delivering absentee ballots. The bill proposes to make the disclosure of another person's voted ballot a Class D crime. The amendment makes such disclosure a Class E crime.

**Enacted Law Summary**

Public Law 2011, chapter 342 is an omnibus bill dealing with many provisions in the election laws. It clarifies the requirements for the information that is created to help voters understand ballot questions, including the Attorney General's explanatory statement of what a "yes" vote favors and what a "no" vote opposes; the Office of Fiscal and Program Review's estimate of the fiscal impact on state revenues, appropriations and allocations of each ballot measure; and the Treasurer's Statement that accompanies each bond issue. Chapter 342 reorganizes the section of statute on retention of election materials so that the incoming voting list is addressed separately from the ballots. It adds a voter's year of birth to the information that must be included on the incoming voting list and specifies that the

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incoming voting list is a public record after it is unsealed following the election. This law reorganizes and enhances the sections of law governing the instructions that the Secretary of State must prepare for election officials and voters and details how informational materials must be made available to the voters. Chapter 342 clarifies the sections dealing with candidate withdrawals less than 60 days before a primary or general election. It also reorganizes the section of law governing how official ballots are provided to municipalities and specifies how the chain of custody must be maintained. Chapter 342 reorganizes the section of law governing how voted ballots are sealed and secured following the election and creates a separate section to describe the ballot security materials supplied by the Secretary of State. This law creates a new requirement that a municipality must apply to the Secretary of State at least 60 days before an election to change the location of a voting place. Chapter 342 clarifies the statute so it is explicit that it is a crime for a person who is entrusted with another voter's marked ballot to disclose the contents of that ballot to another person. This law also provides that absentee envelopes and applications are to be sealed separately from the ballots so that they become public records after they are unsealed. Under this law, the Secretary of State may authorize the municipal clerk, in the presence of the warden and an election clerk from each of the major parties, to open the sealed ballot security containers after an election for specific, limited purposes. In the event of opening a sealed ballot security container, chapter 342 requires notification to be made to the state chairs of each political party. This law requires the municipal clerk or registrar to keep a log of the petitions that are submitted to the municipal office for certification. Chapter 342 also clarifies the supervisory experience required for candidates for the office of sheriff. This law provides that a municipality with a population of 500 or less may open its voting place as late as 10:00 a.m. on election day. All other municipalities must open their voting places no later than 8:00 a.m. Finally, chapter 342 prohibits a municipal clerk from removing absentee ballots from the municipal office to conduct in-person absentee voting unless requested to do so by the voter and prohibits a candidate or a member of the candidate's immediate family from assisting the clerk in delivering absentee ballots.

**LD 1539 An Act To Improve Laws on Gaming**

**Carried Over**

Sponsor(s)

RAYE

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures designed to improve the laws governing gaming.

This bill was carried over to any special and/or regular session of the 125th Legislature by joint order, H.P. 1190.

**LD 1541 An Act To Amend the Campaign Finance Laws**

**PUBLIC 389  
EMERGENCY**

Sponsor(s)

FARNHAM

Committee Report

OTP-AM

Amendments Adopted

S-263

This bill amends the campaign finance laws by:

1. Extending the time period within which the Commission on Governmental Ethics and Election Practices must meet during the 28 days before an election upon the filing of a complaint. The bill provides that the commission shall meet within two business days, rather than the current period of one calendar day, and allows the commission

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to defer hearing minor complaints until after the election;

2. Clarifying that the commission is authorized to investigate disclosure violations by all organizations required to file campaign finance reports with the commission, including party committees and ballot question committees;
3. Maintaining the requirement that a candidate seeking elective office in a town or city with a population of 15,000 or more, and a political action committee seeking to promote or oppose ballot questions in those municipalities, register and file campaign finance reports with the municipal clerk. The town or city must keep these reports for eight years;
4. Exempting from the definition of "contribution" and "expenditure" any purchase of apparel from a commercial vendor with a cost of \$25 or less when the vendor received a graphic or design from a candidate;
5. Defining the term "influence" in campaign finance disclosure requirements to mean promoting, supporting, opposing or defeating a candidate or ballot question, in order to better describe those activities that require campaign finance disclosure. The bill makes corresponding changes to the definition of "expenditure," "campaign" and other disclosure requirements throughout the campaign finance laws;
6. Extending the expenditure exception for news stories, commentaries and editorials to communications distributed through a cable television system or publicly accessible site on the Internet, except in cases where the facility distributing the story or editorial has been compensated by a political party or candidate;
7. Prohibiting a candidate who is seeking Maine Clean Election Act funding from serving as the treasurer of the candidate's political campaign, except during the 14 days after the candidate registers until the candidate identifies another person to serve as treasurer;
8. Extending the attribution and disclaimer requirements for advertisements distributed through cable television systems;
9. Exempting small electronic media advertisements from the attribution and disclaimer requirements when compliance would be impractical due to size or character limitations;
10. Increasing the penalty for violations of the attribution and disclaimer requirements to \$5,000 per violation, except that a penalty of \$200 applies to yard signs that are in violation;
11. Creating exceptions to the attribution and disclaimer requirements for handbills, campaign signs and Internet activities costing \$100 or less by individuals acting independently of and without authorization by candidates, political action committees and party committees;
12. Extending contribution limitations to donations raised by a candidate on behalf of a political action committee that is organized primarily to promote that candidate;
13. Exempting from the independent expenditure reporting requirement opinion polls conducted by telephone, telephone calls made to identify individuals; positions on candidates and voter guides consisting primarily of candidates; responses to surveys and questionnaires;
14. Increasing the civil penalties for the late filing of campaign finance reports by political action committees and party committees when more than \$50,000 in financial activity is reported late;
15. Clarifying that organizations that donate to a political action committee do not qualify as a political action committee merely by making a donation;

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16. Requiring a political action committee to identify candidates or campaigns that the committee intends to support or oppose at the time of registration;
17. Specifying that qualifying contributions received by a candidate seeking Maine Clean Election Act funding that are collected more than five business days before the candidate files the declaration of intent with the commission are not valid;
18. Clarifying that the executive director of the commission shall make the initial determination whether a candidate has met the qualifications to receive Maine Clean Election Act funding, and that candidates and interested persons may appeal the executive director's determination to the members of the commission, in accordance with current practice;
19. Requiring a candidate seeking Maine Clean Election Act funding to qualify as a candidate no later than five business days after the end of the period to qualify for public funding;
20. Permitting the commission to decline to pay Maine Clean Election Act funding to candidates who have submitted fraudulent qualifying contributions or acknowledgment forms;
21. Prohibiting a candidate from spending Maine Clean Election Act funds to purchase computers or telephones with enhanced computing or electronic mail capabilities;
22. Requiring a candidate who spends Maine Clean Election Act funds for advertising on cable television systems to include closed-captioning, except for advertisements aired in the final 4 days before an election if inclusion of the closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement;
23. Requiring a legislative candidate who is not enrolled in a political party to qualify for Maine Clean Election Act funding by the same deadline as a legislative candidates who is enrolled in a political party; and
24. Requiring a Maine Clean Election Act candidate who pays more than \$500 in Maine Clean Election Act funds to a vendor who has provided campaign staff or consulting services to keep a record that was created contemporaneously with the provision of services.

### **Committee Amendment "A" (S-263)**

This amendment strikes two provisions that amended the definition of "expenditure" to exclude expenses incurred in the production or distribution of a news story through various media as long as the media is not owned or controlled by a candidate or political action committee or owned or controlled by someone directly connected to the candidate or political action committee, and in their place authorizes the Commission on Governmental Ethics and Election Practices to submit legislation to address issues in the laws governing disclosure of those expenditures in candidate campaigns and by political action committees. The amendment also makes two technical changes to correct references in current law.

### **Enacted Law Summary**

Public Law 2011, chapter 389 amends the campaign finance laws by:

1. Extending the time period within which the Commission on Governmental Ethics and Election Practices must meet during the 28 days before an election upon the filing of a complaint. The bill provides that the commission shall meet within two business days, rather than the current period of one calendar day, and allows the commission to defer hearing minor complaints until after the election;
2. Clarifying that the commission is authorized to investigate disclosure violations by all organizations required to file campaign finance reports with the commission, including party committees and ballot question committees;

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3. Maintaining the requirement that a candidate seeking elective office in a town or city with a population of 15,000 or more, and a political action committee seeking to promote or oppose ballot questions in those municipalities, register and file campaign finance reports with the municipal clerk. The town or city must keep these reports for eight years;
4. Exempting from the definition of "contribution" and "expenditure" any purchase of apparel from a commercial vendor with a cost of \$25 or less when the vendor received a graphic or design from a candidate;
5. Defining the term "influence" in campaign finance disclosure requirements to mean promoting, supporting, opposing or defeating a candidate or ballot question, in order to better describe those activities that require campaign finance disclosure. The bill makes corresponding changes to the definition of "expenditure," "campaign" and other disclosure requirements throughout the campaign finance laws;
6. Authorizing the Commission on Governmental Ethics and Election Practices to submit legislation to address issues in the laws governing disclosure of expenditures in candidate campaigns and by political action committees for news stories, commentaries and editorials to communications distributed through a cable television system or publicly accessible site on the Internet, except in cases where the facility distributing the story or editorial has been compensated by a political party or candidate;
7. Prohibiting a candidate who is seeking Maine Clean Election Act funding from serving as the treasurer of the candidate's political campaign, except during the 14 days after the candidate registers until the candidate identifies another person to serve as treasurer;
8. Extending the attribution and disclaimer requirements for advertisements distributed through cable television systems;
9. Exempting small electronic media advertisements from the attribution and disclaimer requirements when compliance would be impractical due to size or character limitations;
10. Increasing the penalty for violations of the attribution and disclaimer requirements to \$5,000 per violation, except that a penalty of \$200 applies to yard signs that are in violation;
11. Creating exceptions to the attribution and disclaimer requirements for handbills, campaign signs and Internet activities costing \$100 or less by individuals acting independently of and without authorization by candidates, political action committees and party committees;
12. Extending contribution limitations to donations raised by a candidate on behalf of a political action committee that is organized primarily to promote that candidate;
13. Exempting from the independent expenditure reporting requirement opinion polls conducted by telephone, telephone calls made to identify individuals' positions on candidates and voter guides consisting primarily of candidates' responses to surveys and questionnaires;
14. Increasing the civil penalties for the late filing of campaign finance reports by political action committees and party committees when more than \$50,000 in financial activity is reported late;
15. Clarifying that organizations that donate to a political action committee do not qualify as a political action committee merely by making a donation;
16. Requiring a political action committee to identify candidates or campaigns that the committee intends to support or oppose at the time of registration;

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17. Specifying that qualifying contributions received by a candidate seeking Maine Clean Election Act funding that are collected more than five business days before the candidate files the declaration of intent with the commission are not valid;
18. Clarifying that the executive director of the commission shall make the initial determination whether a candidate has met the qualifications to receive Maine Clean Election Act funding, and that candidates and interested persons may appeal the executive director's determination to the members of the commission, in accordance with current practice;
19. Requiring a candidate seeking Maine Clean Election Act funding to qualify as a candidate no later than five business days after the end of the period to qualify for public funding;
20. Permitting the commission to decline to pay Maine Clean Election Act funding to candidates who have submitted fraudulent qualifying contributions or acknowledgment forms;
21. Prohibiting a candidate from spending Maine Clean Election Act funds to purchase computers or telephones with enhanced computing or electronic mail capabilities;
22. Requiring a candidate who spends Maine Clean Election Act funds for advertising on cable television systems to include closed-captioning, except for advertisements aired in the final 4 days before an election if inclusion of the closed-captioning during that period is impractical or would materially affect the timing of the candidate's advertisement;
23. Requiring a legislative candidate who is not enrolled in a political party to qualify for Maine Clean Election Act funding by the same deadline as a legislative candidates who is enrolled in a political party; and
24. Requiring a Maine Clean Election Act candidate who pays more than \$500 in Maine Clean Election Act funds to a vendor who has provided campaign staff or consulting services to keep a record that was created contemporaneously with the provision of services.

Chapter 389 was enacted as an emergency measure effective June 20, 2011.

*Joint Standing Committee on Veterans and Legal Affairs*

**SUBJECT INDEX**

*Alcoholic Beverages*

Enacted

LD 2	An Act To Allow Farm Wineries To Charge for Wine Tastings	PUBLIC 62
LD 220	An Act Relating to Maine Farm Wineries	PUBLIC 48
LD 343	An Act To Facilitate a Change of Location for Agency Liquor Stores	PUBLIC 135
LD 416	An Act To Amend the Taste Testing of Wine Law	PUBLIC 69
LD 504	Resolve, Directing the Department of Public Safety, Division of Liquor Licensing and Compliance To Amend Its Rules Governing the Return of Spirits by Consumers	RESOLVE 41
LD 528	An Act To Change the Frequency of Alcoholic Beverage Tastings Allowed in a 12-month Period	PUBLIC 103
LD 649	An Act To Establish a Special Food and Beverage Industry Taste-testing Event License	PUBLIC 259 EMERGENCY
LD 763	An Act To Allow the Sale of Locally Produced Beer and Wine at Farmers' Markets	PUBLIC 280
LD 864	An Act Regarding the Minimum Stock Required by Agency Liquor Stores	PUBLIC 140
LD 1228	An Act To Streamline the Liquor Licensing Reporting Procedure	PUBLIC 147
LD 1300	An Act To Create a Consolidated Liquor License and Amend the Laws Governing Agency Liquor Stores	PUBLIC 460
LD 1358	An Act To Amend the Requirements Concerning Small Restaurants That Serve Alcoholic Beverages	PUBLIC 242 EMERGENCY

Not Enacted

LD 103	An Act To Improve the Access of Beer and Wine Licensees to Agency Liquor Store Licenses	ONTP
LD 172	An Act To Exempt Nonprofit Organizations from the Laws Governing Serving Alcohol near a Church	LEAVE TO WITHDRAW
LD 481	An Act To Make the Cashier or Clerk Who Sells Alcoholic Beverages or Tobacco to an Underage Person Responsible for Paying the Fine	ONTP

LD 821	Resolve, To Study the Feasibility of Transferring Administration of the Liquor Laws to the Bureau of Alcoholic Beverages and Lottery Operations	VETO SUSTAINED
LD 901	An Act To Prohibit Individuals under 21 Years of Age from Being in Certain Establishments Licensed To Sell Alcohol	ONTP
LD 902	An Act To Require That Liquor Be Sold at a Profit	ONTP
LD 905	An Act To Improve Maine's Liquor Distribution System	Carried Over
LD 907	An Act To Amend the Agency Liquor Store Laws	LEAVE TO WITHDRAW
LD 1140	An Act To Amend the Dual Liquor License Law	ONTP
LD 1141	An Act To Allow Direct Shipment of Beer and Wine by Retail Licensees	ACCEPTED ONTP REPORT
LD 1339	An Act To Amend the Process for Appeals of Liquor Licensing Decisions	ONTP

*Beano and Games of Chance*

Enacted

LD 535	An Act To Amend the Laws Pertaining to High-stakes Beano	PUBLIC 410
LD 974	An Act To Revise the Laws on Tournament Games	PUBLIC 325
LD 1427	An Act To Amend Seasonal Licenses for the Operation of Beano or Bingo Games	PUBLIC 339
LD 1474	An Act To Amend the Beano Laws	PUBLIC 301

Not Enacted

LD 1180	An Act To Transfer Responsibility for Oversight of Games of Chance to the Gambling Control Board	ONTP
LD 1403	An Act To Allow Eligible Nonprofit Organizations To Hold Two Card Games Per Month	ONTP

*Campaign Finance and Maine Clean Election Act*

Enacted

LD 231	Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Routine Technical Rules Governing the Maine Clean Election Act and Equipment Repurchase	RESOLVE 19
LD 726	Resolve, To Reduce Funding to Maine Clean Election Act Candidates	RESOLVE 89

LD 848	<b>Resolve, Directing the Commission on Governmental Ethics and Election Practices To Study Modifying the Maine Clean Election Act</b>	<b>RESOLVE 103</b>
LD 856	<b>An Act To Change the Campaign Contribution Limits</b>	<b>PUBLIC 382</b>
LD 989	<b>An Act To Improve Transparency in Political Campaigns by Providing Quicker Access to Reports</b>	<b>PUBLIC 367</b>
LD 1100	<b>An Act To Increase Transparency in Funding of Campaign Advertisements</b>	<b>PUBLIC 360</b>
LD 1541	<b>An Act To Amend the Campaign Finance Laws</b>	<b>PUBLIC 389 EMERGENCY</b>
<b><u>Not Enacted</u></b>		
LD 80	<b>An Act Regarding Maine Clean Election Act Funds for a Candidate without a Primary Opponent</b>	<b>ONTP</b>
LD 120	<b>An Act To End Taxpayer-funded Campaigns for Gubernatorial Candidates</b>	<b>Carried Over</b>
LD 196	<b>An Act Regarding Unenrolled Candidates under the Maine Clean Election Act</b>	<b>ONTP</b>
LD 659	<b>An Act To Repeal the Maine Clean Election Laws</b>	<b>MAJORITY (ONTP) REPORT</b>
LD 663	<b>An Act To Amend the Laws Governing Corporate Political Donations</b>	<b>MAJORITY (ONTP) REPORT</b>
LD 798	<b>An Act To Prohibit Nonresidents from Contributing to Maine Political Campaigns or Candidates</b>	<b>ONTP</b>
LD 814	<b>An Act Relating to Political Action Committees in Maine</b>	<b>MAJORITY (ONTP) REPORT</b>
LD 820	<b>An Act To Alter the Distribution of Maine Clean Election Act Funding</b>	<b>ONTP</b>
LD 843	<b>An Act To Modernize the Maine Clean Election Act by Allowing for Private Contributions</b>	<b>ONTP</b>
LD 968	<b>An Act To Require Participating Candidates Who Are Principal Officers of Political Action Committees To Give a Percentage of Funds to the Maine Clean Election Fund</b>	<b>ONTP</b>
LD 1054	<b>An Act To Revise the Maine Clean Election Act Regarding Legislative Leadership Positions</b>	<b>ACCEPTED REPORT A (ONTP)</b>
LD 1262	<b>An Act To Increase Penalties for Certain Violations of the Campaign Reports and Financing Laws</b>	<b>Carried Over</b>
LD 1277	<b>An Act To Exempt Contributions for the Retirement of Old Campaign Debt from Contribution Limits</b>	<b>ONTP</b>

LD 1355	An Act To Encourage Transparency in Certain Organizations Involved in Political Campaigns	ONTP
LD 1523	An Act To Improve the Maine Clean Election Act	Carried Over
LD 1526	An Act Regarding Corporate and Other Entity Campaign Advertising Disclosure and Accountability	MINORITY (ONTP) REPORT

*Campaign Practices*

Enacted

LD 1254	Resolve, Directing the Executive Director of the Commission on Governmental Ethics and Election Practices To Review the Law Governing Push Polling	RESOLVE 87
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*Claims Against the State*

Not Enacted

LD 76	An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee	ONTP
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*Defense, Veterans and Emergency Management*

Enacted

LD 633	An Act To Update Department of Defense, Veterans and Emergency Management Laws	PUBLIC 112
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Not Enacted

LD 1305	An Act To Limit the Use of the National Guard to Situations Specifically Authorized by the United States Constitution	MAJORITY (ONTP) REPORT
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*Elections*

Enacted

LD 142	An Act To Improve Party Status Requirements	PUBLIC 227
LD 277	An Act To Make Disputed Ballots in State Elections Public	PUBLIC 258
LD 285	An Act Regarding the Qualifications of Candidates for Office	PUBLIC 239
LD 1000	Resolve, Directing the Secretary of State To Examine Centralization of the Petition Signature Verification Process	RESOLVE 75
LD 1134	An Act To Make Municipal Recounts Consistent with State Recounts	PUBLIC 255

LD 1478 An Act To Fully Enfranchise Voters PUBLIC 409

LD 1528 An Act To Amend the Election Laws and Other Related Laws PUBLIC 342

Not Enacted

LD 34 An Act To Require Candidates for Public Office To Provide Proof of Citizenship ONTP

LD 73 An Act To Establish a Uniform Deadline for Persons Qualifying as Candidates ONTP

LD 503 Resolve, Directing the Secretary of State To Examine the Issue of a Run-off Election for Governor MAJORITY (ONTP) REPORT

LD 545 An Act To Improve Ballot Access for Gubernatorial Candidates MINORITY (ONTP) REPORT

LD 797 An Act To Reform the Election Laws LEAVE TO WITHDRAW

LD 832 An Act Regarding Write-in Candidates in Municipal and City Elections DIED BETWEEN HOUSES

LD 1126 An Act To Require That the Governor Be Elected by the Ranked-choice Voting Method MAJORITY (ONTP) REPORT

*Governmental Ethics and Election Practices*

Not Enacted

LD 1245 An Act To Modify the Responsibilities of the Commission on Governmental Ethics and Election Practices ONTP

*Harness Racing and Off-track Betting*

Enacted

LD 561 An Act To Clarify Certain Provisions in the Harness Racing Laws PUBLIC 142 EMERGENCY

LD 1155 An Act To Allow Harness Racing Betting To Be Conducted at Class A Lounges PUBLIC 99

*Initiatives and Referenda*

Not Enacted

LD 97 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Certain Changes to a Direct Initiative of Legislation for a Period of Time after It Is Approved by the Voters MAJORITY (ONTP) REPORT

## *Landlord/Tenant Laws*

### Enacted

LD 657	An Act To Permit Disposal of Abandoned Manufactured Housing	PUBLIC 127 EMERGENCY
LD 1006	An Act To Provide a Remedy to Property Owners When a Tenant Defaults on a Lease	PUBLIC 122
LD 1048	An Act To Delay the Implementation of the Rental Housing Radon Testing Requirement	PUBLIC 157
LD 1067	An Act To Improve Awareness of Smoking Policies in Maine Rental Housing	PUBLIC 199

### Not Enacted

LD 74	An Act To Impose Liability on a Landlord for Damages Caused by a Tenant's Pet	ONTP
LD 943	An Act To Amend the Laws Governing the Eviction of Residential Tenants	ONTP

## *Legislative Ethics*

### Not Enacted

LD 1150	An Act To Improve the Administration of the Legislative Ethics Laws	Carried Over
LD 1260	An Act To Improve Transparency in Maine Government	MAJORITY (ONTP) REPORT

## *Lobbying and Lobbyists*

### Enacted

LD 1151	An Act Regarding Reporting Procedures of Lobbyists	PUBLIC 179
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## *Lottery*

### Enacted

LD 1513	An Act To Clarify the Maine State Lottery Agent Licensing Process	PUBLIC 310
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## *Slot Machines and Gambling*

### Enacted

LD 393	An Act To Implement the Recommendations Regarding the Legislative Review of the Allocation of Slot Machine Revenue	PUBLIC 358
LD 677	An Act Regarding the Determination of Distance for the Purposes of the Gambling Control Board Laws	PUBLIC 56

LD 1418	An Act To Allow Table Games at a Facility Licensed To Operate Slot Machines on January 1, 2011	PUBLIC 417
<u>Not Enacted</u>		
LD 178	An Act Relating to Distribution of Revenues from Future Casinos	ONTP
LD 227	An Act Relating to the Establishment of Casinos	Carried Over
LD 643	An Act To Protect Public Safety in the Operation of Casinos	HELD BY GOVERNOR
LD 846	An Act To Assist Nonprofit Corporations Harmed by a Casino	NOT PROPERLY BEFORE BODY
LD 985	An Act Regarding Establishing a Slot Machine Facility	DIED BETWEEN HOUSES
LD 1203	An Act To Amend the Laws Governing the Deadline and Conditions for Municipal Approval of a Second Racino and To Allow a Tribal Racino in Washington County	ENACTMENT FAILED
LD 1344	An Act To Fund Commuter and Passenger Rail Transportation in Maine	MAJORITY (ONTP) REPORT
LD 1469	An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations	Carried Over
LD 1539	An Act To Improve Laws on Gaming	Carried Over

*Veterans*

Enacted

LD 299	An Act Regarding the Southern Maine Veterans Memorial Cemetery	PUBLIC 440
LD 723	An Act To End Homelessness for Veterans in Maine	PUBLIC 329
LD 1265	An Act To Allow the Unclaimed Remains of a Veteran To Have Proper Burial	PUBLIC 318

Not Enacted

LD 1037	An Act To Establish a Welcome Home Bonus for Veterans of the Campaigns in Iraq and Afghanistan	ONTP
LD 1190	An Act To Support Maine Veterans Nonprofit Corporations	MAJORITY (ONTP) REPORT

*Voting*

**Enacted**

<b>LD 179</b>	<b>An Act To Prohibit the Issuance of a Duplicate Absentee Ballot under Certain Circumstances</b>	<b>PUBLIC 40</b>
<b>LD 1376</b>	<b>An Act To Preserve the Integrity of the Voter Registration and Election Process</b>	<b>PUBLIC 399</b>

**Not Enacted**

<b>LD 199</b>	<b>An Act To Strengthen Maine's Election Laws by Requiring Photograph Identification for the Purpose of Voting</b>	<b>Carried Over</b>
<b>LD 203</b>	<b>An Act To Assist Municipal Clerks by Providing Adequate Time To Register Voters</b>	<b>ONTP</b>
<b>LD 896</b>	<b>An Act To Adopt the Uniform Military and Overseas Voters Act</b>	<b>Carried Over</b>

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**APPENDIX A**

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**SESSION STATISTICS**

**OVERALL AND**

**BY INDIVIDUAL COMMITTEE**

**125th LEGISLATURE  
FIRST REGULAR SESSION**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>		
<i>Bills referred and voted out</i>	1442	90.8%
<u><i>Bills Carried Over to next session</i></u>	130	8.2%
<b>Total Bills referred</b>	1572 *	99.0%
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	1	0.1%
<b>C. Bills introduced without reference</b>	12	0.8%
<b>D. <u>Bills referred, but not reported out</u></b>	<u>3</u>	
<b>Total Bills and Orders considered by Legislature</b>	<b>1588</b>	100.0%
<b>E. Orders and Resolutions Referred to Committee</b>		
<i>Joint Study Orders</i>	1	
<i>Joint Resolutions referred and voted out</i>	0	
<i>Orders and Resolutions Carried Over to next session</i>	4	0.3%
<b>Total Orders and Resolutions Referred</b>	<b>5</b>	0.3%
II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	<u>Number</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>		
<i>Ought to Pass</i>	94	6.5%
<i>Ought to Pass as Amended</i>	425	29.4%
<i>Leave to Withdraw</i>	24	1.7%
<u><i>Ought Not to Pass</i></u>	<u>561</u>	<u>38.9%</u>
<b>Total unanimous reports</b>	<b>1104</b>	<b>76.5%</b>
<b>B. Divided committee reports</b>		
<i>Two-way reports</i>	332	23.0%
<i>Three-way reports</i>	8	0.6%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>340</b>	<b>23.5%</b>
<b>Total Committee reports</b>	<b>1444</b>	<b>91.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>38</b>	<b>N/A</b>
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of All Bills/Rules</u>
<b>A. Bills and Papers enacted or finally passed</b>		
<i>Joint Study Orders</i>	1	0.0%
<i>Public laws</i>	464	29.2%
<i>Private and Special Laws</i>	18	1.1%
<i>Resolves</i>	113	7.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>596</b>	<b>37.5%</b>
<b>B. Resolves to authorize major substantive rules</b>		
Rules authorized without legislative changes	11	64.7%
Rules authorized with legislative changes	6	35.3%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>17</b>	<b>100.0%</b>
<b>C. Bills Reviewed by Judiciary Committee for Public Records Exceptions</b>	<b>18</b>	<b>100.0%</b>
<b>D. Bills vetoed or held by Governor</b>		
<i>Vetoed over-ridden</i>	0	0.0%
<i>Vetoed sustained</i>	12	0.8%
<u><i>Held by the Governor</i></u>	<u>6</u>	<u>0.4%</u>
<b>Total</b>	<b>18</b>	<b>1.1%</b>

\* Total bills referred does not include LDs 48 and 788 which were referred to a committee, but not reported out and LD 492 which was voted by HHS Committee to be rereferred to the ENR Committee and then was indefinitely postponed by the House and Senate.

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

**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>	54	94.7%	3.4%
<i>Bills Carried Over to next session</i>	<u>3</u>	<u>5.3%</u>	<u>0.2%</u>
<b>Total Bills referred</b>	<b>57</b>	<b>100.0%</b>	<b>3.6%</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>57</b>	<b>100.0%</b>	<b>3.6%</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</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	3.7%	0.1%
<i>Ought to Pass as Amended</i>	21	38.9%	1.5%
<i>Leave to Withdraw</i>	2	3.7%	0.1%
<i>Ought Not to Pass</i>	21	38.9%	1.5%
<b>Total unanimous reports</b>	<b>46</b>	<b>85.2%</b>	<b>3.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	8	14.8%	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>8</b>	<b>14.8%</b>	<b>0.6%</b>
<b>Total committee reports</b>	<b>54</b>	<b>94.7%</b>	<b>3.7%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>5</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	24.6%	0.9%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	12	21.1%	0.8%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>26</b>	<b>45.6%</b>	<b>1.6%</b>
<b>B. Major substantive rules</b>			
Authorized without legislative changes	1	100.0%	5.9%
Authorized with legislative changes	0	0.0%	0.0%
Not authorized by the Legislature	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>5.9%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**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>	17	36.2%	1.1%
<i>Bills Carried Over to next session</i>	<u>30</u>	<u>63.8%</u>	<u>1.9%</u>
<b>Total Bills referred</b>	<b>47</b>	<b>100.0%</b>	<b>3.0%</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>47</b>	<b>100.0%</b>	<b>3.0%</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	5.9%	0.1%
<i>Ought to Pass as Amended</i>	6	35.3%	0.4%
<i>Leave to Withdraw</i>	2	11.8%	0.1%
<i>Ought Not to Pass</i>	<u>8</u>	<u>47.1%</u>	<u>0.6%</u>
<b>Total unanimous reports</b>	<b>17</b>	<b>100.0%</b>	<b>1.2%</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>Four-way reports</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>17</b>	<b>36.2%</b>	<b>1.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</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/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	5	10.6%	0.3%
<i>Private and Special Laws</i>	1	2.1%	0.1%
<i>Resolves</i>	1	2.1%	0.1%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>7</b>	<b>14.9%</b>	<b>0.4%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**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>	107	95.5%	6.7%
<i><u>Bills Carried Over to next session</u></i>	<u>5</u>	<u>4.5%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>112</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>112</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>	<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>	5	4.7%	0.3%
<i>Ought to Pass as Amended</i>	34	31.8%	2.4%
<i>Leave to Withdraw</i>	2	1.9%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>38</u>	<u>35.5%</u>	<u>2.6%</u>
<b>Total unanimous reports</b>	<b>79</b>	<b>73.8%</b>	<b>5.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	27	25.2%	1.9%
<i>Three-way reports</i>	1	0.9%	0.1%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>28</b>	<b>26.2%</b>	<b>1.9%</b>
<b>Total committee reports</b>	<b>107</b>	<b>95.5%</b>	<b>7.4%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>4</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/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	44	39.3%	2.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	0.9%	0.1%
<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>45</b>	<b>40.2%</b>	<b>2.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>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>	1	0.9%	0.1%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>0.9%</b>	<b>0.1%</b>

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

**JOINT STANDING COMMITTEE ON  
EDUCATION AND CULTURAL AFFAIRS**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	129	92.8%	8.1%
<i><u>Bills Carried Over to next session</u></i>	<u>10</u>	<u>7.2%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>139</b>	<b>100.0%</b>	<b>8.8%</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>139</b>	<b>100.0%</b>	<b>8.8%</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>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	10	7.8%	0.7%
<i>Ought to Pass as Amended</i>	34	26.4%	2.4%
<i>Leave to Withdraw</i>	1	0.8%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>44</u>	<u>34.1%</u>	<u>3.0%</u>
<b>Total unanimous reports</b>	<b>89</b>	<b>69.0%</b>	<b>6.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	38	29.5%	2.6%
<i>Three-way reports</i>	2	1.6%	0.1%
<i>Four-way reports</i>	0	0.0%	0.0%
<b>Total divided reports</b>	<b>40</b>	<b>31.0%</b>	<b>2.8%</b>
<b>Total committee reports</b>	<b>129</b>	<b>92.8%</b>	<b>8.9%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>6</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	37	26.6%	2.3%
<i>Private and Special Laws</i>	3	2.2%	0.2%
<i>Resolves</i>	15	10.8%	0.9%
<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>55</b>	<b>39.6%</b>	<b>3.5%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	1	50.0%	5.9%
<i>Rules authorized with legislative changes</i>	1	50.0%	5.9%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>11.8%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	3	2.2%	0.2%
<i><u>Held by the Governor</u></i>	<u>1</u>	<u>0.7%</u>	<u>0.1%</u>
<b>Total</b>	<b>4</b>	<b>2.9%</b>	<b>0.3%</b>

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

**JOINT STANDING COMMITTEE ON  
ENVIRONMENT AND NATURAL RESOURCES**

**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>	75	92.6%	4.7%
<u><i>Bills Carried Over to next session</i></u>	<u>6</u>	<u>7.4%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>81</b>	<b>100.0%</b>	<b>5.1%</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>81</b>	<b>100.0%</b>	<b>5.1%</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>	<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	4.0%	0.2%
<i>Ought to Pass as Amended</i>	18	24.0%	1.2%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>32</u>	<u>42.7%</u>	<u>2.2%</u>
<b>Total unanimous reports</b>	<b>54</b>	<b>72.0%</b>	<b>3.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	21	28.0%	1.5%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>21</b>	<b>28.0%</b>	<b>1.5%</b>
<b>Total committee reports</b>	<b>75</b>	<b>92.6%</b>	<b>5.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	29.6%	1.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	9	11.1%	0.6%
<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>33</b>	<b>40.7%</b>	<b>2.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	2	66.7%	11.8%
Rules authorized with legislative changes	1	33.3%	5.9%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>3</b>	<b>100.0%</b>	<b>17.6%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**JOINT STANDING COMMITTEE ON  
ENERGY AND UTILITIES**

**Summary of Committee Actions**

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	90	97.8%	5.7%
<i><u>Bills Carried Over to next session</u></i>	<u>2</u>	<u>2.2%</u>	<u>0.1%</u>
<b>Total Bills referred</b>	<b>92</b>	<b>100.0%</b>	<b>5.8%</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>92</b>	<b>100.0%</b>	<b>5.8%</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>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	5.6%	0.3%
<i>Ought to Pass as Amended</i>	36	40.4%	2.5%
<i>Leave to Withdraw</i>	2	2.2%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>37</u>	<u>41.6%</u>	<u>2.6%</u>
<b>Total unanimous reports</b>	<b>80</b>	<b>89.9%</b>	<b>5.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	9	10.1%	0.6%
<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>9</b>	<b>10.1%</b>	<b>0.6%</b>
<b>Total committee reports</b>	<b>89 *</b>	<b>96.7%</b>	<b>6.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	28	30.4%	1.8%
<i>Private and Special Laws</i>	6	6.5%	0.4%
<i>Resolves</i>	9	9.8%	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>43</b>	<b>46.7%</b>	<b>2.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	2	100.0%	11.8%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>11.8%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>1</u>	<u>1.1%</u>	<u>0.1%</u>
<b>Total</b>	<b>1</b>	<b>1.1%</b>	<b>0.1%</b>

\* Total committee reports does not include LD 48 which was removed from committee without a vote pursuant to JT. Rule 309.

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

**JOINT STANDING COMMITTEE ON  
HEALTH AND HUMAN SERVICES**

**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>	138	94.5%	8.7%
<i>Bills Carried Over to next session</i>	<u>8</u>	<u>5.5%</u>	<u>0.5%</u>
<b>Total Bills referred</b>	<b>146</b>	<b>100.0%</b>	<b>9.2%</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>146</b>	<b>100.0%</b>	<b>9.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	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>1</b>	<b>100.0%</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>	12	8.7%	0.8%
<i>Ought to Pass as Amended</i>	51	37.0%	3.5%
<i>Leave to Withdraw</i>	1	0.7%	0.1%
<i>Ought Not to Pass</i>	<u>43</u>	<u>31.2%</u>	<u>3.0%</u>
<b>Total unanimous reports</b>	<b>107</b>	<b>77.5%</b>	<b>7.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	31	22.5%	2.1%
<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>31</b>	<b>22.5%</b>	<b>2.1%</b>
<b>Total committee reports</b>	<b>138*</b>	<b>93.9%</b>	<b>9.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	1	100.0%	0.0%
<i>Public laws</i>	42	28.8%	2.6%
<i>Private and Special Laws</i>	1	0.7%	0.1%
<i>Resolves</i>	25	17.1%	1.6%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>69</b>	<b>47.3%</b>	<b>4.3%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	4	66.7%	23.5%
Rules authorized with legislative changes	2	33.3%	11.8%
<i>Rules not authorized by the Legislature</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>6</b>	<b>100.0%</b>	<b>35.3%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	3	2.1%	0.2%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>3</b>	<b>2.1%</b>	<b>0.2%</b>

\* Total committee reports does not include LD 492 which was voted by HHS Committee to be rereferred to the ENR Committee and then was indefinitely postponed by the House and Senate.

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

# JOINT STANDING COMMITTEE ON 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>	81	93.1%	5.1%
<u><i>Bills Carried Over to next session</i></u>	<u>5</u>	<u>5.7%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>86</b>	<b>98.9%</b>	<b>5.4%</b>
<b>B. Bills reported out by law or joint order and not referred back to committee</b>	1	1.1%	0.1%
<b>Total Bills considered by Committee</b>	<b>87</b>	<b>100.0%</b>	<b>5.5%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>II. COMMITTEE REPORTS</b>	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	9	11.0%	0.6%
<i>Ought to Pass as Amended</i>	16	19.5%	1.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>43</u>	<u>52.4%</u>	<u>3.0%</u>
<b>Total unanimous reports</b>	<b>68</b>	<b>82.9%</b>	<b>4.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	14	17.1%	1.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>14</b>	<b>17.1%</b>	<b>1.0%</b>
<b>Total committee reports</b>	<b>82</b>	<b>94.3%</b>	<b>5.7%</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/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	27	31.0%	1.7%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	3.4%	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>30</b>	<b>34.5%</b>	<b>1.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	2	100.0%	11.8%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>2</b>	<b>100.0%</b>	<b>11.8%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.1%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>1.1%</b>	<b>0.1%</b>

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

**JOINT STANDING COMMITTEE ON  
INLAND FISHERIES AND WILDLIFE**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	79	91.9%	5.0%
<i><u>Bills Carried Over to next session</u></i>	<u>7</u>	<u>8.1%</u>	<u>0.4%</u>
<b>Total Bills referred</b>	<b>86</b>	<b>100.0%</b>	<b>5.4%</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>86</b>	<b>100.0%</b>	<b>5.4%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	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>	4	5.1%	0.3%
<i>Ought to Pass as Amended</i>	15	19.0%	1.0%
<i>Leave to Withdraw</i>	1	1.3%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>34</u>	<u>43.0%</u>	<u>2.4%</u>
<b>Total unanimous reports</b>	<b>54</b>	<b>68.4%</b>	<b>3.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	24	30.4%	1.7%
<i>Three-way reports</i>	1	1.3%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>25</b>	<b>31.6%</b>	<b>1.7%</b>
<b>Total committee reports</b>	<b>79</b>	<b>91.9%</b>	<b>5.5%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>5</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	26.7%	1.4%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	5	5.8%	0.3%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>28</b>	<b>32.6%</b>	<b>1.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**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>	102	91.9%	6.4%
<u><i>Bills Carried Over to next session</i></u>	<u>9</u>	<u>8.1%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>111</b>	<b>100.0%</b>	<b>7.0%</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>111</b>	<b>100.0%</b>	<b>7.0%</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>	11	10.8%	0.8%
<i>Ought to Pass as Amended</i>	33	32.4%	2.3%
<i>Leave to Withdraw</i>	1	1.0%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>33</u>	<u>32.4%</u>	<u>2.3%</u>
<b>Total unanimous reports</b>	<b>78</b>	<b>76.5%</b>	<b>5.4%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	24	23.5%	1.7%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>24</b>	<b>23.5%</b>	<b>1.7%</b>
<b>Total committee reports</b>	<b>102</b>	<b>91.9%</b>	<b>7.1%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>1</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	45	40.5%	2.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	3	2.7%	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>48</b>	<b>43.2%</b>	<b>3.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	1	100.0%	5.9%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>1</b>	<b>100.0%</b>	<b>5.9%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	0.9%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>1</b>	<b>0.9%</b>	<b>0.1%</b>

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

**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>	106	89.8%	6.7%
<u><i>Bills Carried Over to next session</i></u>	<u>12</u>	<u>10.2%</u>	<u>0.8%</u>
<b>Total Bills referred</b>	<b>118</b>	<b>100.0%</b>	<b>7.4%</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>118</b>	<b>100.0%</b>	<b>7.4%</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>	10	9.5%	0.7%
<i>Ought to Pass as Amended</i>	32	30.5%	2.2%
<i>Leave to Withdraw</i>	3	2.9%	0.2%
<u><i>Ought Not to Pass</i></u>	<u>41</u>	<u>39.0%</u>	<u>2.8%</u>
<b>Total unanimous reports</b>	<b>86</b>	<b>81.9%</b>	<b>6.0%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	18	17.1%	1.2%
<i>Three-way reports</i>	1	1.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>19</b>	<b>18.1%</b>	<b>1.3%</b>
<b>Total committee reports</b>	<b>105 *</b>	<b>89.0%</b>	<b>7.3%</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/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	40	33.9%	2.5%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	8	6.8%	0.5%
<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>48</b>	<b>40.7%</b>	<b>3.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	2	1.7%	0.1%
<u><i>Held by the Governor</i></u>	<u>1</u>	<u>0.8%</u>	<u>0.1%</u>
<b>Total</b>	<b>3</b>	<b>2.5%</b>	<b>0.2%</b>

\* Total committee reports does not include LD 788 which was removed from committee without a vote under Jt. Rule. 309.

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

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

**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>	27	96.4%	1.7%
<i><u>Bills Carried Over to next session</u></i>	<u>1</u>	<u>3.6%</u>	<u>0.1%</u>
<b>Total Bills referred</b>	<b>28</b>	<b>100.0%</b>	<b>1.8%</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>28</b>	<b>100.0%</b>	<b>1.8%</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>	<u>Number</u>		
<b>A. Unanimous committee reports</b>			
<i>Ought to Pass</i>	1	3.7%	0.1%
<i>Ought to Pass as Amended</i>	11	40.7%	0.8%
<i>Leave to Withdraw</i>	1	3.7%	0.1%
<i><u>Ought Not to Pass</u></i>	<u>10</u>	<u>37.0%</u>	<u>0.7%</u>
<b>Total unanimous reports</b>	<b>23</b>	<b>85.2%</b>	<b>1.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	4	14.8%	0.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>4</b>	<b>14.8%</b>	<b>0.3%</b>
<b>Total committee reports</b>	<b>27</b>	<b>96.4%</b>	<b>1.9%</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/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>		
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	12	42.9%	0.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	3.6%	0.1%
<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>13</b>	<b>46.4%</b>	<b>0.8%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>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%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**JOINT SELECT COMMITTEE ON  
REGULATORY FAIRNESS AND REFORM**

**Summary of Committee Actions**

<b>I. BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	3	100.0%	0.2%
<u><i>Bills Carried Over to next session</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Bills referred</b>	<b>3</b>	<b>100.0%</b>	<b>0.2%</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>3</b>	<b>100.0%</b>	<b>0.2%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<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	33.3%	0.1%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>2</u>	<u>66.7%</u>	<u>0.1%</u>
<b>Total unanimous reports</b>	<b>3</b>	<b>100.0%</b>	<b>0.2%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	0	0.0%	0.0%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Total committee reports</b>	<b>3</b>	<b>100.0%</b>	<b>0.2%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	1	33.3%	0.1%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	0	0.0%	0.0%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>1</b>	<b>33.3%</b>	<b>0.1%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**JOINT SELECT COMMITTEE ON  
RULES**

**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>	0	0.0%	0.0%
<i><u>Bills Carried Over to next session</u></i>	<u>1</u>	<u>100.0%</u>	<u>0.1%</u>
<b>Total Bills referred</b>	<b>1</b>	<b>100.0%</b>	<b>0.1%</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>1</b>	<b>100.0%</b>	<b>0.1%</b>
<b>Orders and Resolutions referred to Committee</b>			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>4</u>	<u>100.0%</u>	<u>0.0%</u>
<b>Total Orders and Resolutions Referred</b>	<b>4</b>	<b>100.0%</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>	0	0.0%	0.0%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total unanimous reports</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</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>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	0	0.0%	0.0%
<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>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>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%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

# JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

## Summary of Committee Actions

I. <b>BILLS AND PAPERS CONSIDERED</b>	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
<b>A. Bills referred to Committee</b>			
<i>Bills referred and voted out</i>	92	95.8%	5.8%
<i>Bills Carried Over to next session</i>	<u>4</u>	<u>4.2%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>96</b>	<b>100.0%</b>	<b>6.0%</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>96</b>	<b>100.0%</b>	<b>6.0%</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. <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>	4	4.3%	0.3%
<i>Ought to Pass as Amended</i>	26	28.3%	1.8%
<i>Leave to Withdraw</i>	2	2.2%	0.1%
<i>Ought Not to Pass</i>	<u>33</u>	<u>35.9%</u>	<u>2.3%</u>
<b>Total unanimous reports</b>	<b>65</b>	<b>70.7%</b>	<b>4.5%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	27	29.3%	1.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>27</b>	<b>29.3%</b>	<b>1.9%</b>
<b>Total committee reports</b>			
	<b>92</b>	<b>95.8%</b>	<b>6.4%</b>
III. <b>CONFIRMATION HEARINGS</b>	0	N/A	N/A
IV. <b>FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	21	21.9%	1.3%
<i>Private and Special Laws</i>	3	3.1%	0.2%
<i>Resolves</i>	6	6.3%	0.4%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>30</b>	<b>31.3%</b>	<b>1.9%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**JOINT STANDING COMMITTEE ON  
TAXATION**

**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>	138	92.0%	8.7%
<i><u>Bills Carried Over to next session</u></i>	<u>12</u>	<u>8.0%</u>	<u>0.8%</u>
<b>Total Bills referred</b>	<b>150</b>	<b>100.0%</b>	<b>9.4%</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>150</b>	<b>100.0%</b>	<b>9.4%</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	3.6%	0.3%
<i>Ought to Pass as Amended</i>	23	16.7%	1.6%
<i>Leave to Withdraw</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>63</u>	<u>45.7%</u>	<u>4.4%</u>
<b>Total unanimous reports</b>	<b>91</b>	<b>65.9%</b>	<b>6.3%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	46	33.3%	3.2%
<i>Three-way reports</i>	1	0.7%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>47</b>	<b>34.1%</b>	<b>3.3%</b>
<b>Total committee reports</b>	<b>138</b>	<b>92.0%</b>	<b>9.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	23	15.3%	1.4%
<i>Private and Special Laws</i>	2	1.3%	0.1%
<i>Resolves</i>	2	1.3%	0.1%
<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>27</b>	<b>18.0%</b>	<b>1.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-riden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>2</u>	<u>1.3%</u>	<u>0.1%</u>
<b>Total</b>	<b>2</b>	<b>1.3%</b>	<b>0.1%</b>

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

**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>	112	95.7%	7.1%
<u><i>Bills Carried Over to next session</i></u>	<u>5</u>	<u>4.3%</u>	<u>0.3%</u>
<b>Total Bills referred</b>	<b>117</b>	<b>100.0%</b>	<b>7.4%</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>117</b>	<b>100.0%</b>	<b>7.4%</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>	10	8.9%	0.7%
<i>Ought to Pass as Amended</i>	31	27.7%	2.1%
<i>Leave to Withdraw</i>	2	1.8%	0.1%
<u><i>Ought Not to Pass</i></u>	<u>53</u>	<u>47.3%</u>	<u>3.7%</u>
<b>Total unanimous reports</b>	<b>96</b>	<b>85.7%</b>	<b>6.6%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	16	14.3%	1.1%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>16</b>	<b>14.3%</b>	<b>1.1%</b>
<b>Total committee reports</b>	<b>112</b>	<b>95.7%</b>	<b>7.8%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
<b>IV. FINAL DISPOSITION</b>	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
<b>A. Bills and Papers enacted or finally passed</b>			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	34	29.1%	2.1%
<i>Private and Special Laws</i>	2	1.7%	0.1%
<i>Resolves</i>	7	6.0%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Enacted or Finally Passed</b>	<b>43</b>	<b>36.8%</b>	<b>2.7%</b>
<b>B. Resolves to authorize major substantive rules</b>			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>C. Bills vetoed or held by Governor</b>			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>0.0%</b>

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

**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>	95	90.5%	6.0%
<i><u>Bills Carried Over to next session</u></i>	10	<u>9.5%</u>	<u>0.6%</u>
<b>Total Bills referred</b>	<b>105</b>	<b>100.0%</b>	<b>6.6%</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>105</b>	<b>100.0%</b>	<b>6.6%</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>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	2.1%	0.1%
<i>Ought to Pass as Amended</i>	37	38.9%	2.6%
<i>Leave to Withdraw</i>	3	3.2%	0.2%
<i><u>Ought Not to Pass</u></i>	<u>26</u>	<u>27.4%</u>	<u>1.8%</u>
<b>Total unanimous reports</b>	<b>68</b>	<b>71.6%</b>	<b>4.7%</b>
<b>B. Divided committee reports</b>			
<i>Two-way reports</i>	25	26.3%	1.7%
<i>Three-way reports</i>	2	2.1%	0.1%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total divided reports</b>	<b>27</b>	<b>28.4%</b>	<b>1.9%</b>
<b>Total committee reports</b>	<b>95</b>	<b>90.5%</b>	<b>6.6%</b>
<b>III. CONFIRMATION HEARINGS</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
		<b>% of Comm Bills/Papers</b>	<b>% of All Bills/Papers</b>
<b>IV. FINAL DISPOSITION</b>	<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>	42	40.0%	2.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	6	5.7%	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>48</b>	<b>45.7%</b>	<b>3.0%</b>
<b>B. Resolves to authorize major substantive rules</b>			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total number of rules reviewed</b>	<b>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>	1	1.0%	0.1%
<i><u>Held by the Governor</u></i>	<u>1</u>	<u>1.0%</u>	<u>0.1%</u>
<b>Total</b>	<b>2</b>	<b>1.9%</b>	<b>0.1%</b>

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

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**APPENDIX B**

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