



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

*First Regular Session
Volume II*

July 2003

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Maine Legislature

*under the auspices of the
Legislative Council*

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

July 2003

Members:

Sen. Peggy A. Pendleton, Chair

Sen. Mary R. Cathcart

Sen. Chandler E. Woodcock

Rep. William S. Norbert, Chair

Rep. Thomas D. Bull

Rep. Deborah L. Simpson

Rep. Stan Gerzofsky

Rep. Philip R. Bennett, Jr.

Rep. Janet T. Mills

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Brian M. Duprey

Rep. Joan Bryant-Deschenes

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Senior Analyst

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**JOINT STANDING COMMITTEE ON
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	112	93.3%	6.9%
<u><i>Bills Carried Over</i></u>	<u>8</u>	<u>6.7%</u>	<u>0.5%</u>
Total Bills referred	120	100.0%	7.3%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	120	100.0%	7.3%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	14	12.5%	1.0%
<i>Ought to Pass as Amended</i>	39	34.8%	2.7%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>40</u>	<u>35.7%</u>	<u>2.7%</u>
Total unanimous reports	93	83.0%	6.4%
B. Divided committee reports			
<i>Two-way reports</i>	19	17.0%	1.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	19	17.0%	1.3%
Total committee reports	112	100.0%	7.7%
III. CONFIRMATION HEARINGS	8	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	50	41.7%	3.1%
<i>Private and Special Laws</i>	2	1.7%	0.1%
<i>Resolves</i>	5	4.2%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	57	47.5%	3.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	6.7%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	6.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>1</u>	<u>0.8%</u>	<u>0.1%</u>
Total	1	0.8%	0.1%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Judiciary

SUBJECT INDEX

Abandoned Property/Unclaimed Property

Enacted

LD 168	An Act To Allow a Municipality To Dispose of Unclaimed Bicycles by Means in Addition to Public Auction	PUBLIC 77 Page 573
LD 1479	An Act To Protect Maine Consumers from Hidden Fees and Charges	PUBLIC 339 Page 617

Not Enacted

None

Abortion

Enacted

None

Not Enacted

LD 299	An Act To Amend the Abortion Reporting Laws To Eliminate Immunity for a Physician Who Reports Data on an Abortion	ONTP Page 577
LD 798	An Act To Amend the Abortion Consent Laws	ONTP Page 592
LD 1101	An Act To Establish and Enforce Abortion Facility Safety Requirements	ONTP Page 602
LD 1102	An Act To Protect the Mental Health of Women and Girls	ONTP Page 603
LD 1129	An Act To Amend the Laws Governing Abortion Reporting	ONTP Page 603

Attorney General

Enacted

LD 1097	An Act To Release the Records of the Attorney General and the Maine State Police Regarding the Investigation, Prosecution and Trial of Dennis Dechaine	P & S 18 Page 602
LD 1399	An Act To Allow District Attorneys To Approve Immunity Requests	PUBLIC 162 Page 614
LD 1404	An Act Concerning Representation of the State in Disclosure Hearings	PUBLIC 278 Page 614 EMERGENCY
LD 1511	An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers	PUBLIC 435 Page 618

Not Enacted

LD 1037	An Act Regarding District Attorneys' Staff	ONTP Page 600
LD 1335	An Act To Protect Public School Departments, School Committees and Superintendents from Certain Suits and Claims	ONTP Page 611

Attorneys/Legal Services

Enacted

None

Not Enacted

LD 377	An Act To Responsibly Allocate Costs in Child Protection Proceedings	ONTP Page 580
LD 407	An Act To Allow Certain Persons Representing Business Entities To Appear in Court in Forcible Entry and Detainer Cases	ONTP Page 580
LD 1077	Resolve, To Create the Committee To Conduct a Review of the Board of Overseers of the Bar	ONTP Page 601

Business & Nonprofit Organizations

Enacted

LD 1539	An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks	PUBLIC 344 Page 620 EMERGENCY
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Not Enacted

LD 543	An Act To Promote Corporate Ethics	ONTP Page 583
LD 1035	An Act To Protect Reorganized Businesses	ONTP Page 599
LD 1136	An Act To Amend the Maine Business Corporation Act	ONTP Page 605
LD 1376	An Act Regarding Limited Liability Companies	ONTP Page 613
LD 1517	An Act To Make Necessary Technical Changes Relating to the Maine Business Corporation Act and the Maine Professional Service Corporation Act	ONTP Page 619

Child Abuse and Protection

Enacted

LD 309	An Act To Require Church Officials To Report Suspected Abuse	PUBLIC 210 Page 577
LD 1585	Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services	RESOLVE 62 Page 624 EMERGENCY

Not Enacted

LD 80	An Act to Change the Child Protective Laws	ONTP Page 571
LD 376	An Act To Encourage Lawful Investigations of Suspected Child Abuse and Neglect	ONTP Page 580

Civil Procedure and Evidence

Enacted

LD 247	An Act To Increase the Value of Real and Personal Property Exempt from Attachment	PUBLIC 47 Page 574
LD 586	An Act To Clarify and Improve the Fairness of the Law of Trustee Process	PUBLIC 149 Page 583
LD 1132	An Act To Simplify Calculation of Legal Interest	PUBLIC 460 Page 603 EMERGENCY

Not Enacted

LD 76	An Act To Ease Congestion in the Courts	ONTP Page 571
LD 144	An Act To Limit Pretrial Discovery in Libel Actions	ONTP Page 572
LD 515	An Act To Require Litigation Bonding	ONTP Page 581
LD 675	An Act To Allow Copies of E-9-1-1 Tapes To Be Admitted into Evidence	ONTP Page 586
LD 1214	An Act Regarding Confidentiality and Mental Health	ONTP Page 607

Courts

Enacted

LD 273	An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure	PUBLIC 17 Page 575
LD 328	An Act to Increase Courthouse Security	PUBLIC 400 Page 577
LD 340	An Act To Amend Certain Aspects of Post-conviction Review Procedure	PUBLIC 29 Page 578
LD 701	An Act Regarding the Suspension of Licenses for Failure To Pay a Fine	PUBLIC 193 Page 586
LD 1487	An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings	PUBLIC 206 Page 618

LD 1584 **An Act To Ensure Equity for Active Retired Justices
of the Supreme Judicial Court Who Perform
Judicial Service** **PUBLIC 290 Page 623**

Not Enacted

None

Courts – Family Division

Enacted

LD 731 **An Act Regarding Case Management Officers** **PUBLIC 39 Page 587**

LD 741 **An Act To Expand the Powers and Authority of Case
Management Officers in the Family Division** **PUBLIC 84 Page 588**

Not Enacted

None

Courts – Juries

Enacted

LD 1155 **An Act To Include Alternates as Regular Jurors** **PUBLIC 299 Page 606**

Not Enacted

LD 452 **An Act To Increase the Compensation of Jurors** **DIED BETWEEN Page 581
BODIES**

LD 733 **An Act To Create the Fully Informed Jury Act** **ONTP Page 587**

Courts – Witnesses

Enacted

None

Not Enacted

LD 934	An Act To Allow the Videotaping of the Testimony of Witnesses 13 Years of Age and under in Certain Cases	ONTP Page 597
LD 999	An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties	CARRIED OVER Page 599

Domestic Relations

Enacted

LD 736	An Act To Specify Information Required in a Divorce Decree	PUBLIC 18 Page 588
LD 865	Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Similar Laws and Proposals	RESOLVE 25 Page 594

Not Enacted

LD 1265	An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care	ONTP Page 609
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Domestic Relations – Child Support

Enacted

LD 234	An Act To Create a Uniform Approach to the Determination of Child Support When Parents Provide Substantially Equal Care for Children	PUBLIC 415 Page 573
LD 235	An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered	PUBLIC 123 Page 574
LD 629	An Act To Increase the Collection of Child Support	PUBLIC 224 Page 585
LD 869	An Act Concerning the Financial Obligations of a Parent Involved in a Crime against a Child of That Parent	PUBLIC 216 Page 595

LD 986 **An Act To Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001** **PUBLIC 436** Page 598

LD 1298 **An Act To Penalize a Person Who is Habitually Late Making Child Support Payments** **PUBLIC 396** Page 610

Not Enacted

LD 581 **An Act Requiring Payment of Child Support by Incarcerated Individuals** **ONTP** Page 583

LD 961 **An Act Clarifying Child Support Obligations** **ONTP** Page 597

Freedom of Access

Enacted

LD 1079 **Resolve, To Establish the Committee To Study Compliance with Maine's Freedom of Access Laws** **RESOLVE 83** Page 601

LD 1419 **An Act To Protect Campers by Making Personal Information Confidential** **PUBLIC 409** Page 615

LD 1454 **An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime** **PUBLIC 365** Page 616

LD 1582 **An Act To Protect Critical Homeland Security Information and Information Technology Infrastructure and Systems** **PUBLIC 392** Page 623

Not Enacted

LD 1203 **An Act Concerning Executive Sessions of Public Bodies** **ONTP** Page 607

LD 1306 **An Act Relating to the Use and Disposal of Personal Information by Certain Commercial, Governmental and Other Entities** **ONTP** Page 610

LD 1525 **An Act To Clarify the Freedom of Access Laws as They Pertain to the Penobscot Nation** **CARRIED OVER** Page 619

Human Rights/Medical Rights

Enacted

LD 519	An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment	PUBLIC 88 Page 582
LD 523	Resolve, Requiring the Maine Human Rights Commission To Report on Complaints Involving Supervisors	RESOLVE 36 Page 582
LD 720	An Act To Protect Health Care Workers Who Report Medical Errors	PUBLIC 306 Page 587
LD 1424	An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act	PUBLIC 279 Page 615
LD 1425	An Act Relating to the Protection of Whistleblowers	PUBLIC 357 Page 616

Not Enacted

LD 415	An Act To Restore Federal Protections to Maine State Employees	ONTP Page 580
LD 892	An Act To Prohibit Discrimination in Housing	DIED IN CONCURRENCE Page 596
LD 1138	An Act To Enhance the Economic Security of Maine's Families and Children	ONTP Page 605
LD 1397	An Act To Amend the Procedure for Maine Human Rights Commission Hearings	ONTP Page 614

Medical Examiner

Enacted

LD 351	An Act To Promote Clarity Regarding Death Certificates	PUBLIC 74 EMERGENCY Page 579
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LD 1211 **An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act and To Create the Maine Elder Death Analysis Review Team** **PUBLIC 433 Page 607**

Not Enacted

LD 959 **An Act To Require the Chief Medical Examiner To Perform Tests When Public Safety or Health Care Personnel Are Exposed** **ONTP Page 597**

Native Americans

Enacted

None

Not Enacted

LD 1039 **An Act Concerning Passamaquoddy Indian Territory in Washington County** **CARRIED OVER Page 600**

LD 1370 **An Act To Enact the Maine Tribal Gaming Act** **ONTP Page 612**

Probate

Enacted

LD 93 **An Act Regarding the Duties of a Personal Representative** **PUBLIC 378 Page 571**

LD 166 **An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary** **PUBLIC 14 Page 572**

LD 840 **An Act To Clarify the Duties of Conservators** **PUBLIC 377 Page 593**

LD 1072 **An Act Regarding Filing and Certification Fees** **PUBLIC 383 Page 600**

LD 1538 **An Act To Clarify the Appointment of Coguardians and Coconservators under the Probate Code** **PUBLIC 323 Page 619**

Not Enacted

LD 118	An Act To Clarify the Powers of Guardians	ONTP	Page 572
LD 921	An Act To Enact the Uniform Trust Code	CARRIED OVER	Page 596
LD 1579	An Act To Promote the Financial Security of Maine's Families and Children	CARRIED OVER	Page 622

Property/Real Estate

Enacted

LD 1275	An Act To Amend the Laws Governing Improvident Transfers of Title	PUBLIC 236	Page 609
LD 1342	An Act To Establish a Right of Entry for Surveyors Performing Surveying Services	PUBLIC 161 EMERGENCY	Page 612

Not Enacted

LD 367	An Act To Limit the Duration of a Reversion Clause in the Deed of a Church	ONTP	Page 579
LD 490	An Act Concerning Citizens' Property Rights	ONTP	Page 581
LD 760	An Act To Protect the Rights of Leaseholders and Ensure Their Continued Access to Land	ONTP	Page 589
LD 886	An Act To Require State Reimbursement When Laws or Rules Devalue Private Property	ONTP	Page 595
LD 1029	An Act To Amend the Laws Governing Private Property on Which a Body Is Buried	ONTP	Page 599
LD 1183	An Act Regarding Abandoned Rights-of-way	ONTP	Page 606
LD 1246	Resolve, Regarding Searches of Curtilage by Certain State Agencies	ONTP	Page 608
LD 1473	An Act To Amend the Laws Governing Public Easements	CARRIED OVER	Page 617

Protection from Abuse

Enacted

LD 1568 **An Act To Protect Plaintiffs and Minor Children in
Certain Civil Protection Order Cases** **PUBLIC 372** Page 622

Not Enacted

LD 912 **An Act To Protect Children in Protection from
Abuse Proceedings** **ONTP** Page 596

Statutes/Uniform Laws

Enacted

LD 274 **An Act to Correct Errors and Inconsistencies in the
Laws of Maine** **UNSIGNED** Page 576

LD 1567 **An Act To Implement Recommendations of the
MCJUSTIS Policy Board Concerning the Drafting of
Crimes and Civil Violations Pursuant to Resolve
1997, Chapter 105, as Amended** **PUBLIC 452** Page 621

Not Enacted

LD 1218 **An Act To Enact the Revised Uniform Arbitration
Act** **ONTP** Page 608

LD 1295 **An Act To Enact the Uniform Mediation Act** **CARRIED OVER** Page 610

Torts

Enacted

LD 1262 **An Act To Implement the Maine Assistance Program
for Lawyers** **PUBLIC 148** Page 608

Not Enacted

LD 74	An Act to Provide a Method of Compensation for Personal Injuries Caused by Sidestream Tobacco Smoke	ONTP Page 571
LD 782	An Act To Require the Payment of Certain Costs Incurred by a Prevailing Party in Court Proceedings by or against Maine Revenue Services	ONTP Page 591
LD 787	An Act To Limit the Damages Recoverable in Accidents Involving Snowmobile Clubs' Trail-grooming Activities	CARRIED OVER Page 592

Torts – Medical Malpractice

Enacted

LD 846	An Act To Protect Health Care Practitioners Responding to Public Health Threats	PUBLIC 438 Page 594
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Not Enacted

LD 537	An Act To Ensure Access to Expert Testimony	ONTP Page 583
LD 594	An Act To Establish a Limit on Noneconomic Damages in Medical Malpractice Actions	ONTP Page 584

Other

Enacted

LD 286	Resolve, Concerning the Titling of Mobile Homes, Boats, All-terrain Vehicles, Snowmobiles and Other Property	RESOLVE 12 Page 576
LD 657	An Act To Repeal the Forest Products Antitrust Exemption	PUBLIC 46 Page 585
LD 768	An Act To Improve the Administration of the Baxter Compensation Program	PUBLIC 352 Page 590 EMERGENCY
LD 971	An Act To Amend the Constitution of the Maine Episcopal Missionary Society	P & S 13 Page 598

LD 1311 **An Act To Clarify the Filing of Municipal Personal
Property Tax Liens** **PUBLIC 355 Page 611**

Not Enacted

LD 349 **An Act Regarding Implied Warranties** **ONTP Page 579**

LD 779 **An Act To Repeal the Anthem Blue Cross Court
Agreement of Disbursement of \$88,000,000** **ONTP Page 591**

LD 1606 **An Act To Amend the Adult Protective Services Act** **ONTP Page 625**

Joint Standing Committee on Judiciary

LD 74 **An Act to Provide a Method of Compensation for Personal Injuries Caused by Sidestream Tobacco Smoke** **ONTP**

<u>Sponsor(s)</u> CLOUGH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 74 proposed to create the Sidestream Smoke Compensation Board for the purpose of assessing claims of persons injured by sidestream smoke. If the board determined that a person was damaged by sidestream smoke, the board would make a monetary award to the person to compensate for damages. Funds for this compensation would come from money awarded to the State in lawsuits against tobacco companies.

LD 76 **An Act To Ease Congestion in the Courts** **ONTP**

<u>Sponsor(s)</u> DAVIS G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 76 proposed to ease congestion in the courts by eliminating the requirement that executions be issued by the clerks to initiate disclosure proceedings and to perfect liens. Under this bill, attested copies of final judgments of any court in the State, whether state or federal, would be used for these purposes, with the liens subject to the debtor's statutory exemptions. In addition, this bill proposed to repeal the limitation that executions issue within one year of final judgment.

LD 80 **An Act to Change the Child Protective Laws** **ONTP**

<u>Sponsor(s)</u> COURTNEY NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 80 proposed to allow state, county and municipal law enforcement authorities to investigate allegations of abuse or neglect of a child in the custody of the Department of Human Services without first notifying the department or obtaining consent from the department.

LD 93 **An Act Regarding the Duties of a Personal Representative** **PUBLIC 378**

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-469
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LD 93 proposed to provide that, if a personal representative fails to include property in an inventory of a decedent's property, the Probate Court, in determining the value of that property, may rely on the opinion of qualified appraisers or owners of similar property. The bill proposed to specify that doubt created by the absence of the property must be resolved in favor of persons providing the estimate of highest reasonable value. The bill

Joint Standing Committee on Judiciary

also proposed to place the burden on the personal representative to show that the property should not have been included in the inventory.

Committee Amendment "A" (H-469) proposed to replace the bill. It proposed to provide that, if the personal representative does not file or furnish the required inventory of a decedent's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden would be on the personal representative to show that the property would properly be excluded from the inventory.

Enacted Law Summary

Public Law 2003, chapter 378 provides that if the personal representative does not file or furnish the required inventory of a decedent's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the personal representative to show that the property was properly excluded from the inventory.

LD 118 **An Act To Clarify the Powers of Guardians** **ONTP**

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

LD 118 proposed to amend the law, under which an adult ward may be admitted on an informal voluntary basis for care and treatment of a mental illness, by deleting the words "and the ward makes no objection to the admission." It was proposed to bring the law into conformity with the law outlining general powers and duties of guardians under the Probate Code.

LD 144 **An Act To Limit Pretrial Discovery in Libel Actions** **ONTP**

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

LD 144 proposed to limit pretrial discovery in libel actions under the marine resources laws to the same extent as civil discovery is limited in forfeiture actions brought under the drug forfeiture statutes.

LD 166 **An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary** **PUBLIC 14**

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

LD 166 proposed to provide that a beneficiary in a will must, upon application to the register of probate, be furnished with a copy of the probated will upon payment of a fee of \$1 per page.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2003, chapter 14 provides that a beneficiary in a will must, upon application to the register of probate, be furnished with a copy of the probated will upon payment of a fee of \$1 per page.

LD 168 **An Act To Allow a Municipality To Dispose of Unclaimed Bicycles
by Means in Addition to Public Auction** **PUBLIC 77**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER KNEELAND	OTP-AM	H-80

LD 168 proposed to allow a municipality to adopt an ordinance that allows for the donation of abandoned bicycles to a charitable organization rather than sending the proceeds from the sale of the property to the State Treasurer according to abandoned property law.

Committee Amendment "A" (H-80) proposed to replace the language of the bill to authorize a municipality to dispose of unclaimed bicycles in any manner that the legislative body of the municipality decides is appropriate. Current law authorizes sale at a public auction, and the bill would have allowed donations to charitable organizations.

This amendment proposed to provide that the municipality is exempt from the Uniform Unclaimed Property Act with respect to unclaimed bicycles.

Enacted Law Summary

Public Law 2003, chapter 77 allows a municipality to dispose of unclaimed bicycles in any manner that the legislative body of the municipality decides is appropriate. It exempts municipalities from the Uniform Unclaimed Property Act with respect to unclaimed bicycles.

LD 234 **An Act To Create a Uniform Approach to the Determination of
Child Support When Parents Provide Substantially Equal Care
for Children** **PUBLIC 415**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-499
	OTP-AM MIN	

LD 234 proposed to provide a standard for the courts and the parties in cases in which the parents provide substantially equal parenting for the child but have unequal incomes.

Committee Amendment "A" (H-499) was the majority report of the committee. It proposed to add definitions for the terms used in the formula for calculating child support when the parents have unequal incomes but provide substantially equal care for the child. It also proposed to clarify that the child care costs, extraordinary

Joint Standing Committee on Judiciary

medical expenses and health insurance premiums are not included in the calculations, but are shared by the parties in proportion to their incomes.

Committee Amendment "B" (H-500) was the minority report of the committee. It differed from the majority report in that the enhanced basic support obligation, after being divided in proportion to the obligors' gross income, was divided so that each parent would end up with 1/2 of the enhanced amount in that parent's home. The higher income party's payment would be the enhanced support entitlement multiplied by the difference between that party's percentage of income and 50%. The obligation, however, would never be greater than it would be under the basic support obligation. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 415 provides a standard calculation for determining child support for the courts and the parties in cases in which the parents provide substantially equal parenting for the child but have unequal incomes.

LD 235 **An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered** **PUBLIC 123**

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

LD 235 proposed to clarify that spousal support is not considered as part of the gross income of the recipient of child support in the computation of child support for the children of the marriage in an initial child support order and in any subsequent child support computation on an ensuing motion for children of that marriage.

Enacted Law Summary

Public Law 2003, chapter 123 clarifies that spousal support is not considered as part of the gross income of the recipient of child support in the computation of child support for the children of the marriage in an initial child support order and in any subsequent child support computation on an ensuing motion for children of that marriage.

LD 247 **An Act To Increase the Value of Real and Personal Property Exempt from Attachment** **PUBLIC 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W EDMONDS	OTP-AM	H-81

LD 247 proposed to increase the value of a debtor's residence or burial plot that is exempt from attachment in a civil proceeding to \$50,000, and to \$100,000 if the debtor's minor dependent resides with the debtor.

Committee Amendment "A" (H-81) proposed to replace the homestead exemption increases proposed by the bill by smaller increases.

Joint Standing Committee on Judiciary

Under this amendment, \$35,000 of a debtor's residence or burial plot would be exempt from attachment in a civil proceeding. The value of the residence that would be exempt would be \$70,000 if the debtor's minor dependents reside there as well. If the property is owned jointly, the value of property exempt would be the lesser of \$35,000 or the product of the debtor's fractional share of the interest times \$70,000.

This amendment proposed to make similar changes to the homestead exemption for a residence or burial plot of debtors or debtors who have a dependent who is at least 60 years old or physically or mentally disabled. In these cases, the residence or burial exemption from attachment would be increased to \$70,000. If the property is owned jointly, the value of property exempt would be the lesser of \$70,000 or the product of the debtor's fractional share of the interest times \$140,000.

Enacted Law Summary

Public Law 2003, chapter 47 increases the value of a debtor's residence or burial plot that is exempt from attachment in a civil proceeding to \$35,000, and to \$70,000 if the debtor's minor dependent resides with the debtor.

The homestead exemption is \$70,000 if the debtor or the debtor's dependent is at least 60 years old or physically or mentally disabled.

LD 273

**An Act To Modify Certain Criminal Appeal Statutes in View of
the New Maine Rules of Appellate Procedure**

PUBLIC 17

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 273 proposed to make changes in criminal appeal statutes in response to the Supreme Judicial Court's adoption of the Maine Rules of Appellate Procedure, effective January 1, 2001, and in response to Public Law 2001, chapter 17, effective September 2001.

Enacted Law Summary

Public Law 2003, chapter 17 makes changes in criminal appeal statutes in response to the Supreme Judicial Court's adoption of the Maine Rules of Appellate Procedure, effective January 1, 2001, and in response to Public Law 2001, chapter 17, effective September 2001. The changes include the hearing procedure and appellate review procedure for a petition contesting extradition, and the appellate review from a final judgment in a post-convictions review proceeding.

Joint Standing Committee on Judiciary

LD 299 **An Act To Amend the Abortion Reporting Laws To Eliminate Immunity for a Physician Who Reports Data on an Abortion** **ONTP**

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

LD 299 proposed to eliminate the provision that provides immunity from criminal liability for an abortion to a physician who reports data on that abortion.

LD 309 **An Act To Require Church Officials To Report Suspected Abuse** **PUBLIC 210**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-197

LD 309 proposed to amend the child and adult protective laws to require officials of a church or other religious institution or association to report the suspected abuse, neglect or exploitation.

LD 309 also proposed to add clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

Committee Amendment "A" (H-197) proposed to revise the bill to include as a mandatory reporter any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution. Such a person would be required to report if that person obtains the information of suspected abuse, neglect or exploitation while acting in that administrative capacity. The obligation would apply regardless of whether the person receives compensation.

Enacted Law Summary

Public Law 2003, chapter 210 amends the adult protective and child protective laws to require certain persons affiliated with a church or other religious institution to report suspected abuse, neglect or exploitation. It also adds clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

LD 328 **An Act to Increase Courthouse Security** **PUBLIC 400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING BUNKER	OTP-AM	S-215

LD 328 was a concept draft pursuant to Joint Rule 208. It proposed to increase courthouse security.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-215) proposed to replace the bill. It proposed to provide training requirements for court security officers. Current law authorizes the State Court Administrator to employ court security officers who have valid certification as law enforcement officers as well as specific training in court security functions.

This amendment proposed to define "court security officer" in the context of law enforcement training.

This amendment proposed to require the Maine Criminal Justice Academy to establish certification standards and a training program for court security officers.

Enacted Law Summary

Public Law 2003, chapter 400 provides training requirements for court security officers, defines "court security officer" in the context of law enforcement training, and requires the Maine Criminal Justice Academy to establish certification standards and a training program for court security officers. The program must include 100 hours of preservice training for law enforcement officers, a 40-hour training course on court security and continuing education requirements to maintain certification. Completion of basic law enforcement training satisfies the preservice training requirement.

LD 340

An Act To Amend Certain Aspects of Post-conviction Review Procedure

PUBLIC 29

Sponsor(s)

Committee Report

Amendments Adopted

OTP

H-28 TWOMEY

LD 340 proposed to amend the laws with regard to post-conviction review.

House Amendment "A" (H-28) was offered on behalf of the Committee on Engrossed Bills to correct a technical error in the bill.

Enacted Law Summary

Public Law 2003, chapter 29 amends the laws concerning post-conviction review.

It broadens the definition of "assigned justice" to include a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases; allows a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases to exercise the same jurisdiction as the Superior Court Justice relative to post-conviction review proceedings; replaces a reference to the Attorney General with a reference to the prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding; provides that representation of the respondent can be either the office of the Attorney General or the office of a district attorney; and repeals the requirement that the procedure for the assignment of a post-conviction review case be addressed pursuant to an administrative order by the Chief Justice of the Supreme Judicial Court. With its repeal, the assignment of petitions for post-conviction review becomes a matter to be addressed by the Supreme Judicial Court by rule.

Joint Standing Committee on Judiciary

LD 349

An Act Regarding Implied Warranties

ONTP

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

LD 349 proposed to allow merchants who sell used outdoor power equipment to exclude or modify all implied warranties of fitness when selling those products, provided that those merchants follow the procedures for exclusion or modification of such warranties that exist under current law.

LD 351

An Act To Promote Clarity Regarding Death Certificates

PUBLIC 74
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-24

LD 351 proposed to give a funeral director or other authorized person the option of completing the certificate of death if the cause of death is obtained from the physician or medical examiner or having the physician or medical examiner complete the certificate.

Committee Amendment "A" (S-24) proposed to replace the bill, and proposed to revise current law to allow a death certificate to be completed using legible hand printing, without requiring the hand printing to be in block style.

Enacted Law Summary

Public Law 2003, chapter 74 revises current law to allow a death certificate to be completed using legible hand printing, without requiring the hand printing to be in block style.

Public Law 2003, chapter 74 was enacted as an emergency measure effective April 25, 2003.

LD 367

An Act To Limit the Duration of a Reversion Clause in the Deed
of a Church

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE-FRIEL BENNETT R	ONTP	

LD 367 proposed to limit the enforceability of a reversion clause in a deed granted to a church or religious society to a period of not more than 20 years after execution of the deed.

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LD 376 **An Act To Encourage Lawful Investigations of Suspected Child Abuse and Neglect** **ONTP**

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 376 proposed to clarify that a person involved in a child protection investigation or proceeding is not immune from liability if that person breaches state or federal laws, rules or regulations.

LD 377 **An Act To Responsibly Allocate Costs in Child Protection Proceedings** **ONTP**

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 377 proposed to provide that reasonable costs and expenses, as determined by a court, for legal counsel for an indigent parent or custodian in a child protection proceeding must be paid by the Department of Human Services.

LD 407 **An Act To Allow Certain Persons Representing Business Entities To Appear in Court in Forcible Entry and Detainer Cases** **ONTP**

<u>Sponsor(s)</u> GAGNON	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 407 proposed to provide that an officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, or a member, manager or authorized employee of a limited liability company who is not an attorney may appear for that organization in an action for forcible entry and detainer.

LD 415 **An Act To Restore Federal Protections to Maine State Employees** **ONTP**

<u>Sponsor(s)</u> RICHARDSON J TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 415 proposed to grant the State's consent to be sued by state employees, former employees and employment applicants under the federal Fair Labor Standards Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act and federal law authorizing suit for injury or death of a seaman. See also LD 1619, Joint Standing Committee on Labor.

Joint Standing Committee on Judiciary

LD 452

An Act To Increase the Compensation of Jurors

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM MAJ ONTP MIN	H-142

LD 452 proposed to increase the mileage paid to jurors from 15¢ to 32¢ per mile, and increase the per diem paid to jurors from \$10 to \$55 over a 2-year period beginning July 1, 2004. The bill also proposed to require that payment for jurors come from fines, forfeitures, penalties and fees levied pursuant to a criminal or civil action and require the State Court Administrator to submit legislation implementing this payment requirement.

Committee Amendment "A" (H-142) was the majority report and it proposed to replace the bill. It proposed to increase juror compensation to 32¢ per mile and \$40 per day beginning July 1, 2005.

LD 490

An Act Concerning Citizens' Property Rights

ONTP

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

LD 490 proposed to require the State to reimburse a property owner for the reduction in value of property caused by a prohibition on rebuilding a structure damaged by fire, storm or other natural catastrophe. Compensation paid to a property owner must be based on the difference between the assessed value before the catastrophe and an appraised value after the catastrophe.

LD 515

An Act To Require Litigation Bonding

ONTP

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

LD 515 was a concept draft pursuant to Joint Rule 208.

LD 515 proposed to require an individual or organization that brings suit against a business or agricultural entity to post a bond if the court action has the effect of delaying or interrupting the business or agricultural activity, including plans to expand. This requirement would apply only if the business or agricultural entity had obtained the proper permits, was in compliance with local ordinances and state laws and was operating in a "best management practices" manner. If the business or agricultural entity prevailed in court, the bond would be used to provide restitution for legal fees, court costs and lost revenue caused by the delay.

Joint Standing Committee on Judiciary

LD 519

An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment

PUBLIC 88

<u>Sponsor(s)</u> MAIETTA	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-79
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LD 519 proposed to require testing for blood-borne pathogens when a public safety or health care employee is exposed to the blood or body fluids of another person in the course of employment. It proposed to establish the new procedures as an exception to the general rule requiring judicial consent for a blood-borne pathogen test. The bill proposed to direct the Department of Human Services to adopt rules for testing in the same manner as testing for operating a motor vehicle under the influence of alcohol or drugs. The bill proposed to designate the rules as routine technical rules.

Committee Amendment "A" (H-79) proposed to replace, and require the court to schedule an expedited hearing on the petition for judicial consent to test the source of body fluids associated with a bona fide occupational exposure.

Enacted Law Summary

Public Law 2003, chapter 88 requires the court to schedule an expedited hearing on the petition for judicial consent to test the source of body fluids associated with a bona fide occupational exposure.

LD 523

Resolve, Requiring the Maine Human Rights Commission To Report on Complaints Involving Supervisors

RESOLVE 36

<u>Sponsor(s)</u> SIMPSON CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-285
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LD 523 proposed to amend the Maine Human Rights Act to provide that an individual acting as agent of, or in the interest of, an employer is liable in his or her individual capacity for actions that constitute unlawful employment discrimination.

Committee Amendment "A" (H-285) proposed to replace the bill and change the bill to a resolve. It proposed to require the Maine Human Rights Commission to submit a report to the Joint Standing Committee on Judiciary on the number of complaints it has received in which a supervisor commits employment discrimination but the employer avoids liability through the use of an affirmative defense, known as the "Farragher" defense.

Enacted Law Summary

Resolve 2003, chapter 36 requires the Maine Human Rights Commission to report to the Joint Standing Committee on Judiciary the number of complaints it has received in which a supervisor commits employment discrimination, but the employer avoids liability through the use of an affirmative defense. The information will assist the committee in understanding what impact, if any, the affirmative defense provided by the decision in

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Faragher v. City of Boca Raton, 524 U.S. 775 (1998), and used in federal employment discrimination cases, has had on cases in Maine.

LD 537 **An Act To Ensure Access to Expert Testimony** **ONTP**

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

LD 537 proposed to amend the Maine Health Security Act to prohibit a person, health care entity or health care provider from impeding the expert testimony of another health care provider unless the testimony concerns a claim involving the person, health care entity or health care provider.

LD 543 **An Act To Promote Corporate Ethics** **ONTP**

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

LD 543 proposed to create the State Board of Corporate Ethics to make grants to promote better corporate ethics. The board would make grants from a fund created by fines and penalties collected by the State for violations of the Maine Unfair Trade Practices Act, the Revised Maine Securities Act or laws providing penalties for fraudulent conduct.

LD 581 **An Act Requiring Payment of Child Support by Incarcerated Individuals** **ONTP**

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

LD 581 proposed to address the issue of child support after a person commits a crime against the child or the person to whom the child support is paid on behalf of the child.

LD 586 **An Act To Clarify and Improve the Fairness of the Law of Trustee Process** **PUBLIC 149**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP-AM	H-221

LD 586 proposed to make a series of changes to the laws governing trustee process to provide fair treatment of alleged trustees without interfering with the ability of judgment creditors to reach funds to satisfy judgments. To ensure that financial institutions are able to properly identify and promptly act upon trustee process, financial

Joint Standing Committee on Judiciary

institutions would be able to designate with the Secretary of State a specific office for service of process or to agree to accept service made otherwise.

The bill proposed to clarify that an alleged trustee has a reasonable opportunity to act upon the process served upon it, in the same way that a bank has a reasonable time to act upon a stop payment order.

In the event of a default, under LD 586 the trustee would be adjudged trustee for the amount of the principal defendant's property actually in its possession up to the amount of the judgment, not for a greater amount, thus eliminating potential windfalls. In the event that the trustee fails to make disclosure, other statutory remedies, such as assessment of costs and, in a proper case, contempt penalties, remain available. LD 586 proposed to provide that failure to claim or release trusteed funds, in the absence of further court process, would give rise to a presumption of abandonment under the Uniform Unclaimed Property Act and subsequent reporting and payment to the Treasurer of State.

Committee Amendment "A" (H-221) proposed to clarify the provision of the bill providing for a voluntary registry where financial institutions may designate a specific office for filing of trustee process. The amendment proposed to authorize the Secretary of State to adopt rules to govern the registry.

The amendment also proposed to add references to include credit unions to the portions of the bill that address financial institutions.

Enacted Law Summary

Public Law 2003, chapter 149 makes a series of changes to the laws governing trustee process to provide fair treatment of alleged trustees without interfering with the ability of judgment creditors to reach funds to satisfy judgments. To ensure that financial institutions, including credit unions, are able to properly identify and promptly act upon trustee process, chapter 149 allows financial institutions to designate with the Secretary of State a specific office for service of process or to agree to accept service made otherwise.

LD 594 **An Act To Establish a Limit on Noneconomic Damages in Medical Malpractice Actions** **ONTP**

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

LD 594 proposed to set a limit of \$250,000 on non-economic damages in medical liability actions. Under this bill, a plaintiff would still be entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses.

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LD 629

An Act To Increase the Collection of Child Support

PUBLIC 224

<u>Sponsor(s)</u> SIMPSON PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-194
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LD 629 proposed to require the reporting of the hiring of independent contractors to the Department of Human Services in order to locate people who should be paying child support and to verify their ability to pay. Those required to report would be the State and any employer who contracts with the State. All employers are currently required to report their new employees; this bill proposed to extend the reporting to some independent contractors whose hiring would otherwise not be reported to the Department of Human Services.

Committee Amendment "A" (H-194) proposed to clarify that the State is required to report, in the same manner as the State is required to report information about newly hired employees, the information concerning persons who work for the State under contract. Similarly, contractors with the State and their subcontractors must report the information for independent contractors. In these situations, the date of birth of the contractor or subcontractor is not required to be reported. In addition, the contractor's or subcontractor's taxpayer identification number may be substituted for the contractor's or subcontractor's social security number.

Enacted Law Summary

Public Law 2003, chapter 224 requires the reporting of the hiring of independent contractors to the Department of Human Services in order to locate people who should be paying child support and to verify their ability to pay. Those required to report are the State, any employer who contracts with the State, and their subcontractors.

LD 657

An Act To Repeal the Forest Products Antitrust Exemption

PUBLIC 46

<u>Sponsor(s)</u> SMITH W MARTIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 657 proposed to repeal the antitrust exemption for marketing, producing or trucking pulpwood or saw logs.

Enacted Law Summary

Under current law contracts and trusts formed for the sole purpose of manufacturing, producing, refining or mining a product may constitute an illegal restraint of trade or conspiracy. Current law exempts from these provisions associations organized for the sole purpose of marketing, producing or trucking pulpwood or saw logs. Public Law 2003, chapter 46 repeals those provisions.

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LD 675 **An Act To Allow Copies of E-9-1-1 Tapes To Be Admitted into Evidence** **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 675 proposed to allow copies of audio recordings of E-9-1-1 calls to be admitted into evidence if properly authenticated.

LD 701 **An Act Regarding the Suspension of Licenses for Failure To Pay a Fine** **PUBLIC 193**

<u>Sponsor(s)</u> MILLS J WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-128
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Under current law, if a defendant in a civil or criminal adjudication fails to pay a fine or any other costs or fees assessed or imposed against the defendant, including appointed counsel fees and restitution, the court may fine the defendant in civil contempt and suspend any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry issued by the State to the defendant.

LD 701 proposed to expand current law to allow the court to suspend the right of the defendant to apply for a license or permit. LD 701 proposed to limit the amount of the fine that may be imposed for civil contempt to \$500 and specify the manner in which the notice of suspension must be provided to the defendant. A defendant whose professional license has been suspended may have the license reinstated by paying the fine imposed by the court plus a fee of \$35.

Committee Amendment "A" (H-128) proposed to delete from the bill the proposed authority of the court to suspend the right to apply for a license or permit for nonpayment of a court fine or other assessment. It also proposed to delete the requirement that a \$35 reinstatement fee be paid before certain suspended licenses can be reinstated after paying all court fines.

Enacted Law Summary

Public Law 2003, chapter 193 amends current law to allow the court to suspend the defendant's license or permit if the defendant fails to pay a fine or any other costs or fees assessed or imposed against the defendant. It also limits the amount of the fine that may be imposed for civil contempt to \$500 and specifies the manner in which the notice of suspension must be provided to the defendant.

Joint Standing Committee on Judiciary

LD 720

An Act To Protect Health Care Workers Who Report Medical Errors

PUBLIC 306

Sponsor(s)
NORBERT

Committee Report
OTP-AM

Amendments Adopted
H-396

LD 720 proposed to protect health care workers who report medical errors to their employers, a patient or a public body.

Committee Amendment "A" (H-396) proposed to clarify 2 aspects of the extension of the Whistleblowers' Protection Act to employees of a health care provider, health care practitioner or health care entity. First, the report by the health care worker must be consistent with state and federal privacy laws. Second, the report may be made to the employer, the patient involved or the appropriate authority that licenses, regulates or credentials the employer. The amendment also proposed to require the Department of Labor to include this change in the next printing of the department's regulation of employment poster.

Enacted Law Summary

Public Law 2003, chapter 306 amends the Whistleblowers' Protection Act to include health care workers who report medical errors to their employers, a patient or the licensing or credentialing authority. The report by the health care worker must be consistent with state and federal privacy laws.

LD 731

An Act Regarding Case Management Officers

PUBLIC 39

Sponsor(s)
NORBERT

Committee Report
OTP

Amendments Adopted

LD 731 proposed to authorize family case management officers to hear and dispose of matters involving parental rights and responsibilities and parent-child contact orders.

Enacted Law Summary

Public Law 2003, chapter 39 authorizes family case management officers to hear and dispose of matters involving parental rights and responsibilities and parent-child contact orders when the order amends that portion of a protection from abuse order.

LD 733

An Act To Create the Fully Informed Jury Act

ONTP

Sponsor(s)
JOY

Committee Report
ONTP

Amendments Adopted

LD 733 proposed to enact the Fully Informed Jury Act. It proposed to apply to all actions in which the defendant has a right to a jury trial and in which the State or a political subdivision of the State is the plaintiff.

Joint Standing Committee on Judiciary

This bill proposed to provide that the right to a trial by jury includes the right to inform the jury about the jury's power to judge the law as well as all the evidence. Failure to provide the defendant with the opportunity to inform the jury would be grounds for a mistrial or a new trial.

LD 736

An Act To Specify Information Required in a Divorce Decree

PUBLIC 18

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 736 proposed to clarify that a decree of divorce or an abstract of a decree for divorce involving rights to real property must be filed in the registry of deeds for the county or the district where the real property is located for the decree to have any effect. This bill also proposed to expand the information that is required to be contained in the abstract or decree.

Enacted Law Summary

Public Law 2003, chapter 18 clarifies that a decree of divorce or an abstract of a decree for divorce involving rights to real property must be filed in the registry of deeds for the county or the district where the real property is located for the decree to have any effect. This bill also expands the information that is required to be contained in the abstract or decree.

LD 741

An Act To Expand the Powers and Authority of Case Management Officers in the Family Division

PUBLIC 84

<u>Sponsor(s)</u> TARDY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-82
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LD 741 proposed to make several changes to the law governing the Family Division of the District Court.

It proposed to revise the title of family case management officers to family law magistrates.

LD 741 also proposed to authorize family law magistrates to grant requests for access to confidential child protective records held by the Department of Human Services. Under such a "Clifford order," the family law magistrate could review the records in camera to determine which records, if any, may be inspected.

LD 741 proposed to authorize the family law magistrates to issue habeas corpus writs when a party is incarcerated in order to secure the presence of that party to a proceeding, and to return the party to the place of incarceration after the proceeding.

LD 741 also proposed to give the family law magistrates jurisdiction to hear and issue final orders in divorces covering any issues to which the parties have consented that the family law magistrate decide.

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LD 741 proposed to allow the Chief Judge of the District Court to authorize the family law magistrates to wear robes when presiding over any proceeding. Family law magistrates would be given the power of contempt that judges and justices currently have.

Committee Amendment "A" (H-82) proposed to replace the bill, but retain 3 of the central proposals of the bill:

1. Give the family case management officers the power to issue writs of habeas corpus for the attendance at proceedings by parties that are incarcerated;
2. Give the family case management officers the authority to issue orders to provide access to confidential information in the custody of the Department of Human Services; and
3. Give family case management officers the power to respond to contempt occurring in the presence of the family case management officer, which the family case management officer either saw or heard.

Enacted Law Summary

Public Law 2003, chapter 84 makes several changes to the law governing the Family Division of the District Court.

It gives the family case management officers the power to issue writs of habeas corpus for the attendance at proceedings by parties that are incarcerated.

It gives the family case management officers the authority to issue orders to provide access to confidential information in the custody of the Department of Human Services.

It also gives family case management officers the power to respond to contempt occurring in the presence of the family case management officer, which the family case management officer either saw or heard.

LD 760

**An Act To Protect the Rights of Leaseholders and Ensure Their
Continued Access to Land**

ONTP

<u>Sponsor(s)</u> CLARK STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 760 proposed to allow a lessee the right of first refusal to continue leasing a parcel of land when the land is transferred to a different owner and the new owner intends to continue leasing the land.

Joint Standing Committee on Judiciary

LD 768

An Act To Improve the Administration of the Baxter
Compensation Program

PUBLIC 352
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BULL	OTP-AM	S-164

LD 768 contained recommendations of the Baxter Compensation Authority.

LD 768 proposed to repeal the 15% limitation on administrative expenditure and increase the annual reporting to allow continuing oversight of the administrative budget.

LD 768 proposed to address confidentiality concerns of claimants and their families.

LD 768 also proposed to address the appeal process.

Committee Amendment "A" (S-164) proposed to revise the cap on administrative expenses for the Baxter Compensation Authority by limiting the expenses to \$407,000 per fiscal year, which is the total of the first-year costs estimated by the authority in its report of January 15, 2003, except that the authority would be limited by an overall cap on administrative expenses. Over the course of the operation of the program, the maximum amount of the trust fund that could be used for administrative expenses would be \$1,500,000.

House Amendment "A" (H-362) proposed to require that interest earned on the Governor Baxter School for the Deaf Compensation Fund must be credited to that compensation fund beginning July 1, 2005. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 352 contains recommendations of the Baxter Compensation Authority.

Chapter 352 requires the Baxter Compensation Authority to include in its annual report to the Governor, the Attorney General and the joint standing committee of the Legislature having jurisdiction over judiciary matters information about the administrative budget and the previous year's expenses. This law repeals the 15% limitation; the annual reporting will allow continuing oversight of the administrative budget. It revises the cap on administrative expenses for the Baxter Compensation Authority by limiting the expenses to \$407,000 per fiscal year, which is the total of the first-year costs estimated by the authority in its report of January 15, 2003, except that the authority is limited by an overall cap on administrative expenses. Over the course of the operation of the program, the maximum amount of the trust fund that can be used for administrative expenses is \$1,500,000.

Chapter 352 addresses confidentiality concerns of claimants and their families. Current law states that once a claim is submitted, the claim becomes a public record. Chapter 352 provides that certain pieces of information become public and allows public oversight of the program.

Chapter 352 also addresses the appeal process. It allows the appeal board to affirm or increase a compensation award, but prohibits a reduction in the amount awarded by the compensation panel. The appeal board may consider records and testimony presented to the compensation panel. It may also accept oral and written arguments from the claimant in support of the claim. If the claimant wants to present new information on appeal, the appeal board will make a determination on whether the new information is appropriate to be considered in

Joint Standing Committee on Judiciary

connection with the claim. If so, then the appeal board must return the claim to the compensation panel and order the compensation panel to reconsider the decision in light of the new information.

Public Law 2003, chapter 352 was enacted as an emergency measure effective May 30, 2003.

LD 770 **An Act To Require a Land Survey Prior to Sale, Processing or Transfer of Any Parcel of Land** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 770 proposed to require an owner of real property to have a survey of the property done by a licensed land surveyor prior to the sale or transfer of the property. A copy of the survey would be given to the abutters. If a survey of the property was done within 2 years before the sale or transfer, a new survey would not be required if the existing survey still accurately describes the property and the survey was not challenged by a purchaser or an abutter.

LD 779 **An Act To Repeal the Anthem Blue Cross Court Agreement of Disbursement of \$88,000,000** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 779 proposed to repeal the law that allowed the conversion of the former Blue Cross and Blue Shield of Maine from a nonprofit hospital and medical service organization and public charity to a for-profit stock company. It also proposed to require the approximately \$88,000,000 in assets resulting from the conversion to be turned over to the General Fund by October 1, 2003.

LD 782 **An Act To Require the Payment of Certain Costs Incurred by a Prevailing Party in Court Proceedings by or against Maine Revenue Services** **ONTP**

<u>Sponsor(s)</u> MUSE MAYO	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 782 proposed to allow a taxpayer who disputes a tax owed to the State and who prevails in either an administrative hearing before the Department of Administrative and Financial Services, Bureau of Revenue Services or in the Superior Court or Supreme Judicial Court to be awarded reasonable litigation and administrative costs, including attorney's fees, expert witness fees and court costs. The bill proposed to apply to both individuals and businesses and to all taxes due to the State. This bill was modeled on federal law.

Committee Amendment "A" (H-498) was the minority report of the Joint Standing Committee on Judiciary. It proposed to incorporate a fiscal note. (Not adopted)

Joint Standing Committee on Judiciary

LD 787 **An Act To Limit the Damages Recoverable in Accidents Involving CARRIED OVER
Snowmobile Clubs' Trail-grooming Activities**

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

LD 787 proposes to limit the liability of a snowmobile club to \$100,000 for damages resulting from an accident incident to the club's trail-grooming activities.

LD 798 **An Act To Amend the Abortion Consent Laws** **ONTP**

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

LD 798 proposed to amend the laws governing informed consent to abortion to require the attending physician to provide the woman with certain information orally and in writing at least 24 hours prior to performing an abortion. It further proposed to amend these laws to require that this information include the probable gestational age and anatomical development of the fetus at the time of the abortion; the physical and psychological risks associated with abortion and the abortion technique to be performed, in view of the patient's own pregnancy, including risks identified in a pamphlet that the Department of Human Services, Bureau of Health would be required to publish and distribute to doctors; and the name of the physician who would perform the abortion.

Committee Amendment "A" (S-194) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill.

It proposed to provide an exception from the required provision of specific information at least 24 hours before an abortion for a medical emergency. The amendment proposed a definition of "medical emergency" that tracks the definition in Pennsylvania law and means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman so as to necessitate the immediate termination of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

The amendment proposed to allow the attending physician to delegate the responsibility to provide the required information to a physician assistant, nurse practitioner, registered nurse, licensed practical nurse or social worker.

The amendment proposed to include in the list of required information the medical risks of carrying the fetus to term. It also proposed to add an appropriation. (Not adopted)

Senate Amendment "A" (S-230) proposed to remove the appropriation section from Committee Amendment "A" and require the Department of Human Services, Bureau of Health to publish the pamphlet required by the committee amendment within existing resources of the bureau. (Not adopted)

Joint Standing Committee on Judiciary

LD 840

An Act To Clarify the Duties of Conservators

PUBLIC 377

<u>Sponsor(s)</u> FLETCHER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-418
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LD 840 proposed to amend the Probate Code governing conservators of the estates of minors or disabled persons in the following manner.

1. Current law requires the conservator to file with the court a complete inventory of the estate. This bill proposed to allow the court, in the event that an inventory is not filed or the inventory that is filed is incomplete, to rely on the opinion of an appraiser or owner of similar property, even if the person has not seen the missing property. The burden of proving that the property was not required to be inventoried would be placed on the conservator.
2. Current law allows a party to bring a proceeding for surcharge to determine liability of the conservator for malfeasance committed in the course of administration of the estate. This bill proposed to clarify what constitutes malfeasance or improper management of the estate and allow the court to award damages and costs.

Committee Amendment "A" (H-418) proposed to replace the bill. It proposed to provide that if a conservator fails to file the required inventory of the protected person's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the conservator to show that the property would properly be excluded from the inventory.

This amendment also proposed to require the conservator to file a supplementary inventory or appraisal if the conservator or court learns that property was omitted from the inventory or that the value or description of property included in the inventory is erroneous or misleading. A similar provision exists in the law governing personal representatives of decedents' estates.

Enacted Law Summary

Public Law 2003, chapter 377 amends the Probate Code governing conservators of the estates of minors or disabled persons in the following manner. It provides that if a conservator fails to file the required inventory of the protected person's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the conservator to show that the property was properly excluded from the inventory.

Chapter 377 also requires the conservator to file a supplementary inventory or appraisal if the conservator or court learns that property was omitted from the inventory or that the value or description of property included in the inventory is erroneous or misleading. A similar provision exists in the law governing personal representatives of decedents' estates.

Joint Standing Committee on Judiciary

LD 846

**An Act To Protect Health Care Practitioners Responding to
Public Health Threats**

PUBLIC 438

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS PENDLETON	OTP-AM MAJ ONTP MIN	H-435

LD 846 proposed to provide limited immunity from civil liability for health care practitioners who volunteer their services in support of the State's response to a public health threat, an extreme public health emergency or a disaster.

Committee Amendment "A" (H-435) proposed to replace the bill. It proposed to provide limited immunity from civil liability for health care practitioners and emergency medical services' persons who provide services in response to a public health threat. It proposed to repeal and replace the current law concerning immunity from civil liability for volunteer activities.

Enacted Law Summary

Public Law 2003, chapter 438 provides limited immunity from civil liability for health care practitioners and emergency medical services' persons who provide services in response to a public health threat. It repeals and replaces the current law concerning immunity from civil liability for volunteer activities.

LD 865

**Resolve, Directing the Family Law Advisory Commission To
Study and Report on the Uniform Parentage Act and Similar
Laws and Proposals**

RESOLVE 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-127

LD 865 proposed to direct the Family Law Advisory Commission to study issues relating to surrogate parenting and gestational agreements and to authorize the commission to introduce legislation based on its findings to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (H-127) proposed to broaden the study charge to the Family Law Advisory Commission to include the Uniform Parentage Act and related laws and proposals.

Enacted Law Summary

Resolve 2003, chapter 25 directs the Family Law Advisory Commission to study issues relating to surrogate parenting, gestational agreements and the Uniform Parentage Act and related laws and proposals. It authorizes the commission to introduce legislation based on its findings to the Second Regular Session of the 121st Legislature.

Joint Standing Committee on Judiciary

LD 869

**An Act Concerning the Financial Obligations of a Parent Involved
in a Crime against a Child of That Parent**

PUBLIC 216

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-195

Under current law, when a person's parental rights are terminated, that person's obligation to support the child financially also terminates. LD 869 proposed to authorize a court to require a parent to contribute to the financial support of a child at the time the parent's parental rights are terminated. The amendment proposed that the court may order a lump sum payment if the parent was convicted of a crime against that child prior to the termination of parental rights. The amendment proposed that the court may include the requirement in the termination order. The amendment proposed that the court may direct that the payment be held in trust for the child, or may order any other protections necessary to preserve the payment for the financial support of the child.

Committee Amendment "A" (H-195) proposed to delete the last 2 sentences of the bill, which refer to holding a lump sum payment in trust and to the child support guidelines.

Enacted Law Summary

Public Law 2003, chapter 216 authorizes a court to require a parent to contribute to the financial support of a child at the time the parent's parental rights are terminated.

LD 886

**An Act To Require State Reimbursement When Laws or Rules
Devalue Private Property**

ONTP

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

LD 886 proposed to require the State to pay a property owner when state regulations lower the owner's property value by at least 25%.

LD 886 also proposed to require the Legislature and all departments and agencies to review and identify laws and rules that result in the devaluation of property. It proposed that the Legislature notify all property owners of such laws and rules.

Committee Amendment "A" (H-437) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill and retain only that portion of the bill that requires the Legislature and all state agencies to review the laws of the State and the rules agencies administer to identify laws and rules that devalue property. By March 1, 2004, the amendment proposed that the Legislature notify all property owners in the State of the laws and rules that have been identified as resulting in the devaluation of property. (Not adopted)

Joint Standing Committee on Judiciary

LD 892 An Act To Prohibit Discrimination in Housing

**DIED IN
CONCURRENCE**

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

Current law prohibits unlawful discrimination in the sale, rental, lease or management of housing accommodation. The term "housing accommodation" does not currently include the rental of a one-family unit if one unit is owner-occupied or the rental of 4 or fewer rooms of a one-family dwelling that is owner-occupied. LD 892 proposed to eliminate those exclusions.

Committee Amendment "A" (S-193) was the minority report of the Joint Standing Committee on Judiciary. It proposed to remove the exemption for rental of a one-family unit of a 2-family dwelling, one unit of which is occupied by the owner. (Not adopted)

LD 912 An Act To Protect Children in Protection from Abuse Proceedings

ONTP

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

LD 912 proposed to amend the definition of "abuse" for purposes of protection from abuse orders to include threatening a minor's mental or emotional well-being by exposing that minor to the abuse of a family or household member of that minor.

LD 921 An Act To Enact the Uniform Trust Code

CARRIED OVER

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

LD 921, which was a concept draft pursuant to Joint Rule 208, proposes to amend the State's trust laws by revising the Uniform Trust Code, as adopted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association, the ABA Real Property, Probate and Trust Law Section and the AARP, to conform to existing Maine practices and procedures where applicable. The Uniform Trust Code provides a comprehensive model for codifying the law on trusts.

Joint Standing Committee on Judiciary

LD 934 **An Act To Allow the Videotaping of the Testimony of Witnesses
13 Years of Age and under in Certain Cases** **ONTP**

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

LD 934 was modeled on New Hampshire's law concerning videotaping the testimony of a victim or other witness who is 13 years of age or under when the offense being prosecuted is a sexual offense. It proposed to allow the prosecuting attorney or the victim or other witness who is 13 years of age or under to request that the testimony be videotaped. The court would have discretion whether to allow the trial testimony to be videotaped. A victim or other witness who is 13 years of age or under and whose testimony is videotaped would not be required to appear or testify in the trial. The testimony must be videotaped in front of the judge, with the prosecuting attorneys, the defendant and the defendant's attorneys present. The victim or other witness may also have a parent or other appropriate adult present during the testimony.

LD 959 **An Act To Require the Chief Medical Examiner To Perform Tests
When Public Safety or Health Care Personnel Are Exposed** **ONTP**

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

LD 959 proposed to require the Chief Medical Examiner to test the body fluids of a deceased person for blood-borne pathogens if a public safety or health care worker experiences an occupational exposure to the deceased person's body fluids. See also LD 519.

LD 961 **An Act Clarifying Child Support Obligations** **ONTP**

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

LD 961 proposed to establish that a putative father who proves through testing or otherwise that he is not the father of a child is not responsible to pay child support for that child. See also LD 865.

Joint Standing Committee on Judiciary

LD 971

An Act To Amend the Constitution of the Maine Episcopal Missionary Society

P & S 13

<u>Sponsor(s)</u> HALL RECTOR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-49
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LD 971 proposed to amend the charter of the Maine Episcopal Missionary Society by removing the \$100,000 limit on the value of real or personal estate held by the society.

Committee Amendment "A" (S-49) proposed to add to the bill an amendment to the Private and Special Law of 1875, chapter 11 concerning the membership of the Maine Episcopal Missionary Society. This amendment proposed to provide that the sole member of the Maine Episcopal Missionary Society is the Episcopal Diocese of Maine.

Enacted Law Summary

Private and Special Law 2003, chapter 13 amends the charter of the Maine Episcopal Missionary Society by removing the \$100,000 limit on the value of real or personal estate held by the society. It also amends the Private and Special Law of 1875, chapter 11 concerning the membership of the Maine Episcopal Missionary Society to provide that the sole member of the Maine Episcopal Missionary Society is the Episcopal Diocese of Maine.

LD 986

An Act To Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001

PUBLIC 436

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-207
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LD 986 proposed to incorporate into Maine law the 1996 and 2001 amendments to the Uniform Interstate Family Support Act. Details of the changes were included in the Prefatory Note and the Uniform Comments.

Committee Amendment "A" (S-207) proposed to make additional changes to make Maine's law consistent with the Uniform Interstate Family Support Act Amendments of 1996 and 2001.

Enacted Law Summary

Public Law 2003, chapter 436 incorporates into Maine law the 1996 and 2001 amendments to the Uniform Interstate Family Support Act.

Joint Standing Committee on Judiciary

LD 999 **An Act To Ensure Fairness in Payment of Superior Court Witness Fees by Counties** **CARRIED OVER**

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 999 proposes to require a Superior Court to reimburse an employer from the Law Enforcement Agency Reimbursement Fund a flat fee of \$50 per day or part of a day for any officer employed by that employer who testifies at a pretrial hearing for a Class D or Class E crime.

LD 1029 **An Act To Amend the Laws Governing Private Property on Which a Body Is Buried** **ONTP**

<u>Sponsor(s)</u> MCNEIL SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1029 was a concept draft pursuant to Joint Rule 208.

The bill proposed to alter current requirements for recording on deeds the existence of burial plots. It would allow a deed to reflect the presence of a burial lot on the subject property if the person recording the deed has personal knowledge of the fact that a burial lot exists on the property, even if the person didn't personally bury the body. The bill would also exempt from property tax that portion of the property on which the burial lot is located.

LD 1035 **An Act To Protect Reorganized Businesses** **ONTP**

<u>Sponsor(s)</u> MOODY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1035 proposed to prohibit a secured creditor from foreclosing on real estate or other property used as collateral for at least 180 days after the conclusion of "chapter 11" or "chapter 13" bankruptcy proceedings relating to the creditor under the United States Bankruptcy Code. This delay would allow the business or individual time to stabilize the finances of the person or business.

Committee Amendment "A" (H-222) was the minority report of the Joint Standing Committee on Judiciary. It proposed to limit the extended stay of foreclosure to business and commercial property and intrastate transactions. (Not adopted)

Joint Standing Committee on Judiciary

LD 1037 An Act Regarding District Attorneys' Staff

ONTP

<u>Sponsor(s)</u> BLISS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1037 proposed to provide that the State pay the cost of compensation and benefits for full-time and part-time employees in the offices of the district attorneys.

**LD 1039 An Act Concerning Passamaquoddy Indian Territory in
Washington County**

CARRIED OVER

<u>Sponsor(s)</u> MOORE F	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1039 proposes to extend the date from January 1, 2001 to January 1, 2020, as the deadline by which the Secretary of the Interior of the United States may acquire land in Washington County for the benefit of the Passamaquoddy Tribe.

LD 1072 An Act Regarding Filing and Certification Fees

PUBLIC 383

<u>Sponsor(s)</u> ADAMS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-416
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LD 1072 proposed to amend the Probate Code to increase the fees allowed a register of probate for receiving and entering a petition or application for estates.

Committee Amendment "A" (H-416) proposed to replace the bill. It proposed to provide that the fee for filing a probate petition for an estate valued at more than \$2,000,000 is \$750 plus an additional \$50 for each increment of \$500,000 that the estate's value is greater than \$2,500,000. This would eliminate the need to list each increment of estate value with the appropriate fee and for an amendment to be made if the maximum estate value of \$10,000,000 as proposed in the bill is exceeded.

Enacted Law Summary

Public Law 2003, chapter 383 amends the Probate Code to increase the fees allowed a register of probate for receiving and entering a petition or application for estates.

Joint Standing Committee on Judiciary

LD 1077

**Resolve, To Create the Committee To Conduct a Review of the
Board of Overseers of the Bar**

ONTP

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

LD 1077 proposed to create the Committee to Conduct a Review of the Board of Overseers of the Bar.

Committee Amendment "A" (H-433) was the minority report of the Joint Standing Committee on Judiciary. It proposed to incorporate a fiscal note. (Not adopted)

LD 1079

**Resolve, To Establish the Committee To Study Compliance with
Maine's Freedom of Access Laws**

RESOLVE 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN ROTUNDO	OTP-AM	H-326 H-592 KOFFMAN S-280 GAGNON

This resolve proposed to establish the Committee to Study Compliance with Maine's Freedom of Access Laws, consisting of legislators, municipal officials, media representatives, the Attorney General and members of the public to address issues relating to state and governmental compliance with Maine's freedom of access laws. The study committee would be required to issue a report to the Joint Standing Committee on Judiciary, including findings and recommendations, by December 15, 2003.

Committee Amendment "A" (H-326) proposed to clarify the emergency preamble, expand the membership of the Committee to Study Compliance with Maine's Freedom of Access Laws, expand the duties of the study committee and authorize the study committee to seek and accept outside funding.

House Amendment "A" to Committee Amendment "A" (H-592) proposed to remove the emergency preamble and the emergency clause from the resolve.

Senate Amendment "A" to Committee Amendment "A" (H-280) proposed to forbid the acceptance of funding for the Committee to Study Compliance with Maine's Freedom of Access Laws from any party having a pecuniary or vested interest in the outcome. The amendment also proposed to change the report date to December 3, 2003.

Enacted Law Summary

Resolve 2003, chapter 83 establishes the Committee to Study Compliance with Maine's Freedom of Access Laws, consisting of legislators, municipal and county officials, media representatives, the Attorney General, the Commissioner of Public Safety, members of the public and a representative of privacy interests to address issues relating to state and governmental compliance with Maine's freedom of access laws. The study committee may seek and accept outside funding, except that funding may not come from any party having a pecuniary or vested

Joint Standing Committee on Judiciary

LD 1102

An Act To Protect the Mental Health of Women and Girls

ONTP

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

LD 1102 proposed to provide that a physician who performs an abortion on a minor is responsible for mental health costs related to the abortion if the abortion was performed without parental consent or without a court order providing consent.

LD 1129

An Act To Amend the Laws Governing Abortion Reporting

ONTP

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

LD 1129 proposed to require the full completion of abortion reports that are required for the Department of Human Services and proposed reporting by the department to the Board of Licensure in Medicine for every violation. It proposed to specify certain information that must be completed on the form.

Committee Amendment "A" (H-436) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill. It proposed to repeal and replace current law concerning abortion reporting. The amendment proposed to remove from statute the provision that limited the information reported on an abortion to that information requested in the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics. It also proposed to clarify that the name of the physician who performs an abortion may not be released, although the Department of Human Services must make public the names of physicians who do not comply with the reporting requirement. (Not adopted)

LD 1132

An Act To Simplify Calculation of Legal Interest

**PUBLIC 460
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-571 MILLS P

LD 1132 proposed to set prejudgment interest rates at 6% and postjudgment interest rates at 10% for all court actions. This bill also proposed to allow the Supreme Judicial Court to review the rates once yearly and change the rates to accurately reflect market rates if interest rates substantially change, roughly keeping the 6/10 ratio of prejudgment interest rates to postjudgment interest rates.

House Amendment "B" (H-571) proposed to incorporate Committee Amendment "A," House Amendment "A" to Committee Amendment "A" and Senate Amendment "B" to Committee Amendment "A" except that it proposed to amend the judicial rates of interest to be based on the one-year United States Treasury bill rate for

Joint Standing Committee on Judiciary

prejudgment interest and post-judgment interest rather than leaving them based on the bank prime loan interest rate.

This amendment proposed to retain the current interest rate for prejudgment interest for complaints filed prior to July 1, 2003, applying the new prejudgment interest rate only to complaints filed on or after July 1, 2003.

This amendment also proposed to add an application section to the bill, to make it apply to judgments entered on or after July 1, 2003.

The amendment also proposed to provide an effective date of July 1, 2003.

Senate Amendment "A" to Committee Amendment "A" (S-253) proposed to apply the change in prejudgment and post-judgment interest rates to complaints filed on or after July 1, 2003. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-254) proposed to exempt judgments in small claims actions from the requirement that the post-judgment rate of interest be stated in the judgment. This amendment also proposed to apply the change in prejudgment and post-judgment interest rates to complaints filed on or after July 1, 2003. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-488) proposed to specify that in small claims actions, prejudgment interest is not recoverable unless the rate of interest is based on a contract or note. (Not adopted)

Committee Amendment "A" (H-393) proposed to replace the bill and make the bill an emergency to take effect immediately. It proposed to amend the judicial rates of interest to equal the bank prime loan interest rate plus 3% for prejudgment interest and the bank prime loan interest rate plus 6% for post-judgment interest, thus resolving the current uncertainties about the proper methodology for calculating prejudgment and post-judgment interest. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note would be the interest rate for prejudgment interest. For post-judgment interest, the rate of interest would be the rate set forth in the note or the bank prime loan interest rate plus 6%, whichever is greater. (Not adopted)

Senate Amendment "A" (S-261) proposed to incorporate Committee Amendment "A," House Amendment "A" to Committee Amendment "A" and Senate Amendment "B" to Committee Amendment "A" except that it proposed to amend the judicial rates of interest to be based on the United States Treasury bill rate for prejudgment interest and post-judgment interest rather than leaving them based on the bank prime loan interest rate.

The amendment also proposed to apply the changes in prejudgment and post-judgment interest rates to complaints filed on or after July 1, 2003. (Not adopted)

House Amendment "A" (H-566) proposed to incorporate Committee Amendment "A," House Amendment "A" to Committee Amendment "A" and Senate Amendment "B" to Committee Amendment "B" except that it proposed to amend the judicial rates of interest to be based on the one-year United States Treasury bill rate for prejudgment interest and post-judgment interest rather than leaving them based on the bank prime loan interest rate.

Joint Standing Committee on Judiciary

This amendment proposed to retain the current interest rate for prejudgment interest for complaints filed prior to July 1, 2003, applying the new prejudgment interest rate only to complaints filed after July 1, 2003.

The amendment also proposed to provide an effective date of July 1, 2003. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 460 amends the judicial rates of interest to equal the one-year U.S. Treasury bill rate plus 3% for prejudgment interest and the one-year Treasury bill rate plus 6% for post-judgment interest. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note is the interest rate for prejudgment interest. For post-judgment interest, the rate of interest is the rate set forth in the note or the Treasury bill rate plus 6%, whichever is greater.

The new prejudgment interest rate applies to complaints filed on or after July 1, 2003. For actions in which prejudgment interest has begun to accrue prior to July 1, 2003, the prejudgment interest rate is 8% if the judgment does not exceed \$30,000. For verdicts over \$30,000, the prejudgment interest rate is the one-year U.S. Treasury bill rate plus 1%.

The new post-judgment interest rate applies to judgments issued on or after July 1, 2003.

Public Law 2003, chapter 460 was enacted as an emergency measure effective July 1, 2003.

LD 1136

An Act To Amend the Maine Business Corporation Act

ONTP

Sponsor(s)
EDER

Committee Report
ONTP

Amendments Adopted

LD 1136 proposed to amend the Maine Business Corporation Act by including as part of the duties of directors the duty to operate the corporation in a manner that fully respects the public interest.

The bill proposed to provide that, after January 1, 2017, actions may be brought against not only the corporation, but individual directors for activities of the corporation that adversely affect the environment, human rights, public health and safety or dignity of corporate employees.

LD 1138

An Act To Enhance the Economic Security of Maine's Families and Children

ONTP

Sponsor(s)
DUDLEY
DAGGETT

Committee Report
ONTP

Amendments Adopted

LD 1138 proposed to ensure that nontraditional families that include domestic partners are afforded the same protections and benefits as traditional families. The current definition of "domestic partner" is used as a model for this bill in the areas of Maine State Retirement System benefits, inheritance as provided in the Probate Code, taxation and workers' compensation and in the Maine Human Rights Act. See also LD 1579.

Joint Standing Committee on Judiciary

LD 1155

An Act To Include Alternates as Regular Jurors

PUBLIC 299

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-325
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LD 1155 proposed to eliminate the need for choosing alternate jurors who are dismissed at the end of civil trials. All jurors chosen would participate in the verdict so long as the panel contained at least 7 members. The bill proposed to direct the court to appoint a foreperson to oversee deliberations and to speak for the jury.

Committee Amendment "A" (H-325) proposed to ensure that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It proposed to clarify that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members would not be permitted to render a verdict.

This amendment was modeled on the Federal Rules of Civil Procedure, Rule 48. The Maine Rules of Civil Procedure, Rule 48 currently provides that a verdict must have the agreement of at least 3/4 of the jurors.

Enacted Law Summary

Public Law 2003, chapter 299 ensures that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It clarifies that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members is not permitted to render a verdict.

LD 1183

An Act Regarding Abandoned Rights-of-way

ONTP

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1183 proposed to remove the provision of law that allows the legislative body of a municipality to vote to have an easement for recreational use over a town or county way that has been discontinued by abandonment because the town or county did not keep that town or county way passable for the use of motor vehicles for a period of 30 or more consecutive years. See also LD 1473.

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LD 1203

An Act Concerning Executive Sessions of Public Bodies

ONTP

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Current freedom of access laws require an agency or body to record the vote on the motion to go into executive session. LD 1203 proposed to direct that the record of the vote must include the discussion in the executive session.

LD 1211

An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act and To Create the Maine Elder Death Analysis Review Team

PUBLIC 433

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP-AM MAJ OTP MIN	<u>Amendments Adopted</u> H-493
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LD 1211 proposed to amend the laws concerning death certificates and the Medical Examiner Law.

Committee Amendment "A" (H-493), the majority report, proposed to create the Maine Elder Death Analysis Review Team to examine deaths and serious injuries associated with suspected abuse or neglect of elderly adults and vulnerable adults.

Enacted Law Summary

Public Law 2003, chapter 433 amends the laws concerning medical certification of cause of death that require the certifying physician to be "authorized to practice in the State;" clarifies that the ultimate determination as to whether a reported death constitutes a medical examiner case is to be determined by the Chief Medical Examiner, barring a directive from the Attorney General or district attorney having jurisdiction; adds a new category of death that must be reported but need not be accepted by the Chief Medical examiner as a medical examiner case; and creates the Maine Elder Death Analysis Review Team to examine deaths and serious injuries associated with suspected abuse or neglect of elderly adults and vulnerable adults.

LD 1214

An Act Regarding Confidentiality and Mental Health

ONTP

<u>Sponsor(s)</u> MARLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1214 proposed to revise and expand the current laws regarding the privilege against disclosure of confidential communications between patients and licensed counseling professionals, such as marriage and family therapists, and between patients and licensed clinical social workers. It proposed to provide a number of exceptions to the privilege, including allowing disclosure: in certain criminal proceedings; when the patient is deceased and the information is needed regarding a will or deed; when reporting is required by law, such as reporting of child

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abuse or elder abuse; and when needed to determine certain matters in a child protection proceeding. The bill also proposed to specify when the privilege is considered to be waived and set forth procedures for courts in handling claims of privilege.

LD 1218 **An Act To Enact the Revised Uniform Arbitration Act** **ONTP**

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

LD 1218 proposed to replace the Uniform Arbitration Act with the Revised Uniform Arbitration Act, approved by the National Conference of Commissioners on Uniform State Laws in 2000.

LD 1246 **Resolve, Regarding Searches of Curtilage by Certain State Agencies** **ONTP**

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

LD 1246 proposed to require the Department of Environmental Protection, the Department of Conservation and the Department of Inland Fisheries and Wildlife to review their policies and procedures governing searches of private property, including curtilage, and to conform those policies and procedures to those followed by the Department of Public Safety, Bureau of State Police.

Committee Amendment "A" (H-489) was the minority report. It proposed to replace the resolve to require the Department of Environmental Protection, the Department of Conservation and the Department of Inland Fisheries and Wildlife to adopt written policies and procedures for searches of private property, including curtilage, that are approved by the Attorney General and that conform to the prohibition on unreasonable searches and seizures in the United States Constitution Amendment IV. It also proposed to require the Executive Department, State Planning Office to include written policies and procedures approved by the Attorney General for searches and seizures in the training that the State Planning Office establishes for municipal code enforcement officers.

This amendment proposed to require the Attorney General to report during the First Regular Session of the 122nd Legislature to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the written policies and procedures required pursuant to this resolve. (Not adopted)

LD 1262 **An Act To Implement the Maine Assistance Program for Lawyers** **PUBLIC 148**

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

The purpose of LD 1262 was to provide immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002.

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LD 1262 also proposed to provide that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.

Enacted Law Summary

Public Law 2003, chapter 148 provides immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002. Public Law 2003, chapter 148 also provides that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.

LD 1265 **An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care** **ONTP**

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

LD 1265 proposed to give a court discretion to provide continuing contact between a parent and child when the parent's parental rights are terminated if the court finds that visitation with the parent is in the best interests of the child. The bill proposed to allow the court to order that the parent be given notice of adoption proceedings and an opportunity to participate in those proceedings if notice to the parent and the parent's participation are in the best interests of the child.

LD 1275 **An Act To Amend the Laws Governing Improvident Transfers of Title** **PUBLIC 236**

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

LD 1275 proposed to extend the protections of the laws governing improvident transfers of title to a guaranty made by an elderly dependent person. It also proposed to extend the protections of the laws governing improvident transfers of title to the personal representative of the estate of an elderly dependent person.

Enacted Law Summary

Public Law 2003, chapter 236 extends the protections of the laws governing improvident transfers of title to a guaranty made by an elderly dependent person. It also extends the protections of the laws governing improvident transfers of title to the personal representative of the estate of an elderly dependent person.

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LD 1295 **An Act To Enact the Uniform Mediation Act** **CARRIED OVER**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1295 proposes to enact the Uniform Mediation Act, effective January 1, 2004.

LD 1298 **An Act To Penalize a Person Who is Habitually Late Making Child Support Payments** **PUBLIC 396**

<u>Sponsor(s)</u> MCNEIL DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-476
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LD 1298 proposed to penalize child support obligors who are habitually late making child support payments.

Committee Amendment "A" (H-476) proposed to amend department-specific language concerning license suspension for failure to pay child support. The term "compliance with a court order of support" would be replaced with "compliance with a support order" and the definition would be revised in the laws within the jurisdictions of the Department of Professional and Financial Regulation, the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to be consistent with the new definition in the child support enforcement laws proposed in the bill.

Enacted Law Summary

Public Law 2003, chapter 396 penalizes child support obligors who are habitually late making child support payments. Under current law, an obligor must be at least 60 days late in making child support payments before the Department of Human Services starts proceedings to revoke driver's licenses, recreational licenses and occupational and professional credentials. Chapter 396 authorizes the department to start those proceedings when a child support obligor is only 30 days late in making child support payments if that obligor has been at least 30 days late in making payments at least twice during the past 24 months.

LD 1306 **An Act Relating to the Use and Disposal of Personal Information by Certain Commercial, Governmental and Other Entities** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1306 proposed to require all government and private entities to destroy records containing personal information in the entity's custody or control that the entity intends to dispose of or no longer retain, except for transferring legally to another entity, government unit or archive or to the individual to whom the records pertain. This bill proposed to provide legal and equitable remedies for the Attorney General or a person aggrieved by a violation of the provisions of this Act.

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LD 1311

An Act To Clarify the Filing of Municipal Personal Property Tax Liens

PUBLIC 355

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-415
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LD 1311 proposed to amend the provisions of law that govern the creation, perfection and effect of tax liens on personal property.

Committee Amendment "A" (H-415) proposed to revise the bill to ensure that filings of personal property tax lien notices will be accepted for filing by the office of the Secretary of State even though these notices will not fully comply with the requirements of the Maine Revised Statutes, Title 11 (the Uniform Commercial Code), Article 9-A. The amendment also proposed to clarify that the filing municipality would have no obligations to secured creditors and lienholders from whom it has not received notice or who have not filed a financing statement in Maine. The amendment further proposed to clarify that all rights of filing municipalities would be governed by Maine law, even where Title 11, Article 9-A might otherwise apply the law of other states. The amendment proposed to reorganize the bill to clarify the dates of the filings to which it is applicable. Finally, the amendment proposed to make the bill, as amended, take effect October 1, 2003.

Enacted Law Summary

Public Law 2003, chapter 355 amends the provisions of law that govern the creation, perfection and effect of tax liens on personal property. It ensures that filings of personal property tax lien notices will be accepted for filing by the office of the Secretary of State even though these notices will not fully comply with the requirements of Article 9-A of the Uniform Commercial Code. It also clarifies that the filing municipality will have no obligations to secured creditors and lienholders from whom it has not received notice or who have not filed a financing statement in Maine. It further clarifies that all rights of filing municipalities will be governed by Maine law, even where Title 11, Article 9-A might otherwise apply the law of other states. Chapter 355 takes effect October 1, 2003.

LD 1335

An Act To Protect Public School Departments, School Committees and Superintendents from Certain Suits and Claims

ONTP

<u>Sponsor(s)</u> SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1335 proposed to require the Attorney General to provide legal defense without cost to a school administrative unit, school board, school committee or superintendent named in a legal action, or named in a claim not covered by liability insurance, arising from the issue of payment of tuition to a parochial school.

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LD 1342

An Act To Establish a Right of Entry for Surveyors Performing Surveying Services

**PUBLIC 161
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MAYO	OTP-AM	H-196 S-94 MARTIN

LD 1342 proposed to provide that when performing surveying services at the request of a landowner or person with an interest in real estate, a professional land surveyor and the surveyor's assistant may, without the consent of the owner or person in possession, enter upon or cross any lands necessary to perform surveying services.

Committee Amendment "A" (H-196) proposed to make 3 changes to the bill concerning reasonable notice, the duty of care owed by the landowner, and compliance with safety rules and regulations.

Senate Amendment "A" (S-94) proposed to add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 161 provides that when performing surveying services at the request of a landowner or person with an interest in real estate, a professional land surveyor and the surveyor's assistant may, without the consent of the owner or person in possession, enter upon or cross any lands necessary to perform surveying services.

Chapter 161 establishes criteria that satisfy the requirement that reasonable effort be made to notify the landowner whose land the surveyor may need to enter or cross to carry out a survey.

Chapter 161 provides that the duty of care owed by the owner or occupant of the land is the same duty of care owed to a trespasser. This duty of care, established by case law, is the duty to refrain from wantonly, willfully or recklessly causing harm to the surveyor or the surveyor's assistant.

Chapter 161 requires professional land surveyors and their assistants to comply with state and federal safety rules and regulations applicable to the land crossed or entered.

Public Law 2003, chapter 161 was enacted as an emergency measure effective May 15, 2003.

LD 1370

An Act To Enact the Maine Tribal Gaming Act

ONTP

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

LD 1370 is a citizen initiated bill. It proposed to allow the Passamaquoddy Tribe and the Penobscot Nation to conduct gaming and wagering at a single site. The legislative body of a municipality in which the site is located must approve the site for the conduct of gaming and wagering. The authority granted to the Passamaquoddy Tribe and the Penobscot Nation to conduct gaming and wagering at a single site would terminate in 20 years,

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unless extended, and may not be amended or repealed without the consent of the Passamaquoddy Tribe and the Penobscot Nation. The gaming and wagering authorized by this initiated bill would be regulated by the Department of Public Safety and a tribal gaming agency formed jointly by the governments of the Passamaquoddy Tribe and the Penobscot Nation.

The tribal gaming operator would be required to pay to the State an annual fee equal to 25% of the gross revenues of video facsimiles operated by the tribal gaming operator. After an allowance for costs resulting from gaming and wagering operations, the annual fee paid to the State would be used for the following purposes:

1. Fifty percent would be deposited in the Local Government Fund established in the Maine Revised Statutes, Title 30-A, section 5681 and distributed in accordance with the provisions of that section for revenue sharing with municipalities, with the intent of providing local property tax relief;
2. Forty percent would be allocated for the program cost portion of general purpose aid to local schools;
3. Five percent would be allocated to the Maine State Grant Program established in Title 20-A, chapter 419-A for grants for students who are pursuing higher education; and
4. Five percent would be allocated to the Finance Authority of Maine to distribute to private, nonprofit organizations that have the principal purpose of providing scholarships to and otherwise enhancing the postsecondary educational opportunities of students in this State enrolled in eligible programs in institutions of higher education in this State.

Committee Amendment "A" (H-535) was offered as a competing measure to the Initiated Bill 1. It proposed to authorize the state gaming agency to develop selection criteria and select and license, through a competitive bid process, a licensed gaming operator to operate a casino in Maine. The selection would have to maximize the benefit of the casino to the people of this State. Part of the proposed selection criteria is the fee that the licensed gaming operator would pay from the gaming revenues. Other criteria would include selection of a site in an area in which there is higher than average unemployment, lower than average wages, a loss of population or workforce because of business closings and proximity to affordable housing. (Not adopted)

This initiated bill will appear as a referendum question on the November ballot.

LD 1376

An Act Regarding Limited Liability Companies

ONTP

<u>Sponsor(s)</u> CLARK STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1376 was a concept draft pursuant to Joint Rule 208.

LD 1376 proposed to limit the use of the limited liability company structure to a business entity that makes a profit of more than \$100,000 per year. It also proposed to limit the business entities that are exempt from payment of the real estate transfer tax.

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LD 1397 **An Act To Amend the Procedure for Maine Human Rights Commission Hearings** **ONTP**

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

LD 1397 proposed to require the complainant in a Maine Human Rights Commission action to appear at all fact-finding conferences or the complaint would be dismissed. It also proposed to give the commission additional time to complete its investigation.

LD 1399 **An Act To Allow District Attorneys To Approve Immunity Requests** **PUBLIC 162**

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

LD 1399 proposed to change current law by expressly allowing a district attorney as well as the Attorney General to provide the necessary written approval for granting immunity when the criminal proceeding before a court or grand jury, or the juvenile proceeding before a court, is being prosecuted by the office of the district attorney rather than the Office of the Attorney General or by a person not of either office but authorized by law to act as a representative of the State in a criminal proceeding. LD 1399 also proposed to make clerical and gender-specific language changes.

Enacted Law Summary

Public Law 2003, chapter 162 changes current law by expressly allowing a district attorney as well as the Attorney General to provide the necessary written approval to provide immunity when the criminal proceeding before a court or grand jury, or the juvenile proceeding before a court, is being prosecuted by the office of the district attorney rather than the Office of the Attorney General or by a person not of either office but authorized by law to act as a representative of the State in a criminal proceeding.

LD 1404 **An Act Concerning Representation of the State in Disclosure Hearings** **PUBLIC 278
EMERGENCY**

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

LD 1404 proposed to add employees of the Department of the Attorney General to the list of those who may serve civil process and represent the State in District Court in disclosure proceedings, along with the Department

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of Labor, Bureau of Unemployment Compensation and the Department of Administrative and Financial Services, Bureau of Revenue Services employees.

Enacted Law Summary

Public Law 2003, chapter 278 adds non-attorney employees of the Department of the Attorney General to the list of those who may serve civil process and represent the State in District Court in disclosure proceedings, along with the Department of Labor, Bureau of Unemployment Compensation and the Department of Administrative and Financial Services, Bureau of Revenue Services employees.

Public Law 2003, chapter 278 was enacted as an emergency measure effective May 23, 2003.

LD 1419 **An Act To Protect Campers by Making Personal Information Confidential** **PUBLIC 409**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM	S-216

LD 1419 proposed to protect campers by making confidential camper names, other identifying information and reservation dates during the calendar year for which the reservation is made. The purpose of this bill was to prevent situations involving possible domestic and child custody problems and potential unwanted contacts.

Committee Amendment "A" (S-216) proposed to provide that the Department of Conservation, Bureau of Parks and Lands campsite reservation system may disclose the information concerning campers and campsite reservations to law enforcement upon request.

Enacted Law Summary

Public Law 2003, chapter 409 protects campers in state campgrounds by making confidential camper names, other identifying information and reservation dates during the calendar year for which the reservation is made. It provides that the Department of Conservation, Bureau of Parks and Lands campsite reservation system may disclose the information concerning campers and campsite reservations to law enforcement upon request.

LD 1424 **An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act** **PUBLIC 279**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP-AM	H-332

LD 1424 proposed to make clear that if a plaintiff establishes that prior to filing a complaint in court, the plaintiff filed a charge of discrimination with the Maine Human Rights Commission and the commission dismissed the case for any reason, the court may award attorneys' fees and damages if the plaintiff prevails at trial.

Committee Amendment "A" (H-332) proposed to replace the bill. It proposed to authorize a court to award attorneys' fees and damages to a plaintiff who prevails at trial on a discrimination complaint if the plaintiff

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establishes that, prior to filing with the court, the plaintiff filed the charge with the Maine Human Rights Commission and the commission erroneously dismissed the case.

Enacted Law Summary

Public Law 2003, chapter 279 authorizes a court to award attorneys' fees and damages to a plaintiff who prevails at trial on a discrimination complaint if the plaintiff establishes that, prior to filing with the court, the plaintiff filed the charge with the Maine Human Rights Commission and the commission erroneously dismissed the case.

LD 1425

An Act Relating to the Protection of Whistleblowers

PUBLIC 357

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON PENDLETON	OTP-AM	H-395

LD 1425 proposed to provide protection for an employee who is retaliated against because the employee has refused to carry out a directive of the employer that the employee has reasonable cause to believe compels the employee to violate the law. The Law Court has held that the existing statutory language protects only those employees who refuse to carry out a directive that would result in serious injury or death. See Devoid v. Clair Buick Cadillac, Inc., 699 A. 2d 749 (Me. 1996). The bill was intended to correct the problem noted by the Law Court.

Committee Amendment "A" (H-395) proposed to clarify that an employee is protected under the Whistleblowers' Protection Act if the employee, acting in good faith, refuses to carry out a directive that would be a violation of law or rule.

Enacted Law Summary

Public Law 2003, chapter 357 clarifies that an employee is protected under the Whistleblowers' Protection Act if the employee, acting in good faith, refuses to carry out a directive that would be a violation of law or rule.

LD 1454

An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime

PUBLIC 365

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP BRYANT	OTP-AM	H-417

The purpose of LD 1454 was to reduce the illegal market in public records, especially historic public records. This bill proposed to prohibit the sale or transfer of public records, which, according to the Maine Revised Statutes, Title 5, section 92-A, excludes publications and copies or documents intended for distribution.

Committee Amendment "A" (H-417) proposed to clarify that a person may not transfer or sell a record unless authorized by law. "Record" is currently defined as "all documentary material, regardless of media or characteristics, made or received and maintained by an agency in accordance with law or rule or in the

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transaction of its official business." The bill as amended would not affect public access to, or receipt of copies of, public records. The bill as amended would not prohibit the sale of copies of public records.

Enacted Law Summary

Public Law 2003, chapter 365 prohibits the sale or transfer of public records, which, according to the Maine Revised Statutes, Title 5, section 92-A, excludes publications and copies or documents intended for distribution.

LD 1473 An Act To Amend the Laws Governing Public Easements CARRIED OVER

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

LD 1473 proposes to allow a person who is directly benefited by a public easement to collect funds to maintain that easement and provide that a municipality may only retain a public easement in a discontinued road by stating in the discontinuance order that a public easement is retained.

LD 1479 An Act To Protect Maine Consumers from Hidden Fees and Charges PUBLIC 339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-394

LD 1479 proposed to add "face value" to the abandoned property laws definition section to resolve issues of interpretation. The bill proposed to define "gift obligation." The bill also proposed to clarify the abandonment period of a gift obligation and that the amount abandoned is the face value of the gift obligation. The bill proposed to prohibit the imposition of a fee or charge on a gift obligation unless the fee or charge is contained in a written agreement at the time of purchase of the gift obligation.

Committee Amendment "A" (H-394) proposed to clarify that the imposition of a fee or charge on a gift obligation is prohibited unless the fee or charge is noted on the gift obligation. The amendment proposed that fees and charges must also be in accordance with the Maine Revised Statutes, Title 33, section 1956, which governs dormancy charges.

Enacted Law Summary

Public Law 2003, chapter 339 amends the Unclaimed Property Act to address gift certificates and other gift obligations, such as gift cards. It clarifies the abandonment period of a gift obligation and that the amount abandoned is the face value of the gift obligation. It clarifies that the imposition of a fee or charge on a gift obligation is prohibited unless the fee or charge is noted on the gift obligation. Fees and charges must also be in accordance with the Maine Revised Statutes, Title 33, section 1956, which governs dormancy charges.

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LD 1487

**An Act To Allow Judges' Faxed Signatures in Involuntary
Psychiatric Commitment Proceedings**

PUBLIC 206

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1487 proposed to make a facsimile endorsement of a judge or justice in an involuntary psychiatric commitment proceeding as effective as the original endorsement.

Enacted Law Summary

Public Law 2003, chapter 206 makes a facsimile endorsement of a judge or justice in an involuntary psychiatric commitment proceeding as effective as the original endorsement.

LD 1511

**An Act To Make Technical Changes to the Laws Concerning
Tobacco Manufacturers**

PUBLIC 435

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1511 proposed to make 3 technical changes in the Maine Revised Statutes, Title 22, chapter 263, subchapter 3, the tobacco manufacturers laws, which is the law the State adopted to ensure payments under the 1998 multistate legal settlement with tobacco companies.

Enacted Law Summary

Public Law 2003, chapter 435 makes 3 technical changes in the Maine Revised Statutes, Title 22, chapter 263, subchapter 3, the tobacco manufacturers laws, which is the law the State adopted to ensure payments under the 1998 multistate legal settlement with tobacco companies. First, it delegates the rule-making authority under the law to the Attorney General. Second, it changes the way allocable share releases from escrow are calculated for tobacco manufacturers who do not participate in the master settlement agreement. Third, it provides that, in the event the new method is found unconstitutional by a court and the statute, without an allocable share provision is found to be unconstitutional, the statute reverts to the form it was in prior to the changes made by this chapter.

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LD 1517 **An Act To Make Necessary Technical Changes Relating to the** **ONTP**
Maine Business Corporation Act and the Maine Professional
Service Corporation Act

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

LD 1517 proposed to correct cross-references and make conforming changes necessitated by repeal of Title 13-A and enactment of the new Title 13-C, the "Maine Business Corporation Act" and by repeal of Title 13, chapter 22 and enactment of Title 13, chapter 22-A, the "Maine Professional Service Corporation Act." The new laws were enacted by Public Law 2001, chapter 640. See LD 1539, which incorporates most of LD 1517.

LD 1525 **An Act To Clarify the Freedom of Access Laws as They Pertain to** **CARRIED OVER**
the Penobscot Nation

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

LD 1525 proposes to provide that the Freedom of Access laws concerning public proceedings and public records do not apply to the Penobscot Nation. To the extent the holding in Great Northern Paper, Inc. v. Penobscot Nation, 2001 ME 68, is inconsistent with this Act, this bill proposed to overrule it.

This bill was carried over to the Second Regular Session.

LD 1538 **An Act To Clarify the Appointment of Coguardians and** **PUBLIC 323**
Coconservators under the Probate Code

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

LD 1538 proposed to clarify that the Probate Court has the authority to appoint coguardians or coconservators under Part 3 and Part 4 of Article 5 of the Probate Code by explicitly stating that this authority exists. This would provide flexibility for the courts and families of incapacitated adults.

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LD 1539

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies, Limited Liability Partnerships and Marks

**PUBLIC 344
EMERGENCY**

Sponsor(s)
NORBERT

Committee Report
OTP-AM

Amendments Adopted
H-419

LD 1539 proposed to make numerous clarifying, technical and conforming changes to the laws governing trademarks and other business marks and governing all types of business entities. Many of the changes are made to conform to the new Maine Business Corporation Act, Title 13-C, which takes effect July 1, 2003.

Committee Amendment "A" (H-419) proposed to make technical corrections to the bill. It also proposed to clarify the application of the new Maine Revised Statutes, Title 13-C, the revised Maine Business Corporation Act, and to clarify that neither Title 13-C nor its predecessor, Title 13-A, is intended to restate, codify or supplant the business judgment rule.

It also proposed to add a new Part D to the bill and correct cross-references and make conforming changes necessitated by enactment of revised versions of the Maine Business Corporation Act and the Maine Professional Services Corporation Act.

Enacted Law Summary

Public Law 2003, chapter 344 makes numerous changes in the laws governing nonprofit corporations, professional service corporations, partnerships, limited liability partnerships, limited liability companies and trademarks and service marks. Many of the changes are made to provide uniformity between those laws and the newly enacted Maine Business Corporation Act, Title 13-C, which takes effect July 1, 2003.

It changes the standard regarding names to conform to the standards adopted in the new Maine Business Corporation Act, including adopting the standard prohibiting the use of a business name if it is not "distinguishable on the record" from the name of an existing business rather than prohibiting use of a name that is "deceptively similar" to an existing name. It adds definitions; describes the use of extrinsic facts in documents; clarifies certificates of existence, certificates of authority and certificates of fact; clarifies public access to Secretary of State databases and fees for sale of publications. It clarifies the duties of the corporate clerk and the process for changing corporate clerks; clarifies certain provisions relating to series of shares; clarifies shareholder voting requirements; establishes a process to reinstate suspended corporations; and changes the time frame to correct a default before revocation of authority from 30 to 60 days.

The law makes technical corrections to clarify the application of the new Maine Revised Statutes, Title 13-C, the revised Maine Business Corporation Act, and clarifies that neither Title 13-C or its predecessor, Title 13-A, is intended to restate, codify or supplant the business judgment rule, since the elements of the business judgment rule and the circumstances for its application are developed by the courts. It also corrects cross-references and makes conforming changes necessitated by enactment of Public Law 2001, chapter 640, which repealed the Maine Revised Statutes, Title 13-A and replaced it with Title 13-C, the "Maine Business Corporation Act" and repealed Title 13, chapter 22 and replaced it with Title 13, chapter 22-A, the "Maine Professional Service Corporation Act."

Public Law 2003, chapter 344 was enacted as an emergency measure effective July 1, 2003.

Joint Standing Committee on Judiciary

LD 1567

An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended

PUBLIC 452

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-557

LD 1567 was the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 2001, chapter 45. It proposed to amend statutes to provide that each crime or civil violation has a unique statutory cite.

The bill proposed to make the changes effective July 1, 2004 in order to give district attorneys, the courts and others adequate time to update their charging instruments and computer systems.

Committee Amendment "A" (H-557) proposed to make changes to the bill to avoid conflicts with new laws and to correct errors in the bill.

It proposed to provide that the provisions concerning terminology for civil monetary sanctions take effect 90 days after adjournment of the First Regular Session of the 121st Legislature, while the rest of the bill as amended would take effect July 1, 2004.

This amendment also proposed to add a mandate preamble.

Enacted Law Summary

Public Law 2003, chapter 452 is the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 2001, chapter 45. It amends civil and criminal violations throughout the statutes to provide a unique statutory cite for each violation.

The bill changes references to monetary sanctions authorized by law, including fines, forfeitures, penalties or surcharges imposed by the court for a civil violation, to "fine" unless the sanction is payable to an entity other than the State, in which case the sanction continues to be identified as a civil penalty. A general provision that indicates this change is added to Title 14

The provisions concerning terminology for civil monetary sanctions take effect 90 days after adjournment of the First Regular Session of the 121st Legislature, while the rest of chapter 452 takes effect July 1, 2004.

Joint Standing Committee on Judiciary

LD 1568

An Act To Protect Plaintiffs and Minor Children in Certain Civil Protection Order Cases

PUBLIC 372

<u>Sponsor(s)</u> DAGGETT COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-165
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LD 1568 proposed to allow the court, in the most dangerous protection from abuse cases, to issue a temporary order that prohibits the defendant from possessing a firearm or other dangerous weapon.

Committee Amendment "A" (S-165) proposed to clarify the requirement in the bill that the court must provide notice to a plaintiff, before the plaintiff signs a protection from abuse complaint, that making a false statement under oath in a court document is a crime. This amendment proposed to clarify that the court may provide that notice orally or in writing.

Enacted Law Summary

Public Law 2003, chapter 372 allows the court, in the most dangerous protection from abuse cases, to issue a temporary order that prohibits the defendant from possessing a firearm or other dangerous weapon. It incorporates proven indicators of increased risk of death in domestic violence situations to help the court determine when it is appropriate to grant the permitted relief. It also provides the defendant with a prompt hearing and decision on a motion for dissolution or modification. It requires the court to provide notice, orally or in writing, to a plaintiff, before the plaintiff signs a protection from abuse complaint, that making a false statement under oath in a court document is a crime. Finally, chapter 372 requires a defendant to relinquish possession of firearms and specified dangerous weapons if the defendant is prohibited from possession in either a temporary or permanent protection order.

LD 1579

An Act To Promote the Financial Security of Maine's Families and Children

CARRIED OVER

<u>Sponsor(s)</u> DUDLEY DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1579 proposes to provide for domestic partners in certain provisions of the Probate Code and in the laws governing the custody of remains of deceased persons.

Joint Standing Committee on Judiciary

LD 1582

An Act To Protect Critical Homeland Security Information and Information Technology Infrastructure and Systems

PUBLIC 392

Sponsor(s)
ROTUNDO

Committee Report
OTP-AM

Amendments Adopted
S-190

LD 1582 proposed to add an exception to the definition of "public records" in the freedom of access laws that would protect information concerning the security, access to and integrity of information technology systems, information technology plans related to homeland security and operating procedures of agencies of State Government and local government.

Committee Amendment "A" (S-190) proposed to delete the substantive changes to the Maine Revised Statutes, Title 1, section 402, subsection 3, paragraph L proposed in the bill because the current law already covers information technology systems in the context of preventing or preparing for acts of terrorism.

This amendment proposed to change the language for a new category of records and information that are not public records: records or information that describes the architecture, design, access authorization, encryption or security of information technology infrastructure and systems.

Enacted Law Summary

Public Law 2003, chapter 392 adds an exception to the definition of "public records" in the freedom of access laws to protect a new category of records and information that are not public records: records or information that describes the architecture, design, access authorization, encryption or security of information technology infrastructure and systems.

LD 1584

An Act To Ensure Equity for Active Retired Justices of the Supreme Judicial Court Who Perform Judicial Service

PUBLIC 290

Sponsor(s)
SHERMAN

Committee Report
OTP

Amendments Adopted

LD 1584 proposed to increase the per diem compensation for an Active Retired Justice of the Supreme Judicial Court to match the per diem given to Active Retired Superior Court Justices and Active Retired Judges.

Enacted Law Summary

Public Law 2003, chapter 290 increases the per diem compensation for an Active Retired Justice of the Supreme Judicial Court to match the per diem given to Active Retired Superior Court Justices and Active Retired Judges.

Joint Standing Committee on Judiciary

LD 1585

Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services

**RESOLVE 62
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-477

LD 1585 proposed to provide for legislative review of Rules for the Audio Recording of Planned Interviews of Children, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-477) proposed to express the Joint Standing Committee on Judiciary's approval of the major substantive rules concerning the audio recording of planned interviews with children with 2 technical corrections to the most recent printed version of the provisionally adopted rules.

Enacted Law Summary

Resolve 2003, chapter 62 provides for legislative review and approval of Rules for the Audio Recording of Planned Interviews of Children, a major substantive rule of the Department of Human Services.

Resolve 2003, chapter 62 was passed as an emergency measure effective June 3, 2003.

LD 1598

An Act To Ensure Access to Intelligence and Investigative Information

PUBLIC 402

Sponsor(s)
MILLS J

Committee Report
OTP-AM

Amendments Adopted
H-475

LD 1598 proposed to specify that, upon request, intelligence and investigative information, including police reports, must be disclosed to a victim of a crime or a person injured in a car accident. This bill also proposed to require investigating agencies to retain their records and reports for 6 years.

Committee Amendment "A" (H-475) proposed to provide that intelligence and investigative records may be disseminated to a victim or the victim's agent or attorney. The dissemination of the records would be subject to reasonable limitations for the same purposes for which dissemination is prohibited under current law.

Enacted Law Summary

Public Law 2003, chapter 402 provides that intelligence and investigative records may be disseminated to a crime victim or the victim's agent or attorney. The dissemination of the records is subject to reasonable limitations for the same purposes for which dissemination is prohibited under current law.

Joint Standing Committee on Judiciary

LD 1606

An Act To Amend the Adult Protective Services Act

ONTP

<u>Sponsor(s)</u> PENDLETON BRYANT-DESCHENE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1606 proposed to make the reporting requirements under the Adult Protective Services Act individual to the reporter. The bill also proposed to clarify the relationship between the Adult Protective Services Act and other state and local laws regarding confidential or privileged information and specifies types of information the Department of Human Services may receive as part of an investigation or protective proceeding. The bill proposed to replace the term "dependent adult" throughout the Adult Protective Services Act with the term "vulnerable adult."

LD 1630

Resolve, Approving the 2003 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution

**RESOLVE 98
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1630 was submitted pursuant to the Constitution of Maine, Article X, Section 6. It proposed to provide for approval by the Legislature of the Constitution of Maine as arranged by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6.

LD 1630 was not referred to a committee.

Enacted Law Summary

The Legislature's passage of Resolve 2003, chapter 98 constitutes approval of the Constitution of Maine as arranged by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6. The text of the Constitution of Maine as recodified by the Chief Justice is included in the printed version of LD 1630 as Appendix "A." (LD 1630 was passed without reference to a committee. Once finally passed by the Legislature, it was sent to the Secretary of State pursuant to the Constitution of Maine, Article X, Section 6 rather than being presented to the Governor for his signature.)

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Labor*

July 2003

Members:

*Sen. Betheda G. Edmonds, Chair
Sen. Steven S. Stanley
Sen. Kenneth Blais*

*Rep. William J. Smith, Chair
Rep. Deborah J. Hutton
Rep. Paul R. Hatch
Rep. John L. Patrick
Rep. Thomas R. Watson
Rep. Russell P. Treadwell
Rep. Philip Cressey, Jr.
Rep. Robert W. Nutting
Rep. Theodore H. Heidrich
Rep. Troy D. Jackson*

Staff:

Deborah C. Friedman, Senior Analyst

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

JOINT STANDING COMMITTEE ON LABOR

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	76	85.4%	4.6%
<u><i>Bills Carried Over</i></u>	<u>13</u>	<u>14.6%</u>	<u>0.8%</u>
Total Bills referred	89	100.0%	5.4%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	89	100.0%	5.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	1	100.0%	20.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	1	100.0%	20.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	6.5%	0.3%
<i>Ought to Pass as Amended</i>	26	33.8%	1.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>21</u>	<u>27.3%</u>	<u>1.4%</u>
Total unanimous reports	52	67.5%	3.6%
B. Divided committee reports			
<i>Two-way reports</i>	25	32.5%	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>
Total divided reports	25	32.5%	1.7%
Total committee reports	77	100.0%	5.3%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	#DIV/0!	0.0%
<i>Public laws</i>	36	40.4%	2.2%
<i>Private and Special Laws</i>	2	2.2%	0.1%
<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>
Total Enacted or Finally Passed	41	46.1%	2.5%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	6.7%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	6.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	1	1.1%	0.1%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	1	1.1%	0.1%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Labor

SUBJECT INDEX

Employment Conditions (including Family Medical Leave)

Enacted

LD 411	An Act To Provide Employees Fair Access to Personnel Files	PUBLIC 58	Page 648
LD 1117	An Act Regarding Wrongful Discharge	PUBLIC 442	Page 662
LD 1120	An Act To Amend the Laws Governing Noncompetete Clauses in Broadcast Industry Contracts	PUBLIC 225	Page 663

Not Enacted

LD 752	Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families	CARRIED OVER	Page 654
LD 883	An Act Regarding an Employee's Access to Personnel Files	ONTP	Page 657
LD 919	An Act To Require Public Improvement Projects Contractors and Subcontractors To Meet Certain Criteria	CARRIED OVER	Page 657
LD 1131	An Act to Require that Certain Employees Be Paid on a Weekly Basis	DIED IN CONCURRENCE	Page 663
LD 1150	An Act To Protect the Rights of State Workers	CARRIED OVER	Page 664
LD 1163	An Act To Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause	DIED IN CONCURRENCE	Page 664
LD 1185	An Act To Provide Paid Family and Medical Leave	ONTP	Page 664
LD 1193	An Act To Strengthen the Family Medical Leave Laws	ONTP	Page 665

Employment Conditions

Enacted

LD 6	An Act to Amend the Child Labor Laws	PUBLIC 53 Page 637
LD 34	An Act to Ensure that Child Labor Laws Apply to Public Sector Employers	PUBLIC 10 Page 639
LD 170	An Act To Improve the Health and Safety of Young Workers	PUBLIC 59 Page 644

Not Enacted

None

Job Training/Workforce Development

Enacted

LD 1093	An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998	PUBLIC 114 Page 661
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Not Enacted

None

Labor Relations

Enacted

LD 68	An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months	PUBLIC 76 Page 641
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Not Enacted

LD 71	An Act to Ban Strikebreakers	CARRIED OVER Page 642
LD 589	An Act To Create a Woods-related Bargaining Council	ONTP Page 652
LD 1318	An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers	CARRIED OVER Page 667

Loggers and Other Workers

Enacted

None

Not Enacted

LD 284	An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands	VETO SUSTAINED	Page 645
LD 589	An Act To Create a Woods-related Bargaining Council	ONTP	Page 652
LD 1318	An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers	CARRIED OVER	Page 667
LD 1350	An Act To Assist Seasonal Workers with Workers' Compensation	DIED IN CONCURRENCE	Page 669
LD 1380	An Act To Promote Safety and Fair Labor Practices for Forestry Workers	CARRIED OVER	Page 669

Public Contracts

(construction, public lands; economic development benefits)

Enacted

LD 361	An Act to Amend the Laws Governing Wage and Benefit Records of Persons Working on Public Works Projects	PUBLIC 432	Page 647
LD 1532	An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law	PUBLIC 197	Page 673

Not Enacted

LD 284	An Act To Require Use of United States Citizens for Work with the Bureau of Parks and Lands	VETO SUSTAINED	Page 645
LD 561	An Act To Improve Standards for Public Assistance to Employers in the State	CARRIED OVER	Page 651
LD 919	An Act To Require Public Improvement Projects Contractors and Subcontractors To Meet Certain Criteria	CARRIED OVER	Page 657
LD 1150	An Act To Protect the Rights of State Workers	CARRIED OVER	Page 664

LD 1163 An Act To Provide That Employee Terminations by DIED IN Page 664
Any Company That Receives Monetary Benefits CONCURRENCE
from the State Require Just Cause

Retirement – Administration

Enacted

LD 11 An Act to Establish the Administrative Operating P & S 6 Page 638
Budget for the Maine State Retirement System for EMERGENCY
the Fiscal Year Ending
June 30, 2004

LD 672 An Act Relating to Employees Whose Membership PUBLIC 261 Page 653
in the Maine State Retirement System is Optional

LD 831 An Act Pertaining to Former Members of the Maine PUBLIC 273 Page 655
State Retirement System

LD 1535 An Act To Authorize Certain Former Members of PUBLIC 324 Page 673
the Maine State Retirement System To Rejoin the EMERGENCY
Maine State Retirement System

Not Enacted

LD 528 An Act To Increase the Number of Members of the ONTP Page 651
Board of Trustees of the Maine State Retirement
System

Retirement – Alternative Plans; "Cliff" Bills

Enacted

None

Not Enacted

LD 457 An Act To Supplement Benefits for State Employees ONTP Page 649
and Teachers Whose Pensions Are Subject to
Reductions Enacted in 1993

LD 718 An Act To Create a New Pension System for Newly CARRIED OVER Page 654
Hired Teachers and State Employees

LD 823 An Act To Distribute Costs for the Funding of ONTP Page 655
Pensions and Health Insurance for Retired Teachers

Retirement – General

Enacted

LD 672	An Act Relating to Employees Whose Membership in the Maine State Retirement System is Optional	PUBLIC 261 Page 653
LD 1009	An Act Concerning Retirement Benefits for State Employees	PUBLIC 486 Page 660
LD 1107	An Act To Clarify Eligibility in the Maine State Retirement System Life Insurance Program	PUBLIC 485 Page 662
LD 1248	An Act Concerning Disability Retirement Benefits under the Maine State Retirement System	PUBLIC 328 Page 666
LD 1501	An Act To Amend the Laws Relating to the Maine State Retirement System	PUBLIC 387 Page 672

Not Enacted

LD 881	An Act To Allow the Buyback of Active Duty Military Time for Maine State Retirement System Credit	ONTP Page 656
LD 990	An Act To Provide an Alternative Method of Payment under the Maine State Retirement System	ONTP Page 659
LD 992	An Act To Clarify the Purchase of Military Time Served under the Maine State Retirement System	ONTP Page 660
LD 1038	Resolve, Directing the Maine State Retirement System To Study the Windfall Elimination Provision of the Social Security Program	ONTP Page 661

Retirement – Retiree Health Insurance

Enacted

LD 1277	An Act To Allow a Retiree Eligible for State-paid Health Insurance Coverage To Decline Coverage and Reenroll at a Later Date	PUBLIC 214 Page 666
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Not Enacted

LD 32	An Act to Provide a 5% Increase in the State's Contribution for Insurance for Retired Teachers	DIED ON ADJOURNMENT Page 639
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LD 414	An Act To Require the State To Fully Pay for Health Insurance for Maine's Retired Educators	ONTP Page 649
LD 809	An Act To Provide Health Insurance Contributions to All Retired Teachers	ONTP Page 655
LD 823	An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers	ONTP Page 655
LD 1225	Resolve, To Assist Retired Teachers by Establishing a Health Insurance Payment Program	ONTP Page 665

Retirement - Special Plans

Enacted

LD 1343	Resolve, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters	RESOLVE 76 Page 668 EMERGENCY
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Not Enacted

LD 1223	An Act Relating to Retirement Qualifications for Hazardous Materials Workers	ONTP Page 665
LD 1315	An Act To Change the Retirement Eligibility Qualifications for Certain Military Firefighters and Police Officers	ONTP Page 667
LD 1352	An Act To Amend the Benefit for Accidental Death in the Line of Duty for Law Enforcement Officers	ONTP Page 669

Safety

Enacted

LD 398	An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts	PUBLIC 471 Page 648
LD 1544	An Act To Revise the Standards for Reporting Public Sector Workplace Deaths and Serious Injuries	PUBLIC 244 Page 674

Not Enacted

LD 1380 An Act To Promote Safety and Fair Labor Practices CARRIED OVER Page 669
for Forestry Workers

Unemployment Insurance – Administration, Process

Enacted

LD 116 Resolve, Directing the Department of Labor, Bureau RESOLVE 63 Page 643
of Unemployment Compensation To Provide Access
to a Toll-free Telephone Number

LD 954 An Act To Require Disclosure of the Amount and PUBLIC 95 Page 658
Duration of Unemployment Benefits to Recipients

LD 955 An Act To Allow Recipients To Withdraw from PUBLIC 96 Page 658
Receiving Unemployment Benefits by Phone and at
Any Time before Receiving Benefits

LD 1453 An Act To Allow for Immediate Unemployment PUBLIC 163 Page 671
Fact-finding Interviews for Able and Availability
Issues

LD 1476 An Act To Improve Timeliness of Unemployment PUBLIC 164 Page 671
Trust Fund Deposits

LD 1552 An Act To Allocate a Portion of the Reed Act P & S 23 Page 675
Distribution of 2002 To Use for the Administration
of the Unemployment Insurance and Employment
Services Programs

Not Enacted

None

Unemployment Insurance – Benefits; Eligibility

Enacted

LD 83 An Act To Expand Unemployment Benefits PUBLIC 28 Page 642
EMERGENCY

LD 240 An Act to Ensure that Maine's Unemployment PUBLIC 458 Page 644
System is Responsive to the Needs of Today's
Workforce

LD 1576 An Act To Provide Group Health Insurance PUBLIC 348 Page 675
Coverage to Maine Citizens Eligible for Assistance EMERGENCY
Under the Federal Trade Adjustment Assistance
Reform Act of 2002

Not Enacted

LD 117 An Act Relating to Unemployment Compensation INDEF PP Page 643

LD 148 An Act To Clarify Employment Status of Owner- ONTP Page 644
operators in the Trucking Industry

LD 797 Resolve, To Provide Health Insurance to ONTP Page 654
Unemployed Workers

LD 880 An Act To Eliminate the Social Security Offset for CARRIED OVER Page 656
Unemployment Benefits

LD 1618 An Act To Clarify the Employment Status of Court CARRIED OVER Page 676
Reporters, Stenographers and Videographers

Vocational Rehabilitation

Enacted

LD 334 An Act To Establish a Transportation Assistance PUBLIC 99 Page 646
Pilot Program

Not Enacted

LD 1286 An Act Regarding the Operation of Vending Services ONTP Page 667
in Public Buildings

Wages

Enacted

LD 361 An Act to Amend the Laws Governing Wage and PUBLIC 432 Page 647
Benefit Records of Persons Working on Public
Works Projects

LD 1532 An Act To Raise the Threshold under the Fair PUBLIC 197 Page 673
Minimum Wage Rate on Construction Projects Law

LD 1619 An Act To Provide Equitable Treatment to State PUBLIC 423 Page 676
Employees

LD 1627	Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards	RESOLVE 74 EMERGENCY	Page 677
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Not Enacted

LD 45	An Act to Establish a Living Wage for Maine Citizens	ONTP	Page 641
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LD 673	An Act To Increase Maine's Minimum Wage	CARRIED OVER	Page 653
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LD 1013	An Act To Address Maine's Direct Care Worker Shortage	ONTP	Page 661
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LD 1131	An Act to Require that Certain Employees Be Paid on a Weekly Basis	DIED IN CONCURRENCE	Page 663
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Workers' Compensation – Administration; Process

Enacted

LD 9	An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund	PUBLIC 93	Page 637
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LD 10	An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992	PUBLIC 52	Page 638
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LD 35	An Act To Increase the Assessment on Workers' Compensation Insurance To Fund the Workers' Compensation Board Administrative Fund	PUBLIC 425 EMERGENCY	Page 639
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LD 398	An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts	PUBLIC 471	Page 648
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LD 658	An Act To Improve the Operation of the Workers' Compensation Board	PUBLIC 382	Page 652
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Not Enacted

LD 56	An Act to Discourage Unfounded Workers' Compensation Disputes	ONTP	Page 641
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LD 339	An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing	INDEF PP	Page 646
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LD 510	An Act To Reimburse Employees for Attorney's Fees and Costs When Forced To Pursue Petitions for Payment of Medical Services	ONTP Page 650
LD 550	An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators	CARRIED OVER Page 651
LD 575	An Act To Encourage Workers' Compensation Dispute Resolutions	CARRIED OVER Page 652
LD 943	An Act To Discourage Abuse and Fraud under the Workers' Compensation Laws	ONTP Page 657
LD 1165	An Act To Provide Qualified Interpretation and Translation Services in Workers' Compensation Proceedings	ONTP Page 664

Workers' Compensation – Benefits and Other

Enacted

LD 476	An Act To Protect Maine Families When Workplace Fatalities Occur	PUBLIC 437 Page 650
LD 974	An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions	PUBLIC 424 Page 659
LD 1435	An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers	PUBLIC 489 Page 670
LD 1619	An Act To Provide Equitable Treatment to State Employees	PUBLIC 423 Page 676

Not Enacted

LD 101	An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part	ONTP Page 642
LD 834	An Act To Protect the Solvency of Workers' Compensation Trust Funds	ONTP Page 656
LD 1350	An Act To Assist Seasonal Workers with Workers' Compensation	DIED IN CONCURRENCE Page 669

Joint Standing Committee on Labor

LD 6

An Act to Amend the Child Labor Laws

PUBLIC 53

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-56
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LD 6 proposed to increase the number of hours per day and per week and to expand the hours of the day that a minor may work.

Committee Amendment "A" (H-56) proposed to replace the bill and to provide that the work hour restrictions applicable to 16-year-old and 17-year-old minors would be determined by whether the school attended by the minor is in session, rather than by reference to the public school schedule, even if the student attends a different school or is homeschooled.

Enacted Law Summary

Public Law 2003, chapter 53 provides that the work hour restrictions applicable to 16-year-old and 17-year-old minors are determined by whether the school attended by the minor is in session, rather than by reference to the public school schedule. The permissible work hours are more restrictive when the minor's school is in session than when it is not.

LD 9

An Act to Amend the Laws Governing the Workers'
Compensation Board Administrative Fund

PUBLIC 93

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-106
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LD 9 proposed to clarify that the Workers' Compensation Board can use its reserve fund for any purpose set forth in the Maine Revised Statutes, Title 39-A, including "personal services" and "all other" costs.

Committee Amendment "A" (H-106) proposed to add language to ensure that the joint standing committee of the Legislature having jurisdiction over labor matters receives prompt notice of an approval of a request by the Workers' Compensation Board to use reserve funds to exceed its legislatively authorized allocation.

Enacted Law Summary

Public Law 2003, chapter 93 allows the Workers' Compensation Board to use its reserve funds for any of the purposes set forth in Title 39-A, the Maine Workers' Compensation Act of 1992. It also requires the Board to notify the joint standing committee of the Legislature having jurisdiction over labor matters whenever the Governor and the State Budget Officer approve a request by the Workers' Compensation Board to use reserve funds to exceed its legislatively authorized allocation.

Joint Standing Committee on Labor

LD 10

An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992

PUBLIC 52

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-62
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LD 10 proposed to allow the Workers' Compensation Board to delegate to hearing officers the authority to hear and decide cases involving a request for an extension of benefits due to extreme financial hardship caused by the inability to return to gainful employment.

Committee Amendment "A" (H-62) proposed to clarify that the Workers' Compensation Board may delegate a decision on extension of benefits to a hearing officer or a panel of 3 hearing officers and that the decision to delegate such authority must be made on a case-by-case basis. It also proposed to provide that hearing officer decisions on this issue may not be appealed to the Workers' Compensation Board, but may be appealed directly to the Law Court like other hearing officer decisions.

Enacted Law Summary

Public Law 2003, chapter 52 allows the Workers' Compensation Board, on a case-by-case basis, to delegate to hearing officers the authority to hear and decide cases involving a request for an extension of benefits due to extreme financial hardship due to inability to return to gainful employment. The case may be heard by a single hearing officer or a panel of three hearing officers, and hearing officer decisions on these matters may not be appealed to the Board.

LD 11

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2004

**P & S 6
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-63
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LD 11 proposed to allocate funds for the operating budget of the Maine State Retirement System for fiscal year 2003-04 as required by statute.

Committee Amendment "A" (H-63) proposed to incorporate a fiscal note.

Enacted Law Summary

Private and Special Law 2003, chapter 6 provides an allocation of \$9,959,245 for the operating budget of the Maine State Retirement System for fiscal year 2003-04.

Private and Special Law 2003, chapter 6 is an emergency measure and takes effect July 1, 2003.

Joint Standing Committee on Labor

LD 32 **An Act to Provide a 5% Increase in the State's Contribution for Insurance for Retired Teachers** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> CANAVAN MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-55
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LD 32 proposed to increase the State's contribution for health insurance for retired educators from 40% to 45% beginning July 1, 2004.

Committee Amendment "A" (H-55) proposed to add an appropriation and allocation section to the bill.

LD 32 was enacted in the House, but died on the Appropriations Table.

LD 34 **An Act to Ensure that Child Labor Laws Apply to Public Sector Employers** **PUBLIC 10**

<u>Sponsor(s)</u> EDMONDS SMITH W	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-11 SMITH W
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LD 34 proposed to apply the child labor laws to public employers. Currently, those laws apply only to private employers. Child labor laws require work permits for minors, limit the hours that minors may work and prohibit them from working in certain hazardous workplaces.

House Amendment "A" (H-11) proposed to exclude service in the National Guard from application of the child labor laws.

Enacted Law Summary

Public Law 2003, chapter 10 provides that child labor laws apply to public employers as well as to private employers, except that they do not apply to service in the National Guard.

LD 35 **An Act To Increase the Assessment on Workers' Compensation Insurance To Fund the Workers' Compensation Board Administrative Fund** **PUBLIC 425 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-255 EDMONDS S-61
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LD 35 proposed to increase the maximum allowable assessment to support the activities of the Workers' Compensation Board to \$8,350,000 in fiscal year 2003-04 and \$8,525,000 in fiscal year 2004-05.

Committee Amendment "A" (S-61), the majority report of the committee, proposed to add an appropriation/allocation section.

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Committee Amendment "B" (S-62), the minority report of the committee, proposed to limit the assessment to \$7,546,000 beginning in fiscal year 2003-04 and to create a 4-member commission to review the Workers' Compensation Board's process for establishing, approving and monitoring its budget. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-255) proposed to increase the maximum allowable assessment to support the activities of the Workers' Compensation Board to \$8,390,000 in fiscal year 2003-04, \$8,565,000 in fiscal year 2004-05 and \$8,525,000 in fiscal year 2005-06 and thereafter. The amendment also proposed to restore the worker advocate and support staff positions to continue program operation. Included in the increased assessment cap for fiscal years 2003-04 and 2004-05 would be \$40,000 for the board to contract for programming services to implement electronic filing by insurers and self-insurers.

The amendment proposed to require the Workers' Compensation Board to adopt rules requiring the electronic filing of information with the board. The rules would be routine technical rules but must be developed through the consensus-based rule development process described in the Maine Administrative Procedure Act.

The amendment also proposed to create a 6-member commission to review the Workers' Compensation Board's process for establishing, approving and monitoring its budget, with 4 Legislators and 2 members of the Workers' Compensation Board. The commission would report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

This amendment proposed to add an emergency preamble and clause and specify an effective date of July 1, 2003.

Enacted Law Summary

Public Law 2003, chapter 425 increases the cap on the assessment levied to fund the operations of the Workers' Compensation Board to \$8,390,000 in fiscal year 2003-04, \$8,565,000 in fiscal year 2004-05 and \$8,525,000 in fiscal year 2005-06. Included in the increased assessment cap for fiscal years 2003-04 and 2004-05 is \$40,000 for the board to contract for programming services to implement electronic filing by insurers and self-insurers. The law also provides for the worker advocate and support staff positions that were not included in the Part 1 budget bill due to lack of revenue to fund the positions.

The law requires the Workers' Compensation Board to adopt rules requiring the electronic filing of information with the board. The rules are routine technical rules but must be developed through the consensus-based rule development process described in the Maine Administrative Procedure Act.

The law creates a 6-member commission to review the Workers' Compensation Board's budget process for establishing, approving and monitoring its budget, with 4 Legislators and 2 members of the Workers' Compensation Board. The commission will report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

Public Law 2003, chapter 425 was enacted as an emergency measure, effective July 1, 2003.

Joint Standing Committee on Labor

LD 45

An Act to Establish a Living Wage for Maine Citizens

ONTP

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

LD 45 was a concept draft that proposed to establish a minimum wage for Maine residents who are employed full time that compensates for the cost of rental property rates and food.

LD 56

An Act to Discourage Unfounded Workers' Compensation Disputes

ONTP

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

LD 56 proposed to require an employer to pay an employee's reasonable attorney's fees and costs in a workers' compensation proceeding if a workers' compensation hearing officer finds that an employer's refusal to pay benefits was not based on any rational grounds.

LD 68

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL EDMONDS	OTP-AM	H-83

LD 68 proposed to remove the provision in the higher education collective bargaining law that excludes employees from coverage in the first 6 months of employment.

Committee Amendment "A" (H-83) proposed to add a section to the bill to provide for negotiation of initial probationary periods for employees and to establish a minimum 6-month probationary period during which an employee may be terminated without just cause.

Enacted Law Summary

Public Law 2003, chapter 76 amends the collective bargaining law governing higher education employees. It removes the exclusion of persons who have been employed less than 6 months, provides for negotiation of initial probationary periods and establishes a minimum 6-month probationary period during which an employee may be terminated without just cause.

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LD 71 **An Act to Ban Strikebreakers** **CARRIED OVER**

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

LD 71 proposes to require that a contract between an employer and replacement workers must provide that when the strike is settled or if the employees offer unconditionally to return to work the replacement workers will not be retained in preference to the strikers. It also proposes to repeal provisions in current law regarding replacement workers that were found by a Maine court in 1998 to be preempted by the National Labor Relations Act.

Committee Amendment "A" (H-92) proposed to change the language of the bill relating to employment contracts. It proposed that a contract between an employer whose employees are locked out or on strike and an individual or group of individuals hired to replace those workers is not enforceable after the strike or lockout is over unless it is enforceable under federal law.

LD 83 **An Act To Expand Unemployment Benefits** **PUBLIC 28
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-16 H-21 CLARK

LD 83 proposed to specify that a person is not disqualified from receiving unemployment compensation benefits if the person agrees to be laid off when a layoff or reduction in force is announced by the employer and the employer asks for volunteers.

Committee Amendment "A" (H-16) proposed to incorporate a fiscal note.

House Amendment "A" (H-21) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 28 provides that a person is not disqualified from receiving unemployment compensation benefits on the grounds that the person volunteered to be laid off, when a layoff or reduction in force is announced by the employer and the employer asks for volunteers.

Public Law 2003, chapter 28 was enacted as an emergency measure, effective April 8, 2003.

LD 101 **An Act to Amend the Maine Workers' Compensation Act of 1992
as it Relates to Compensation for Amputation of a Body Part** **ONTP**

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

LD 101 proposed to amend the Maine Workers' Compensation Act of 1992 to provide a lump-sum benefit in addition to the current weekly benefit when an employee's injury is the amputation of a body part. The amount of

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the lump-sum benefit would be equal to the amount of the weekly benefit times the period of presumed incapacity.

LD 116 **Resolve, Directing the Department of Labor, Bureau of Unemployment Compensation To Provide Access to a Toll-free Telephone Number** **RESOLVE 63**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ ONTP MIN	H-518 SMITH W S-168

LD 116 proposed to require the Commissioner of Labor to ensure that the Bureau of Unemployment Compensation maintains and provides appropriate staff to monitor a toll-free telephone line to direct individuals to the appropriate resources and personnel within the bureau.

Committee Amendment "A" (S-168) proposed to replace the bill with a resolve. It proposed to require the Department of Labor, Bureau of Unemployment Compensation to provide a toll-free telephone line if, and to the extent that, funds are allocated for that purpose from the Reed Act Distribution of 2002.

House Amendment "A" to Committee Amendment "A" (H-518) proposed to remove the emergency preamble and emergency clause.

Enacted Law Summary

Resolve 2003, chapter 63 requires the Department of Labor, Bureau of Unemployment Compensation to provide a toll-free telephone line if, and to the extent that, funds are allocated for that purpose from the Reed Act Distribution of 2002. The line would allow persons to obtain information about unemployment benefits and to file for benefits. See also LD 1552, Private and Special Law 2003, chapter 23.

LD 117 **An Act Relating to Unemployment Compensation** **INDEF PP**

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

LD 117 proposed to repeal the one-week waiting period before unemployment compensation is paid.

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LD 148 **An Act To Clarify Employment Status of Owner-operators in the Trucking Industry** **ONTP**

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

LD 148 proposed to forgive certain unemployment taxes due from certain owner-operators of trucks or truck tractors leased to a motor carrier based on wages prior to the effective date of the law that exempted those wages from state unemployment insurance law.

LD 170 **An Act To Improve the Health and Safety of Young Workers** **PUBLIC 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-64

LD 170 proposed to amend the child labor laws to provide that the Department of Labor rules prohibiting minors from working in hazardous jobs must include a rule prohibiting minors from working in confined spaces.

Committee Amendment "A" (H-64) proposed to replace the bill. It proposed to restructure the section of law relating to hazardous employment for minors. It proposed to add language prohibiting minors from working in confined spaces or at a certain height when federal Occupational Safety and Health Administration regulations would require special procedures or precautions for such work. It proposed to require that Department of Labor rules limiting minors from such work include specific exceptions for work needed for public safety.

Enacted Law Summary

Public Law 2003, chapter 59 requires that the Department of Labor rules prohibiting minors from working in hazardous jobs must include a rule prohibiting minors from working in confined spaces or at a certain height, when federal Occupational Safety and Health Administration regulations would require special procedures or precautions for such work. It requires that the rules limiting minors from such work include specific exceptions for work needed for public safety. It also restructures the entire section of law to make it easier to read.

LD 240 **An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce** **PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON EDMONDS	OTP-AM MAJ ONTP MIN	H-482 H-528 SMITH W

LD 240 proposed to amend the law relating to qualification for unemployment benefits to provide that a person who is only available for part-time work is not disqualified from receiving benefits, beginning on January 1, 2004. Under current law, an unemployed individual is eligible to receive unemployment benefits only if the individual is available for full-time work.

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Committee Amendment "A" (H-482) proposed to replace the bill. It proposed the specific circumstances under which a person who is unavailable for full-time work can continue to be eligible for unemployment benefits. A person who has a history of part-time work would not be disqualified from receiving unemployment benefits as long as that person continues to be available to work for a number of hours comparable to the number worked during part-time weeks in the base period. A person who is unavailable to work full-time would not be disqualified from receiving benefits if the person's lack of availability is the result of illness or disability of an immediate family member or the lack of availability is necessary for the safety or protection of the individual or a member of the individual's immediate family.

House Amendment "A" to Committee Amendment "A" (H-528) proposed to limit the application of the provision allowing unemployment benefits for persons seeking part-time work to persons who file applications for benefits before October 1, 2005.

Enacted Law Summary

Current law requires that, in order to be eligible to receive unemployment compensation benefits, a person must be able, available for and actively seeking full-time work. Public Law 2003, chapter 458 provides that a person who is able, available and seeking only part-time work is not disqualified from receiving benefits if (1) the person had a history of part-time work and continues to seek work for a comparable number of hours per week; or (2) the person can only work part-time because of a family member's illness or disability or because of the safety of the person or the person's family member. This provision allowing a person to limit his or her work search to part-time work does not apply to applications for unemployment benefits filed on or after October 1, 2005.

LD 284

**An Act To Require Use of United States Citizens for Work with
the Bureau of Parks and Lands**

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ	H-402
MARTIN	ONTP MIN	

LD 284 proposed to prohibit the Department of Conservation, Bureau of Parks and Lands from contracting for timber harvesting on the public reserved and nonreserved lands with anyone who is not a United States citizen.

Committee Amendment "A" (H-402) proposed to clarify the application of the United States citizenship requirement and to add hauling to the list of activities that may be performed only by United State citizens. It proposed to clarify that the citizenship requirement does not apply to corporations and other legal entities, but it does prohibit those entities from employing persons who are not United States citizens to cut, skid or haul timber on or from public reserved lands or nonreserved public lands under any contract or permit to cut timber on those lands.

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LD 334

An Act To Establish a Transportation Assistance Pilot Program

PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-43

LD 334 proposed to establish the Transportation Assistance Revolving Loan Fund and the Transportation Assistance Program to assist persons with disabilities in rural areas of the State in purchasing used motor vehicles to travel to and from work. The fund and the program would be administered by the Department of Labor, Bureau of Rehabilitation Services in conjunction with the Finance Authority of Maine and would guarantee loans for private-sector loan originators that offer loans at less than 10% per year interest.

Committee Amendment "A" (S-43) proposed to replace the bill. Instead of creating a separate program to make loans, this amendment proposed to create a 2-year pilot program to allow the Kim Wallace Adaptive Equipment Loan Program Fund to be used for the purpose. Loans may be made for the purchase of a vehicle needed as part of an individualized plan towards employment for up to \$7,000 per qualifying borrower. Total loans under the pilot program may not exceed \$250,000 in each of the 2 fiscal years in which it will operate. The amendment also proposed to require the Kim Wallace Adaptive Equipment Loan Program Fund Board to present a report on the pilot program to the legislative committee having jurisdiction over transportation matters by January 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 99 creates a 2-year pilot program to allow use of up to \$250,000 each year from the Kim Wallace Adaptive Equipment Loan Program Fund to make loans to persons with disabilities in rural areas of the State to assist them in purchasing used motor vehicles for the purpose of traveling to and from work. Loans may be made for the purchase of a vehicle needed as part of an individualized plan towards employment, in amounts up to \$7,000 per qualifying borrower. The Kim Wallace Adaptive Equipment Loan Program Fund Board will present a report on the pilot program to the legislative committee having jurisdiction over transportation matters by January 1, 2005.

LD 339

An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-191
	OTP-AM MIN	S-243 EDMONDS

LD 339 proposed to require the Workers' Compensation Board to adopt rules requiring the electronic filing of information.

Committee Amendment "A" (H-191), the majority report of the committee, proposed to replace the bill. It proposed that rules relating to electronic filing of information with the Workers' Compensation Board are major substantive rules, except for rules requiring electronic filing of first reports of lost-time injuries. Those rules are routine technical. It also proposed to increase the limit on the assessment used to fund the Workers' Compensation Board Administrative Fund to cover the cost of a staff person and setup, training and consulting costs.

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Committee Amendment "B" (H-192), the minority report of the committee, proposed to replace the bill. It proposed that all rules to require electronic filing of information are major substantive rules and must be brought to the Legislature for review before being finally adopted. It also proposed to require the Workers' Compensation Board to use the consensus-based rule development process described in the Maine Administrative Procedure Act to develop the rules and specify certain additional requirements. This amendment was not adopted.

Senate Amendment "A" (S-243) proposed to specify that the electronic filing rulemaking required by Committee Amendment "A" must be developed through the consensus-based rule development process and must include certain participants. The Workers' Compensation Board would be required to test the electronic filing process to ensure that it functions correctly. This amendment also proposed to increase the cap on assessments by \$40,000 for each of the fiscal years 2003-04 and 2004-05 and allocate the additional \$40,000 for the implementation of the electronic filing system.

See LD 35, which incorporates the provisions of Committee Amendment "A" as amended by Senate Amendment "A."

LD 361 **An Act to Amend the Laws Governing Wage and Benefit Records of Persons Working on Public Works Projects** **PUBLIC 432**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-93
EDMONDS	ONTP MIN	

LD 361 proposed to require the contractor and each subcontractor in charge of the construction of a public work, on a weekly basis, to file a wage and benefit record with the public authority that entered into the contract. It proposed to require that the record be open at all reasonable hours to the inspection of any aggrieved party or resident of this State.

Committee Amendment "A" (H-93) proposed to replace the bill and to provide that the records kept by contractors and subcontractors on public works construction projects must include information about independent contractors working with them as well as information about their employees. It also proposed to require that the records be filed monthly rather than weekly. It proposed to provide that the records filed with the public authority are public records, but the public authority must adopt rules to prevent the disclosure of certain personal information, such as a person's Social Security number or taxpayer identification number.

Enacted Law Summary

Public Law 2003, chapter 432 requires contractors and subcontractors on public works projects to monthly file their wage and benefit records with the public agency that entered into the contract. The records must include information about independent contractors working with the contractors and subcontractors as well as information about employees of those contractors and subcontractors. The records filed with the public agency are public records, but the public agency must adopt rules to prevent the disclosure of certain personal information, such as a person's Social Security number or taxpayer identification number.

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LD 398

An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts

PUBLIC 471

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

LD 398 proposed to require employers and insurers, beginning January 1, 2004, to file with the Workers' Compensation Board reports of workplace injuries that require medical care, even if the injury did not cause the employee to lose a day's work. It proposed to require that the reports be filed electronically and to place the ultimate responsibility for timely and accurate filing of first reports of injury on insurers, self-insurers and group self-insurers.

Finally, the bill proposed to require the Bureau of Labor Standards to convene a working group to develop a plan to use information about work-related injuries to identify the causes of such injuries and find ways to prevent them from occurring.

Committee Amendment "A" (S-80), which was the majority report of the Joint Standing Committee on Labor and was not adopted, proposed to require the filing of medical-only forms only if the Board adopts rules to require electronic filing of such reports. It proposed to require the Board to adopt rules requiring electronic filing of all information required to be filed and classified those rules as major substantive, except for rules requiring electronic filing of forms that are already required to be filed with the Board (lost-time claims). It also proposed increase the limit on assessments to fund the Workers' Compensation Board Administrative Fund to fund the costs of developing and implementing electronic filing.

Senate Amendment "A" (S-239) proposed to clarify that employers are required to file reports of medical-only claims with the Board only if the major substantive rule-making process has been completed. This amendment also proposed to remove the increase in the assessment limit.

Enacted Law Summary

Public Law 2003, chapter 471 provides that employers may be required to electronically file with the Workers' Compensation Board reports of injuries that required medical attention, but did not result in loss of work days, if the Board adopts major substantive rules to require such filing.

LD 411

An Act To Provide Employees Fair Access to Personnel Files

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PR EDMONDS	OTP-AM	H-54

LD 411 proposed to amend the law giving an employee the right to review that employee's personnel file by requiring the employer to furnish a copy of the personnel record without cost within 5 days of the employee's written request for the copy.

Committee Amendment "A" (H-54) proposed to limit the number of copies of a personnel file that must be provided at the employer's expense in each calendar year. It proposed to require that the employer provide a copy

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fund. Each employee's share of the fund would be tax sheltered and portable as provided in the United States Internal Revenue Code, Section 457 and other provisions of the Internal Revenue Code.

LD 476 **An Act To Protect Maine Families When Workplace Fatalities Occur** **PUBLIC 437**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE EDMONDS	OTP-AM MAJ ONTP MIN	H-96

LD 476 proposed to require an employer to continue to provide health insurance coverage to the family of an employee who dies as a result of a workplace injury. The employer would be required to pay 100% of the cost of the coverage for up to 6 months after the employee's death.

Committee Amendment "A" (H-96) proposed to replace the bill. It proposed to remove the limitation on including the value of certain benefits when determining an employee's average weekly wage for purposes of calculating a workers' compensation benefit. The limitation would not apply in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

Enacted Law Summary

Public Law 2003, chapter 437 amends current law relating to the inclusion of the value of discontinued benefits in calculating an employee's average weekly wages, earnings or salary for purposes of workers' compensation. Currently, that value is not included in the calculation to the extent that the inclusion causes the wage to exceed 2/3 of the state average weekly wage at the time of injury. This law removes the 2/3 limitation in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

LD 510 **An Act To Reimburse Employees for Attorney's Fees and Costs When Forced To Pursue Petitions for Payment of Medical Services** **ONTP**

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

LD 510 proposed to require a workers' compensation hearing officer to order an employer to pay reasonable attorney's fees and costs incurred by an employee if the hearing officer finds that the employer's refusal to pay medical benefits was not based on any reasonable grounds.

Committee Amendment "A" (H-107) proposed to clarify that attorneys are not prohibited from accepting fees for representing a claimant seeking payment of medical expenses when the employer has unreasonably contested the payment of those expenses. It proposed that the maximum fee based on benefits accrued and weekly benefit amounts does not apply to fees collected for recovery of medical benefits. This amendment was not adopted.

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LD 528

An Act To Increase the Number of Members of the Board of Trustees of the Maine State Retirement System

ONTP

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

LD 528 proposed to add one member to the Board of Trustees of the Maine State Retirement System, to be selected from a list of 3 nominees submitted by the Maine Association of Retirees.

LD 550

An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators CARRIED OVER

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

LD 550 proposes to transfer the authority to hire or contract with workers' compensation hearing officers and mediators from the Workers' Compensation Board to the Board's executive director.

LD 550 was reported out of committee with 2 "ought-to-pass as amended" reports, but was re-referred to committee and carried over. The 2 proposed reports were as follows:

1. **Committee Amendment "A" (S-53)**, the majority report of the committee, proposed that hearing officers and mediators continue in their current status as non-civil service employees, serving at the pleasure of the appointing authority. It also proposed to require the executive director to enter into a written agreement with each hearing officer employed by the Board, setting forth the terms and conditions of employment and providing for renewable terms of employment of up to 5 years.
2. **Committee Amendment "B" (S-54)**, the minority report of the committee, proposed to replace the bill. It proposed that the Workers' Compensation Board continue as the appointing authority for hearing officers and mediators, and that the Board must enter into written agreements with hearing officers specifying the terms and conditions of their employment, including specifying the term of employment, which may be up to 3 years. The amendment also proposed to require the executive director of the board to evaluate hearing officers before they are reappointed and to make a recommendation to the board regarding reappointment.

LD 561

An Act To Improve Standards for Public Assistance to Employers CARRIED OVER in the State

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

LD 561 proposes to require employers who receive the benefit of several state economic development incentive programs to meet certain wage and benefit standards.

Joint Standing Committee on Labor

LD 575 An Act To Encourage Workers' Compensation Dispute Resolutions CARRIED OVER

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

LD 575 proposes to authorize the Workers' Compensation Board to levy a \$500 surcharge on an employer if, at the conclusion of mediation, the employee obtains or retains more benefits than the employer had offered prior to mediation. The bill also proposed to levy a \$1,500 surcharge on an employer if, at the conclusion of a formal hearing, the employee obtains or retains more benefits than the employer had offered prior to the hearing. The surcharges would be deposited in a dedicated fund to be used to defray the costs of the worker advocate program.

LD 575 was reported out of committee on a divided report (OTP-AM and ONTP), but was re-referred to committee and carried over.

LD 589 An Act To Create a Woods-related Bargaining Council ONTP

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

LD 589 was a concept draft that proposed to set up a bargaining council to allow loggers and independent truckers engaged primarily in the forest industry to bargain collectively. The council would be modeled on the Maine Agricultural Bargaining Board. See also LD 1318.

LD 658 An Act To Improve the Operation of the Workers' Compensation Board PUBLIC 382

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W EDMONDS	OTP-AM MAJ ONTP MIN	H-57

LD 658 proposed to move authority to review appointments to the Workers' Compensation Board from the Legislature's committee on state and local government matters to the committee on labor matters. It proposed to authorize the Workers' Compensation Board to appoint the general counsel and the executive director of the Board for 5-year terms, removable by vote of a simple majority of the Board. It proposed to authorize the general counsel and the executive director to hire the remaining personnel, including hiring or contracting for hearing officers for 5-year terms. It proposed to direct the executive director to submit the biennial and annual budgets, and to allow the board to expend up to 10% of the Workers' Compensation Board Administrative Fund in a fiscal year for unanticipated expenses, without legislative approval.

Committee Amendment "A" (H-57) proposed to delete all sections of the bill except the section that moves authority to review nominations of Workers' Compensation Board members from the joint standing committee having jurisdiction over state and local government matters to the committee having jurisdiction over labor matters.

Joint Standing Committee on Labor

Enacted Law Summary

Public Law 2003, chapter 382 moves authority to review nominations of Workers' Compensation Board members from the joint standing committee having jurisdiction over state and local government matters to the committee having authority over labor matters.

LD 672 **An Act Relating to Employees Whose Membership in the Maine State Retirement System is Optional** **PUBLIC 261**

<u>Sponsor(s)</u> EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-138
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LD 672 proposed to allow confidential employees of the Maine Technical College System who are not represented in a collective bargaining unit to amend their retirement system election.

Committee Amendment "A" (S-138) proposed to replace the bill. It proposed to provide that any employee whose membership in the Maine State Retirement System is optional, including confidential employees of the Maine Community College System, may purchase, at the actuarial cost, service credit for the time during which that person was eligible to be in the Maine State Retirement System but elected not to join. It proposed that a confidential employee of the Maine Community College System whose membership is optional and who is not represented by a union may join or rejoin the Maine State Retirement System only when the funds necessary to pay the additional costs to the Maine Community College System have been identified and designated.

Enacted Law Summary

Public Law 2003, chapter 261 clarifies the ability of an employee whose membership in the Maine State Retirement System is optional, including confidential employees of the Maine Community College System, to reenter the system after having earlier withdrawn. It provides that any employee whose membership is optional may purchase service credit for the time during which that person was eligible to be in the Maine State Retirement System but elected not to join the Maine State Retirement System. The employee would be required to pay the full actuarial cost of the service credit. Finally, it provides that a confidential employee of the Maine Community College System whose membership is optional and who is not represented by a union may join or rejoin the Maine State Retirement System only when the funds necessary to pay the additional costs to the Maine Community College System have been identified and designated.

LD 673 **An Act To Increase Maine's Minimum Wage** **CARRIED OVER**

<u>Sponsor(s)</u> HATCH PH PATRICK	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 673 proposes to increase the minimum wage from the current \$6.25 per hour to \$6.65 per hour beginning October 1, 2003 and to \$7 per hour beginning October 1, 2004.

Joint Standing Committee on Labor

LD 718 **An Act To Create a New Pension System for Newly Hired Teachers and State Employees** **CARRIED OVER**

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 718 proposes to create a new retirement program for teachers and state employees hired on or after January 1, 2004. Instead of being covered by the existing state employee and teacher plan of the Maine State Retirement System, new hires would be required to participate in Social Security and would also be covered by a newly created defined benefit plan.

LD 752 **Resolve, Directing the Department of Labor To Develop the Family Security Fund To Implement the Recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 752 proposes to require the Department of Labor to develop an insurance program that would provide partial wage replacement for persons who are unable to work due to temporary disabilities. The program would be based on the recommendations of the Committee to Continue to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families.

LD 797 **Resolve, To Provide Health Insurance to Unemployed Workers** **ONTP**

<u>Sponsor(s)</u> DAGGETT HUTTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 797 proposed to direct the Department of Labor to apply to the federal government for a national emergency grant to provide health insurance for eligible unemployed workers. It also proposed to require the Department of Labor to review options for providing health insurance to other unemployed workers and to report recommendations to the Joint Standing Committee on Labor. The committee would be authorized to report out legislation to the Second Regular Session of the 121st Legislature. See also LD 1576.

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LD 809 **An Act To Provide Health Insurance Contributions to All Retired Teachers** **ONTP**

<u>Sponsor(s)</u> O'BRIEN J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 809 proposed to require the State to reimburse the accident and sickness or health insurance coverage costs of retired teachers who are not eligible to participate in the group accident and sickness or health insurance plan for retired teachers at the same rate as the State contributes to accident and sickness or health insurance coverage of retired teachers under the group plan.

LD 823 **An Act To Distribute Costs for the Funding of Pensions and Health Insurance for Retired Teachers** **ONTP**

<u>Sponsor(s)</u> MILLS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 823 was a concept draft that proposed to require local school administrative units to pay the employer portion of the costs of teacher retirement and teacher retiree health insurance and to provide for reimbursement to local units through the education funding formula. In addition to paying the current cost for health insurance for retirees, the units would contribute an actuarially determined amount into a reserve fund to pay the cost of future health insurance benefits for members who are not yet retired.

LD 831 **An Act Pertaining to Former Members of the Maine State Retirement System** **PUBLIC 273**

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-322
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LD 831 proposed to allow a municipality or other participating local district that has withdrawn from the Maine State Retirement System to elect to permit participants to purchase military service credits, even if the provision allowing such purchases were in effect prior to the withdrawal and could have been adopted by the district prior to withdrawing.

Committee Amendment "A" (H-322) proposed to replace the bill and to broaden its scope. It proposed to allow a participating local district to adopt any provision of the Maine State Retirement System laws after the local district withdraws from the retirement system, regardless of whether the provision was enacted before or after the local district's withdrawal.

Enacted Law Summary

Public Law 2003, chapter 273 allows a municipality or other participating local district that has withdrawn from the Maine State Retirement System to elect to adopt any provision of the Maine State Retirement System laws after the local district withdraws from the retirement system, regardless of whether the provision was enacted

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before or after the local district's withdrawal. Those changes would apply only to persons who remained in the retirement system plan at the time the local district withdrew from the retirement system.

LD 834 An Act To Protect the Solvency of Workers' Compensation Trust Funds ONTP

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

LD 834 proposed to require employers who self-insure for workers' compensation to report to the Superintendent of Insurance within the Department of Professional and Financial Regulation transfers out of their trust funds, except transfers to pay benefits under the Maine Workers' Compensation Act of 1992.

LD 880 An Act To Eliminate the Social Security Offset for Unemployment CARRIED OVER Benefits

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

LD 880 proposes to eliminate the pension offset against unemployment benefits for persons who receive Social Security or other pensions, provided the person contributed at least 50% of the contributions to that pension.

LD 880 was reported out of committee on a divided report, but was re-referred to committee and carried over.

LD 881 An Act To Allow the Buyback of Active Duty Military Time for Maine State Retirement System Credit ONTP

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

LD 881 proposed to allow members of the MSRS with active military service to buy back service credit for that service at a subsidized rate, regardless of whether the military service occurred during a federally-recognized period of conflict. Current law requires a member whose military service was not during a federally-recognized period of conflict to pay the full actuarial cost of the credit.

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LD 883

An Act Regarding an Employee's Access to Personnel Files

ONTP

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

LD 883 proposed that the penalty paid by an employer who fails to provide a personnel file to an employee or for new employee must be paid to the employee rather than the state.

LD 919

An Act To Require Public Improvement Projects Contractors and CARRIED OVER Subcontractors To Meet Certain Criteria

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

LD 919 proposes to enact criteria that must be met by any contractor or subcontractor performing work on a public improvement project, including compliance with prevailing wage laws, provision of employer-paid health and hospitalization benefits, apprenticeship programs and proper classification of employees for purposes of workers' compensation, unemployment and other tax purposes.

LD 943

An Act To Discourage Abuse and Fraud under the Workers' Compensation Laws

ONTP

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

LD 943 proposed to direct the Workers' Compensation Board to appoint a permanent hearing officer to hear cases alleging fraud, intentional misrepresentation or willful violation of the workers' compensation laws and to increase the penalties that may be imposed for fraud, intentional misrepresentation or a willful violation of the workers' compensation laws.

LD 943 would also increase the annual rate of interest that must be paid on weekly compensation that is paid pursuant to an award and would direct the Department of the Attorney General to conduct an audit to determine how many insurers have failed to pay the required interest on awards.

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LD 954

**An Act To Require Disclosure of the Amount and Duration of
Unemployment Benefits to Recipients**

PUBLIC 95

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON EDMONDS	OTP-AM	H-104

LD 954 proposed to require the Department of Labor to provide information concerning the amount and duration of unemployment benefit payments over the telephone upon inquiry of the person receiving the benefits.

Committee Amendment "A" (H-104) proposed to state that the information given by the Department of Labor to a person who inquires about unemployment compensation benefits is an estimate, not an actual calculation of benefits and to clarify that an inquiry is not considered an application for benefits. It also proposed that the estimate be provided for benefits that would be paid if the individual applied on the day of the inquiry, and, if the inquiry is made within 2 weeks before the beginning of a calendar quarter, the department must also give an estimate for benefits that would be paid if the individual applied after the beginning of that calendar quarter.

Enacted Law Summary

Public Law 2003, chapter 95 requires the Department of Labor, upon inquiry from a person, to provide that person an estimate of the amount and duration of unemployment benefit payments likely to be paid to that person. Inquiry may be made by telephone, and is not considered to be an application for benefits. The estimate will be provided for benefits that would be paid if the individual applied on the day of the inquiry, and, if the inquiry is made within 2 weeks before the beginning of a calendar quarter, an estimate will be provided of benefits that would be paid if the individual applied after the beginning of that calendar quarter.

LD 955

**An Act To Allow Recipients To Withdraw from Receiving
Unemployment Benefits by Phone and at Any Time before
Receiving Benefits**

PUBLIC 96

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON EDMONDS	OTP-AM	H-103

LD 955 proposed to allow a claimant for unemployment benefits to withdraw the claim, by telephone, at any time before receiving benefits. It also proposed to require the Department of Labor to treat a claimant who has withdrawn a claim as not having filed the claim.

Committee Amendment "A" (H-103) proposed to allow the Department of Labor to require a person to submit a signed withdrawal authorization after initiating authorization to withdraw benefits by telephone. It also proposed that a person who cashes a benefit check is deemed to have revoked any withdrawal of that claim.

Enacted Law Summary

Public Law 2003, chapter 96 allows a claimant for unemployment benefits to withdraw the claim at any time before receiving benefits. Withdrawal may be initiated by telephone, but the Department of Labor may require a

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person to submit a signed withdrawal authorization following the withdrawal by phone. A person who cashes a benefit check is deemed to have revoked any withdrawal of that claim.

LD 974 **An Act To Prohibit the Use of Workers' Compensation Trust Funds for Political Contributions** **PUBLIC 424**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM MAJ	S-161
HATCH PR	ONTP MIN	S-213 EDMONDS

LD 974 proposed to prohibit self-insuring employers and employer groups from using workers' compensation trust funds to make contributions to political candidates or political action committees. It also proposed to require the Department of Administrative and Financial Services, Bureau of Revenue Services to review the tax filings related to self-insurer trust funds to determine whether funds removed from the trusts for the purpose of political contributions prior to the effective date of this bill were properly accounted for.

Committee Amendment "A" (S-161) proposed to add an appropriations and allocations section to fund the review by the Bureau of Revenue Services.

Senate Amendment "A" (S-213) proposed to strike the language from the bill that requires the Bureau of Revenue Services to review the tax filings of self-insurers and replace it with language that requires an individual or group self-insurer to include a certification that no political contributions have been made from the trust fund. The amendment also proposed to strike the appropriations and allocations section.

Enacted Law Summary

Public Law 2003, chapter 424 prohibits self-insuring employers and employer groups from using workers' compensation trust funds to make contributions to political candidates or political action committees. It also requires individual or group self-insurers, when they apply to the Superintendent of Insurance for renewal of authority to self-insure, to include a certification that no political contributions have been made from the trust fund in violation of the Maine Revised Statutes, Title 39-A, section 403, subsection 18.

LD 990 **An Act To Provide an Alternative Method of Payment under the Maine State Retirement System** **ONTP**

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

LD 990 proposed to allow a retired member of the Maine State Retirement System who elects to receive reduced benefits in order to enable a beneficiary to continue to receive benefits after the member dies, to revert to receiving full benefits if the named beneficiary predeceases the member.

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LD 992

**An Act To Clarify the Purchase of Military Time Served under
the Maine State Retirement System**

ONTP

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

LD 992 proposed to allow certain members of the Maine State Retirement System to purchase past military time and to count the purchased service credit toward meeting the requirement of 10 years of service credit in order to have retirement benefits calculated under a more favorable formula than for people who do not meet the 10-year requirement. This amendment proposed to allow a person who was not eligible to purchase military time before July 1, 1993 to also count that time toward qualifying for the more favorable benefit formula, but only if the person pays the actuarial cost of obtaining the right to the more favorable benefit as well as paying the cost of the service credits.

LD 1009

An Act Concerning Retirement Benefits for State Employees

PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-441
DAGGETT	ONTP MIN	S-298 CATHCART

LD 1009 proposed to amend the definition of "average final compensation" in the Maine State Retirement System laws to provide that days taken without pay as a result of legislative or Executive action during the 2002-03 fiscal year would be counted as if they were paid days, for purposes of determining a member's average final compensation for that fiscal year.

Committee Amendment "A" (H-441) proposed to fund the additional cost of including compensation that would have been paid for certain days during fiscal year 2002-03 in a member's average final compensation. It proposed to provide for an immediate appropriation of \$76,081 to represent the employer contribution and to require employees who gain a higher retirement benefit as a result of the bill to pay the amount that would have been paid as an employee contribution on compensation for those days, plus interest, when they retire.

Senate Amendment "A" to Committee Amendment "A" (S-298) proposed to allow state employees who took days off without pay during the 2002-03 fiscal year to have the compensation that would have been paid on those days included in their average final compensation, provided they elect to do so and to pay the employee portion of the cost by contributing to the Maine State Retirement System the employee contribution that would have been paid on that compensation, plus interest. This amendment proposed a special retirement cost assessment to be applied to all departments and agencies from July 1, 2003 to September 30, 2003 to fund the employer's share of the costs associated with the bill.

Enacted Law Summary

Public Law 2003, chapter 486 allows Maine State Retirement System retirees to have their average final compensation calculated as if they did not take days off without pay during the 2002-2003 fiscal year, provided they elect at the time of retirement to make a retroactive payment of the contribution that would have been made on that compensation, plus interest. This applies to persons who took days off without pay pursuant to legislative

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action, Executive Order, or authorization of the State Court Administrator, and who use 2002 or 2003 as one of their high-three years of compensation.

LD 1013 **An Act To Address Maine's Direct Care Worker Shortage** **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1013 proposed to require health care facilities and health care practitioners that receive state funding for the provision of health care to patients to pay to their employees a livable wage beginning January 1, 2004. The bill also proposed to require the State Planning Office to calculate a livable wage based on the basic needs budget that the SPO annually calculates.

LD 1038 **Resolve, Directing the Maine State Retirement System To Study the Windfall Elimination Provision of the Social Security Program** **ONTP**

<u>Sponsor(s)</u> BARSTOW HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1038 proposed to direct the Maine State Retirement System to study the windfall elimination provision under the federal social security program and to suggest recommendations for the Maine Congressional Delegation to change that provision.

LD 1093 **An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998** **PUBLIC 114**

<u>Sponsor(s)</u> EDMONDS SMITH W	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1093 proposed to update state workforce development laws to reflect the changes in federal law from the Job Training Partnership Act to the Workforce Investment Act of 1998.

Enacted Law Summary

Public Law 2003, chapter 114 updates state workforce development laws to reflect the changes in federal law from the Job Training Partnership Act to the Workforce Investment Act of 1998. It deletes obsolete language, updates references and defines terms.

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LD 1107

An Act To Clarify Eligibility in the Maine State Retirement System Life Insurance Program

PUBLIC 485

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

LD 1107 was a concept draft that would clarify eligibility for life insurance for a person who is retired from a position covered by a plan within the Maine State Retirement System and, after retiring, becomes employed in a position covered by a different plan within the Maine State Retirement System.

Committee Amendment "A" (H-363) proposed to replace the bill. It proposed that a person who has life insurance coverage as a retiree may purchase insurance as an active employee, provided that person pays the cost of the active employee coverage.

Enacted Law Summary

Public Law 2003, chapter 485 allows a member of the Maine State Retirement System who has life insurance coverage as a retiree, but who becomes reemployed in a position that qualifies for life insurance, to purchase active employee coverage at the person's own expense.

LD 1117

An Act Regarding Wrongful Discharge

PUBLIC 442

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-265
BRYANT	OTP-AM MIN	H-527 HUTTON

LD 1117 proposed to define a discharge of an employee as wrongful if it was in violation of the employer's written personnel policy.

Committee Amendment "A" (H-265), the majority report of the committee, proposed to replace the bill. It proposed that an employer that provides a written personnel policy to its employees must provide certain information regarding the employees' at-will status if the employer wishes to treat the employees as at-will employees. If the employer provides a written personnel policy to its employees but does not include the proper notice, the employer must comply with the procedures and standards set forth in the personnel policy for employment termination.

Committee Amendment "B" (H-266), which was not adopted, was the minority report of the committee and proposed to replace the bill. It proposed that the notice of at-will status that is currently required in the Department of Labor's Regulation of Employment Poster must be printed in a bold type-face that is larger than in the current poster printing.

House Amendment "A" to Committee Amendment "A" (H-527) proposed to replace the Committee Amendment with language specifying that the notice of at-will status that is currently required in the Department of Labor's Regulation of Employment Poster must be printed in a bold type face that is larger than in the current poster printing, beginning with the next reprinting of the poster.

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Enacted Law Summary

Public Law 2003, chapter 442 requires the Department of Labor to print the notice that Maine employees are generally "at-will" employees, contained in the Regulation of Employment poster, in a bold typeface that is larger than in the current poster printing.

LD 1120 **An Act To Amend the Laws Governing Noncompete Clauses in Broadcast Industry Contracts** **PUBLIC 225**

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

LD 1120 proposed to strike the provision of law that excludes broadcasting industry sales representatives from the law specifying that certain noncompetition agreements in the broadcasting industry are presumed unreasonable.

Enacted Law Summary

Under current law, a provision in a broadcasting industry employment contract is presumed unreasonable if it prevents a person from working for a competing employer in a particular geographic area for a certain amount of time after the contract is completed or the person is let go from employment. Current law excludes contracts with sales persons from this presumption. Public Law 2003, chapter 225 removes that exclusion.

LD 1131 **An Act to Require that Certain Employees Be Paid on a Weekly Basis** **DIED IN CONCURRENCE**

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

LD 1131 proposed to reenact laws that were repealed in 1999 relating to payment of wages, including a provision requiring that certain employees be paid on a weekly basis.

Committee Amendment "A" (H-193) was the majority report and proposed to replace the bill. Rather than reenacting the weekly pay law that contained outdated language, the amendment proposed to amend current law to provide that minimum wage workers must be paid weekly or more often. The amendment also proposed to delete all proposed changes in the bill except the change in timing for payment of minimum wage workers. The committee amendment was not adopted.

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LD 1150 An Act To Protect the Rights of State Workers CARRIED OVER

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

LD 1150 proposes to extend to workers hired by the State through long-term contracts or long-term grants the same benefits as all other state employees.

LD 1163 An Act To Provide That Employee Terminations by Any Company That Receives Monetary Benefits from the State Require Just Cause DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN EDMONDS	OTP-AM MAJ ONTP MIN	H-175 H-497 SMITH W

LD 1163 proposed to prohibit employers from terminating employment of an employee without just cause if that employer has more than 50 employees and receives taxpayer incentive benefits such as the business equipment tax reimbursement program, or "BETR."

Committee Amendment "A" (H-175) proposed to clarify application of the law.

House Amendment "A" (H-497) proposed to exclude first-year employees from coverage of the law.

LD 1165 An Act To Provide Qualified Interpretation and Translation Services in Workers' Compensation Proceedings ONTP

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

LD 1165 proposed to require the Workers' Compensation Board to provide qualified interpretation and translation services to persons with limited English proficiency.

LD 1185 An Act To Provide Paid Family and Medical Leave ONTP

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

LD 1185 proposed to create the Maine Temporary Disability and Family Leave Benefits Program, to provide wage replacement benefits to persons who are on leave from work because of their own illness, the illness of a family member or the birth or adoption of a child. The program would be funded by employer and employee contributions and provide 2/3 of the employee's average weekly wage for up to 26 weeks for the employee's own

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illness and up to 12 weeks for other leave purposes. Employee contributions would be collected on a sliding scale based on wages.

LD 1193 An Act To Strengthen the Family Medical Leave Laws ONTP

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

LD 1193 proposed to amend the family medical leave requirements in Maine law to reflect the requirements of the federal Family and Medical Leave Act of 1993 by extending the family medical leave entitlement to 12 weeks from 10 weeks and allowing the court to award liquidated damages equal to actual wages lost by the employee or costs paid by the employee due to the violation as well as reasonable attorney's and expert witness fees as well and court costs.

LD 1223 An Act Relating to Retirement Qualifications for Hazardous Materials Workers ONTP

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

LD 1223 was a concept draft that proposed to allow oil and hazardous materials emergency response workers in the Department of Environmental Protection to qualify for retirement at 55 years of age with 10 years of creditable service, regardless of whether the service was performed before or after those workers were included in the 1998 Special Plan.

LD 1225 Resolve, To Assist Retired Teachers by Establishing a Health Insurance Payment Program ONTP

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

LD 1225 proposed to require the Department of Administrative and Financial Services to establish the Retired Teachers' Health Insurance Premium Payment Program to allow teachers to make pretax contributions to a Retired Teachers' Health Insurance Premium Payment Fund, which would be used to pay the employee portion of the cost of health insurance premiums once the teachers retire.

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LD 1248

**An Act Concerning Disability Retirement Benefits under the
Maine State Retirement System**

PUBLIC 328

<u>Sponsor(s)</u> DUNLAP CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-355
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LD 1248 proposed to change the formula used for reducing the disability retirement benefit for a person who is a member in a Participating Local District under the Maine State Retirement System, when the disability retiree also collects a benefit under either or both the United States Social Security System or workers' compensation laws. It proposed to limit the total of benefits collected to 80% of all wages and earnings, not just 80% of wages and earnings from employment covered by the retirement system.

Committee Amendment "A" (H-355) proposed to clarify that, in calculating the reduction in the disability retirement benefit, the only other wages and earnings taken into account are from employment.

Enacted Law Summary

Public Law 2003, chapter 328 changes the formula for reducing a disability retirement benefit in Participating Local Districts of the Maine State Retirement System in situations in which the disability retiree collects benefits under either or both the United States Social Security System or workers' compensation laws as well as receiving a benefit under the retirement system. Under current law, the retirement system benefit in such cases is reduced to an amount that, added to the Social Security or workers' compensation benefits, does not exceed 80% of the disability retiree's average final compensation from employment covered by the state retirement system. P.L. 2003, chapter 328 changes the formula in Participating Local Districts so that the 80% reduction is based on the retiree's total wages and compensation from all employment, not just employment covered by the retirement system.

LD 1277

**An Act To Allow a Retiree Eligible for State-paid Health
Insurance Coverage To Decline Coverage and Reenroll at a Later
Date**

PUBLIC 214

<u>Sponsor(s)</u> WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-102
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LD 1277 proposed to allow a retiree who is eligible for health insurance at the time of retirement to decline coverage for some period of time and then reenroll in the program at a later date without penalty.

Committee Amendment "A" (S-102) proposed to clarify the timing of an election to withdraw from the state health insurance plan and to preserve the option of reenrolling. A person may elect to decline health insurance coverage at the time of retirement and retain the option to reenroll pursuant to the provisions of this new law, or a person may elect to withdraw from health coverage at any time after retirement, provided the person had elected at the time of retirement to be covered by the state health insurance plan. It also proposed to clarify the conditions under which the spouse or dependent of a retiree may enroll in the state health insurance plan.

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Enacted Law Summary

Public Law 2003, chapter 214 allows a retired state employee who is eligible for retiree health insurance to decline coverage for some period of time and then reenroll in the program at a later date without penalty. A person may elect to decline health insurance coverage at the time of retirement and retain the option to reenroll pursuant to the provisions of this new law, or a person may elect to withdraw from health coverage at any time after retirement, provided the person had elected at the time of retirement to be covered by the state health insurance plan. It also clarifies the conditions under which the spouse or dependent of a retiree who reenrolls may obtain coverage under the health insurance plan.

LD 1286 **An Act Regarding the Operation of Vending Services in Public Buildings** **ONTP**

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

LD 1286 proposed to remove the provision that gives the Department of Labor, Division for the Blind and Visually Impaired the first option for placing vending machines operated by the division in a public building or property if a vending facility operated by a blind person is not warranted at that location.

LD 1315 **An Act To Change the Retirement Eligibility Qualifications for Certain Military Firefighters and Police Officers** **ONTP**

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

LD 1315 proposed to allow certain military firefighters and police officers employed at the Bangor International Airport to elect to participate in the 1998 Special Plan.

LD 1318 **An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers** **CARRIED OVER**

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

LD 1318 proposes to allow individual forest products harvesters and haulers to join together to bargain with forest landowners over the prices and other terms of contracts for harvesting and hauling trees in Maine forests. The bill proposes to create a Forest Products Bargaining Board to implement the law, set forth a procedure for mediation and arbitration if the parties can not come to agreement on their own and list prohibited unfair practices.

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LD 1318 was reported out of committee on a divided report, but was re-referred to committee and carried over.

Committee Amendment "A" (H-440), the majority report of the committee, proposed to replace the bill. Rather than allowing harvesters and haulers to collectively bargain with forest landowners to establish rates of compensation, this amendment proposed to require the State Board of Arbitration and Conciliation to establish rates of compensation, based on factors set forth in the statute. Harvesters and haulers would be authorized to form associations to participate in the rate determination proceedings and to negotiate with forest landowners prior to the rate determination proceeding. Any tentative agreement reached in those negotiations would have to be reviewed and approved by the State Board of Arbitration and Conciliation through a rate determination proceeding.

LD 1343	Resolve, To Create the Task Force To Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal and County Law Enforcement Officers and Firefighters	RESOLVE 76 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-190 S-275 GAGNON

LD 1343 proposed to create the Task Force to Study Parity and Portability of Retirement Benefits for State Law Enforcement Officers, Municipal Law Enforcement Officers and Firefighters.

Committee Amendment "A" (H-190) proposed to incorporate a fiscal note.

Senate Amendment "A" (S-275) proposed to remove a member from the Maine Municipal Association and add county law enforcement officers to the study. It proposed to change the number of task force members from 11 to 8, with a county representative added to the changed makeup of the task force. It also proposed to add a hardship per diem payment in the compensation section.

Enacted Law Summary

Resolve 2003, chapter 76 creates an 8-member task force to review the differences in retirement benefits offered to state, county and local law enforcement officers and firefighters, to develop options for providing parity and improving portability of benefits, and review differences in benefits among municipal law enforcement officers and firefighters in different municipalities and consider creating a uniform benefit plan.

Resolve 2003, chapter 76 was passed as an emergency measure effective June 17, 2003.

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LD 1350 **An Act To Assist Seasonal Workers with Workers' Compensation** **DIED IN CONCURRENCE**

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

LD 1350 proposed to remove the provision in the workers' compensation law that classifies agricultural, harvesting or forest products workers as seasonal workers for purposes of determining their "average weekly wage," regardless of whether they worked more than 26 weeks in a year.

LD 1352 **An Act To Amend the Benefit for Accidental Death in the Line of Duty for Law Enforcement Officers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	ONTP MAJ	
HATCH PH	OTP-AM MIN	

LD 1352 proposed to provide that, for purposes of determining whether beneficiaries of a law enforcement officer are entitled to the accidental death benefit provided by the Maine State Retirement System, a law enforcement officer is presumed to have died in the course of employment if the officer dies as a result of hypertension or heart disease, and a prior physical examination at the time the member became a law enforcement officer or after had not shown evidence of hypertension or heart disease.

Committee Amendment "A" (H-202) proposed to replace the bill. Instead of providing a presumption of work-related death under the Maine State Retirement System laws, this amendment proposed to extend to law enforcement officers an existing presumption under the workers' compensation law relating to firefighters. It proposed to provide that a law enforcement officer who suffers cardiovascular injury or disease or pulmonary disease is presumed to have suffered a compensable injury under the Maine Workers' Compensation Act of 1992 if the law enforcement officer was an active officer for at least 2 years and the injury or disease or death from the injury or disease occurs within 6 months after active duty. The presumption would be rebuttable. This amendment was not adopted.

LD 1380 **An Act To Promote Safety and Fair Labor Practices for Forestry Workers** **CARRIED OVER**

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

LD 1380 proposes to enact laws to protect workers who perform reforestation activities, on a temporary or seasonal basis, from unsafe, unhealthy or unfair working conditions. It proposes to require the employer to provide and pay for (1) protective clothing, gear and necessary equipment; (2) safe transportation to the work site that meets the standards provided in the federal Migrant and Seasonal Agricultural Worker Protection Act as well as meeting additional standards including limits on driving time and requirements for insurance; and (3)

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housing near the work site to any forestry worker whose permanent residence is more than 50 miles from the work site and who wishes to live in such housing.

It proposes to prohibit the employer or any other person from selling goods or services to workers in employer-provided housing for an amount that constitutes an unjust or unreasonable profit. The bill proposes to require the employer to ensure that workers residing in employer-provided housing have the right to receive visitors and that visitors have access to roadways used to reach the housing. The bill proposes to define "employer" to ensure that all persons and entities that directly benefit from the labor performed by forestry workers are simultaneously and jointly responsible for the decent treatment of workers.

The bill proposes to prohibit any person from discriminating or retaliating against any person who exercises the rights or protections provided by the new law or who files a complaint or participates in a proceeding under the law. Persons who violate the law would be subject to civil penalties of up to \$2,500 per violation, enforceable by the Attorney General. That amount would increase to \$50,000 for certain egregious violations that result in a worker's bodily injury or death. The bill also proposes to provide a private right of action for aggrieved persons and declare void any attempt to waive or modify the workers' rights under the law.

LD 1435 **An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers** **PUBLIC 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-452 S-310 CATHCART

LD 1435 proposed to include under the definition of state "employee" for purposes of workers' compensation law and the Maine Tort Claims Act a person, whether paid or unpaid, who performs a search and rescue activity upon request of a state, county or local government.

Committee Amendment "A" (H-452) proposed that only those individuals certified by the Director of the Maine Emergency Management Agency as qualified search and rescue workers are considered employees of the State for purposes of workers' compensation coverage when they are engaged in search and rescue activity at the request of a state, county or local government entity.

Senate Amendment "A" to Committee Amendment "A" (S-310) proposed to change the source of funding for workers' compensation coverage from the Department of Defense, Veterans and Emergency Management to the Department of Inland Fisheries and Wildlife.

Enacted Law Summary

Public Law 2003, chapter 489 provides safeguards for persons who volunteer to perform search and rescue activity at the request of a state, county or local government. It provides immunity from lawsuits for injury or damage while the person is conducting search and rescue by including those persons as "employees" under the Maine Tort Claims Act. It also includes those persons as employees of the state for workers' compensation purposes, but only if the person is certified by the Maine Emergency Management Agency as a qualified search and rescue worker.

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LD 1453

An Act To Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues

PUBLIC 163

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-81
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LD 1453 proposed to allow the Department of Labor, Bureau of Unemployment Compensation, to hold an immediate fact-finding interview when an individual submits information in a weekly unemployment claim indicating the claimant was not available for work during some part of the claim week and to modify the benefit check amount based on the information provided by the claimant during the fact-finding interview.

Committee Amendment "A" (S-81) proposed to incorporate a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 163 allows the Department of Labor, Bureau of Unemployment Compensation, to hold an immediate fact-finding interview when an individual submits information in a weekly unemployment claim indicating that the claimant was not available for work during the claim week. The Department may modify the benefit check amount accordingly based on the information provided by the claimant during the fact-finding interview.

LD 1476

An Act To Improve Timeliness of Unemployment Trust Fund Deposits

PUBLIC 164

<u>Sponsor(s)</u> SMITH W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-147
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LD 1476 would help to ensure the more timely deposit of unemployment insurance contributions into the Unemployment Trust Fund, as required by the Federal Deposit Standard. Currently the interagency cooperation that requires the combined payment for unemployment insurance contributions and income tax withholding is deposited into a combined unemployment insurance contributions and income tax withholding account, and the unemployment insurance contributions portion is subsequently deposited into the clearing account as is now required under the Maine Revised Statutes, Title 26, section 1161. The reconciliation and clearance process in 2 accounts is not efficient cash management and is an unnecessary duplication. It delays the timely deposit of contributions into the Unemployment Trust Fund, resulting in a loss of interest, and creates conditions that impede meeting the Federal Deposit Standard.

Committee Amendment "A" (H-147) proposed a technical amendment to clarify that only the unemployment compensation money in the combined account is deposited in the Unemployment Trust Fund.

Enacted Law Summary

Public Law 2003, chapter 164 modifies the process for depositing unemployment insurance contributions from employers into the Unemployment Trust Fund to eliminate delays in the deposit. Currently there is a 2-step process, which is inefficient and creates conditions that may not meet federal standards.

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LD 1501

An Act To Amend the Laws Relating to the Maine State Retirement System

PUBLIC 387

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

LD 1501, which was a Maine State Retirement System bill, proposed to make several changes in the laws of the retirement system. The bill proposed to amend the definition of Consumer Price Index as applied to judges' retirement benefits, change the length of time a member may earn creditable service while on active military duty, extend rehabilitation services to more disability retirees and make those services optional, make withdrawal of membership contributions optional in certain circumstances, and make changes in the way the Participating Local District Advisory Committee conducts its business.

Committee Amendment "A" (S-179) proposed to clarify the changes in rehabilitation services made in the bill. Under this amendment, rehabilitation services for state employee, teacher and participating local district disability retirees under the Maine Revised Statutes, Title 5, chapter 421, subchapter 5, Article 3 and Article 3-A disability plans would be optional and must be agreed to by both the Executive Director of the Maine State Retirement System and the retiree.

The amendment also proposed to make changes to the recently enacted law allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, the amendment proposed to provide that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, the amendment proposed to direct the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the amendment proposed to provide the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

Enacted Law Summary

Public Law 2003, chapter 387 makes several changes in the laws of the Maine State Retirement System. Chapter 387 does the following:

1. Amends the definition of Consumer Price Index that applies to judges for cost of living adjustments and other purposes to make it consistent with the definition that applies to all other Maine State Retirement System members.
2. Brings state law into compliance with federal law with respect to the period of time that a member may continue to earn creditable service while on a leave of absence in order to serve in the military.
3. Extends rehabilitation services to additional disability retirement recipients and makes participation in rehabilitation services designed to assist their return to substantially gainful activity optional—an activity that must be mutually agreed to by the Executive Director of the Maine State Retirement System and the retiree. The law also repeals the discontinuance of disability retirement benefits to recipients who decline to participate in the rehabilitation services program.

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4. Makes the withdrawal of contributions from the Maine State Retirement System optional when a member who is covered by the Social Security Act elects to cease contributing to Maine State Retirement System and when a member who is covered by an employer-provided retirement plan elects to cease contributing to the Maine State Retirement System.
5. Changes the attendance and voting requirements under which the Participating Local District Advisory Committee transacts business and adds the retirement system staff to those permitted to make rule amendment proposals regarding the consolidated retirement plan for local district employees to the Board of Trustees of the Maine State Retirement System. The Participating Local District Advisory Committee was previously the sole entity permitted to make such proposals.
6. Makes changes to the recently enacted law (Public Law 2001, chapter 442) allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, chapter 387 provides that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, it directs the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the law provides the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

LD 1532 **An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law** **PUBLIC 197**

<u>Sponsor(s)</u> PATRICK	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1532 proposed to increase the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

Enacted Law Summary

Public Law 2003, chapter 197 increases the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

LD 1535 **An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System** **PUBLIC 324
EMERGENCY**

<u>Sponsor(s)</u> GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-152
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Public Law 2001, chapter 442 removed the earning cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. LD 1535 proposed to allow a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to

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rejoin the system in certain circumstances, which would permit the member potentially to increase retirement benefits.

Committee Amendment "A" (S-152) proposed to require an employee who exercises the option under the bill to be retroactively restored to membership in the Maine State Retirement System to pay back to the retirement system over earnings while not a member, to pay full actuarial cost of the retirement benefit based on additional creditable service allowed under the bill and to repay retirement benefits received after retroactive restoration to membership. The amendment also proposed to provide an option for an employee to be restored to membership prospectively. An employee who exercises that option must repay the retirement system for any over earnings while retired before Public Law 2001, chapter 442 was enacted.

Enacted Law Summary

A previously enacted law (Public Law 2001, chapter 442) removed the earnings cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. Public Law 2003, chapter 324 allows a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to rejoin the system in certain circumstances, which would allow the member potentially to increase retirement benefits.

Under chapter 324 such an employee may exercise the option to be retroactively restored to membership in the Maine State Retirement System. In that case, the employee is required to pay back to the retirement system over earnings while not a member, to pay the full actuarial cost of the new retirement benefit based on additional creditable service allowed under this chapter and to repay retirement benefits received after being retroactively restored to membership. An employee also has the option to be restored to membership prospectively. That employee must repay the retirement system for any over earnings while retired before Public Law 2001, chapter 442 was enacted.

Public Law 2003, chapter 324 was enacted as an emergency measure, effective May 27, 2003.

LD 1544

**An Act To Revise the Standards for Reporting Public Sector
Workplace Deaths and Serious Injuries**

PUBLIC 244

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

LD 1544 proposed to reduce the time frame within which a public employer must report a death or serious injury to the Director of the Bureau of Labor Standards within the Department of Labor.

Enacted Law Summary

Public Law 2003, chapter 244 reduces the time frame within which a public employer must report a death or serious injury to the Director of the Bureau of Labor Standards within the Department of Labor from 48 hours to 8 hours for a death and 24 hours for a serious injury, consistent with federal requirements under the Occupational Safety and Health Administration regulations.

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LD 1552

**An Act To Allocate a Portion of the Reed Act Distribution of 2002
To Use for the Administration of the Unemployment Insurance
and Employment Services Programs**

P & S 23

<u>Sponsor(s)</u> EDMONDS TREADWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-180
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LD 1552 proposed to authorize the Department of Labor to use \$9.76 million of the approximately \$32.5 million distributed to Maine by the federal government in 2002 under the Reed Act. Permitted uses of the funds include maintenance and operation of the State's unemployment and employment offices, expanded information services, expanded customer access options for program services; toll-free customer access to unemployment services delivered via telephone; technology upgrades; and the repair and accessibility upgrade of the facility in Augusta. The sum of \$22,786,816 of the Reed Act funds would remain in the federal Unemployment Trust Fund to pay unemployment benefits when needed.

Committee Amendment "A" (S-180) proposed to add an appropriations and allocations section to the bill.

Enacted Law Summary

Under federal law, money in the federal Unemployment Trust Fund may be distributed to the states, to be used for state unemployment and employment services programs, when the balance in the federal Trust Fund exceeds a certain amount. Such a distribution is known as a "Reed Act" distribution. Maine received a Reed Act distribution in 2002 of \$32,486,816.

Private and Special Law 2003, chapter 23 authorizes the use of \$9,760,000 of these funds to maintain and operate the State's unemployment and employment offices, including expanded unemployment, employment and labor market information program services for workers and employers in the State; expanded customer access options for program services; toll-free customer access to unemployment services delivered via telephone; technology improvements; and accessibility improvements to the offices in Augusta. The remainder of the Reed Act funds would remain in the federal Unemployment Trust Fund, accessible by the State, to pay unemployment benefits when needed.

LD 1576

**An Act To Provide Group Health Insurance Coverage to Maine
Citizens Eligible for Assistance Under the Federal Trade
Adjustment Assistance Reform Act of 2002**

**PUBLIC 348
EMERGENCY**

<u>Sponsor(s)</u> DAGGETT COLWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-228
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LD 1576 proposed to authorize the Department of Administrative and Financial Services to sponsor a group health insurance plan, that would be made available to certain displaced workers, retirees and their dependents who are eligible to receive federal health insurance subsidy payments under the federal Trade Adjustment Assistance Reform Act of 2002.

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Committee Amendment "A" (S-228) proposed to clarify that those who enroll in the group health plan authorized in the bill must meet the eligibility criteria set forth in the federal law that provides for tax credits for enrollment in the plan by certain unemployed persons.

Enacted Law Summary

Public Law 2003, chapter 348 makes group health insurance coverage available to certain displaced workers, retirees and their dependents who are eligible to receive federal health insurance subsidy payments under the federal Trade Adjustment Assistance Reform Act of 2002.

Public Law 2003, chapter 348 was enacted as an emergency measure, effective May 29, 2003.

LD 1618 **An Act To Clarify the Employment Status of Court Reporters, Stenographers and Videographers** **CARRIED OVER**

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

LD 1618 proposes to specify that court reporters, stenographers and videographers are independent contractors, for purposes of unemployment insurance.

LD 1619 **An Act To Provide Equitable Treatment to State Employees** **PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J TREAT	OTP-AM	H-531

LD 1619 proposed to amend state law relating to overtime pay to include state employees in the law requiring payment of time-and-a-half for hours worked in excess of 40 hours in a week. The bill also proposed to amend the remedy provision so that state employees who are not paid the appropriate overtime wage recover only the amount of unpaid wages, not liquidated damages or attorney's fees as provided for private sector employees. It proposed a 3-year statute of limitations for violations if violation of the law is willful.

It also proposed to amend the workers' compensation law to provide that state employees who are barred from suing the State under admiralty law or certain federal laws because of sovereign immunity would not be excluded from coverage under the state workers' compensation law.

Committee Amendment "A" (H-531) proposed to remove legislative employees from the provision requiring overtime pay for other state employees. It also proposed to add language to make clear that compensatory time agreements that may be used to comply with federal overtime laws applicable to public employees may also be used to comply with the overtime rate provisions being applied to executive and judicial employees.

Enacted Law Summary

Public Law 2003, chapter 423 amends certain state labor laws to equalize the treatment of state employees to the treatment of private sector employees. Recent United States Supreme Court cases have ruled that the State, as an

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employer, cannot be sued under certain federal employment laws unless the State consents to be sued. Instead of waiving immunity to allow state employees to sue the State under federal labor law, PL 2003, chapter 423 amends state labor laws to provide remedies to state employees under state law.

It includes state employees, except for legislative employees, in the law requiring employers to pay time-and-a-half for overtime hours worked. Currently all public employees are exempt from that requirement. It amends the remedy provision so that state employees who are not paid the appropriate overtime wage recover only the amount of unpaid wages, not liquidated damages or attorney's fees as provided for private sector employees. It provides for a 3-year statute of limitations for violations of the minimum wage law for state employees if the violation of the law is willful. Compensatory time may in some instances be substituted for overtime pay, when allowed by federal law.

PL 2003, chapter 423 amends the workers' compensation law to provide that state employees who are barred from suing the State under admiralty law or certain federal laws because of sovereign immunity are not excluded from coverage under the state workers' compensation law.

LD 1627

Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

**RESOLVE 74
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM MAJ

H-556

OTP-AM MIN

LD 1627 proposed to authorize the Department of Labor to finally adopt a major substantive rule: Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers.

Committee Amendment "B" (H-556), the minority report of the Joint Standing Committee on Labor, proposed to authorize final adoption of the rule relating to alternative methods of payment for truck drivers and drivers helpers. It proposed to require the Department of Labor to seek an Attorney General's opinion on the same issue as provided in the majority committee report and to report the results of the opinion and the department's recommendations in response to the opinion to the Joint Standing Committee on Labor.

Committee Amendment "A" (H-555), the majority report of the Joint Standing Committee on Labor, proposed that the Department of Labor is not authorized to finally adopt its rule, Chapter 14. It proposed to require the department to seek a legal opinion from the Attorney General regarding the Department's ability to consider work performed outside the State in regulating pay for work performed within the State, e.g., in counting hours worked outside the State in considering whether a person is entitled to overtime pay for work performed within the State. It proposed to require the Department to meet with the Labor Committee to discuss the Attorney General's opinion and the department's recommendations relating to the opinion. Finally, it proposed to require the department to resubmit rules to the Second Regular Session of the 121st Legislature. This committee amendment was not adopted.

Enacted Law Summary

Resolve 2003, chapter 74 authorizes final adoption of Department of Labor Rule Chapter 14, which sets forth an alternative method of payment for overtime worked by certain trucker drivers and drivers' helpers, allowing

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employers to pay on a basis other than hours worked, e.g., by miles driven. The Resolve also requires the Department of Labor to seek an opinion of the Attorney General regarding the Department's ability to take into account the number of hours worked outside the State in determining the required amount of pay for work conducted within the State. The Department must meet with the Labor Committee in September, 2003 to discuss the Attorney General's opinion and the Department's response to the opinion.

Resolve 2003, chapter 74 was finally passed as an emergency measure, effective June 16, 2003.

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Legal and Veterans' Affairs*

July 2003

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**JOINT STANDING COMMITTEE ON
LEGAL AND VETERANS AFFAIRS**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	81	85.3%	5.0%
<u><i>Bills Carried Over</i></u>	<u>13</u>	<u>13.7%</u>	<u>0.8%</u>
Total Bills referred	94	98.9%	5.7%
B. Bills reported out by law or joint order	1	1.1%	0.1%
Total Bills considered by Committee	95	100.0%	5.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	3.7%	0.2%
<i>Ought to Pass as Amended</i>	20	24.4%	1.4%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>31</u>	<u>37.8%</u>	<u>2.1%</u>
Total unanimous reports	54	65.9%	3.7%
B. Divided committee reports			
<i>Two-way reports</i>	28	34.1%	1.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	28	34.1%	1.9%
Total committee reports	82	100.0%	5.6%
III. CONFIRMATION HEARINGS	2	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	29	30.5%	1.8%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	2.1%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	31	32.6%	1.9%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	0	0.0%	0.0%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>1</u>	<u>1.1%</u>	<u>0.1%</u>
Total	1	1.1%	0.1%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Legal and Veterans' Affairs

SUBJECT INDEX

Campaign Finance

Enacted

LD 454	An Act To Clarify Campaign Finance Penalty Provisions	PUBLIC 81	Page 698
LD 659	An Act To Standardize Reporting Requirements for State Party Committees' Expenditures and Contributions	PUBLIC 302	Page 702
LD 1196	An Act To Clarify the Definition of Independent Expenditures Under the Election Laws	PUBLIC 448	Page 714
LD 1310	An Act To Improve the Clean Election Option for Gubernatorial Candidates	PUBLIC 453	Page 720

Not Enacted

LD 859	An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot	ONTP	Page 707
LD 910	An Act To Promote Candidate Accountability in Elections	ONTP	Page 708
LD 929	An Act To Specify the Size and Typeface of Disclaimers on Political Literature Not Authorized by a Candidate	ONTP	Page 709
LD 1027	Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices	CARRIED OVER	Page 711
LD 1144	An Act To Clarify the Maine Clean Election Act	ONTP	Page 713
LD 1162	An Act To Prohibit the Use of Clean Election Funding for Candidates Who Lose in Primaries	ONTP	Page 713
LD 1254	An Act To Change the Maine Clean Election Laws	ONTP	Page 716
LD 1268	An Act To Ensure Fairness in Elections	ONTP	Page 716

LD 1272	An Act To Specify the Political Party of Contributors of Qualifying Contributions and To Require a Candidate Funded under the Maine Clean Election Act To Receive a Certain Level of Support in Order To Receive Public Funding in the Future	ONTP Page 717
LD 1283	An Act To Allow County Candidates To Run as Clean Election Candidates	ONTP Page 719
LD 1339	An Act To Amend the Laws Governing Campaign Finance	CARRIED OVER Page 721
LD 1348	An Act To Require Candidates Who Are Not Maine Clean Election Act Candidates To Report All Sources of Funding	ONTP Page 721
LD 1362	An Act Regarding Disclosures Required on Advertising by Candidates	ONTP Page 725

Claims Against The State

Enacted

LD 730	Resolve, Allowing Christy Reposa To Sue the State	RESOLVE 86 Page 705
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Not Enacted

LD 260	An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee	DIED ON ADJOURNMENT Page 694
LD 288	Resolve, to Authorize Michelle Booker to Sue the State	DIED ON ADJOURNMENT Page 695
LD 507	Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract	CARRIED OVER Page 699
LD 1603	Resolve, Authorizing Michaela Corbin-Bumford To Sue the State	CARRIED OVER Page 731
LD 1613	Resolve, Authorizing Germaine Bell To Sue the State	CARRIED OVER Page 731

Election Laws

Enacted

LD 100	An Act to Repeal the Presidential Preference Primary Elections Process	PUBLIC 470 Page 690
LD 426	An Act To Preserve the Integrity of the Voting Process	PUBLIC 395 Page 696
LD 980	An Act To Amend the Laws Governing the Qualification of Candidates	PUBLIC 270 Page 709
LD 981	An Act To Ensure Segregation of Spoiled, Defective and Void Ballots	PUBLIC 298 Page 710
LD 1486	An Act To Comply with Federal Election Laws Including the Help America Vote Act of 2002	PUBLIC 407 Page 726 EMERGENCY
LD 1548	An Act To Amend the Election Laws	PUBLIC 447 Page 730
LD 1581	Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003	RESOLVE 7 Page 731 EMERGENCY

Not Enacted

LD 41	An Act to Specify the Public Status of Disputed Ballots	ONTP Page 689
LD 121	An Act to Amend the Laws Governing Push Polling	ONTP Page 691
LD 153	An Act to Prohibit the Secretary of State From Endorsing Political Candidates	ONTP Page 692
LD 200	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke the Voting Privileges of Convicted Persons in Prison	ONTP Page 692
LD 212	An Act to Establish Instant Run-off Voting	CARRIED OVER Page 693
LD 232	An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections	DIED BETWEEN BODIES Page 693
LD 243	An Act to Change the Name of the Maine Clean Election Act to the "Publicly Funded Election Act"	DIED BETWEEN BODIES Page 694

LD 282	An Act To Prohibit Municipal Elections within 60 Days of a Statewide Election	ONTP Page 694
LD 674	An Act To Require Winners of State and Congressional Elections to Receive a Simple Majority of the Total Vote	ONTP Page 703
LD 754	An Act To Allow Public Office Candidates To Campaign in State-funded University Dormitories	ONTP Page 705
LD 757	An Act To Provide Voting Rights to Nonresident Taxpayers	ONTP Page 706
LD 802	An Act To Clarify Maine Election Laws	ONTP Page 706
LD 820	An Act To Prohibit a Governmental Entity from Endorsing a Political Candidate or a Referendum Issue	ONTP Page 706
LD 844	An Act To Provide the Option To Nominate Presidential Candidates by Caucus	ONTP Page 707
LD 877	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Resolution of Disputed Elections by the Supreme Judicial Court	ONTP Page 707
LD 899	An Act To Provide an Alternative to Filing Nomination Petitions BY REQUEST	ONTP Page 708
LD 1115	An Act To Prohibit a Maine Clean Election Act Candidate from Running for More than One Office	ONTP Page 713
LD 1180	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Judicial Advisory Opinion Mechanism in Disputed Election Results for Members of the Maine Senate and House of Representatives	ONTP Page 714
LD 1251	An Act To Increase Access to Information Regarding Referendum Questions	DIED ON ADJOURNMENT Page 715
LD 1300	An Act Regarding the Presence of a Candidate at a Polling Place on Election Day	ONTP Page 719
LD 1308	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Appearance of Referenda on Ballots at General Elections	ONTP Page 719

LD 1349 An Act Concerning Recognition of Qualified Political Parties INDEF PP Page 722

Defense and Emergency Management

Enacted

LD 1513 An Act To Update the Department of Defense, Veterans and Emergency Management Laws PUBLIC 404 Page 727

LD 1537 An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory PUBLIC 342 Page 729
EMERGENCY

Not Enacted

None

Ethics & Lobbying

Enacted

LD 97 An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices PUBLIC 381 Page 690

LD 1336 An Act to Strengthen the Governmental Ethics Laws PUBLIC 268 Page 720

Not Enacted

None

Harness Racing

Enacted

LD 704 An Act Relating to Harness Racing Laws PUBLIC 401 Page 703
EMERGENCY

Not Enacted

LD 642 An Act To Ensure the Economic Viability of the Harness Racing Industry CARRIED OVER Page 701

Landlord/Tenant

Enacted

LD 901	An Act To Update the Abandoned Property Laws	PUBLIC 303	Page 708
LD 1008	An Act To Clarify When Notice is Effective to Terminate a Tenancy at Will	PUBLIC 296	Page 710
LD 1022	An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets	PUBLIC 265	Page 711
LD 1381	An Act To Regulate the Landlord-tenant Relationship	PUBLIC 259	Page 725

Not Enacted

None

Lottery/Gaming/Gambling

Enacted

LD 1057	An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break	PUBLIC 353	Page 712
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Not Enacted

LD 140	An Act to Authorize Use of Beano Proceeds to Compensate Persons who Transport Disabled Veterans	ONTP	Page 692
LD 486	An Act To Protect Communities Affected by Casino Gambling Operations	ONTP	Page 699
LD 513	An Act To Legalize Gambling if Casinos Are Allowed in the State	ONTP	Page 699
LD 516	An Act To Share Revenue from Sales of Lottery Tickets and To Permit Additional Ticket Sales Locations	ONTP	Page 700
LD 536	An Act To Hold a Sales Agent Harmless for the Theft of Lottery Tickets if It Reports the Crime Immediately	ONTP	Page 700

LD 578	An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife	CARRIED OVER Page 700
LD 816	An Act To Amend the Laws Governing Raffles Conducted in Connection with a "Beano" Game	ONTP Page 706
LD 915	An Act Regarding Gaming Conducted by Nonprofit Organizations	ONTP Page 709
LD 1354	An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations	CARRIED OVER Page 722
LD 1361	An Act To Support Harness Horse Racing in Maine, Equine Agriculture in Maine, Maine Agricultural Fairs and the General Fund of the State	UNSIGNED Page 724
LD 1371	An Act To Allow Slot Machines at Commercial Horse Racing Tracks	ONTP Page 725
LD 1536	An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games	CARRIED OVER Page 729

Liquor Laws

Enacted

LD 54	An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses	PUBLIC 91 Page 689
LD 122	An Act Regarding the Sampling of Products	PUBLIC 69 Page 691
LD 381	An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games	PUBLIC 192 Page 696
LD 433	An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees	PUBLIC 349 Page 697
LD 450	An Act To Allow the Transfer of Spirits within Existing Businesses	PUBLIC 208 Page 697
LD 466	An Act Concerning the Issuance of a Temporary Liquor License	PUBLIC 213 Page 698
LD 625	An Act Regarding the Sale of Hard Cider	PUBLIC 68 Page 701

SP 552 **JOINT STUDY ORDER – Establishing the Committee to Study the Implementation of the Privatization of the State’s Wholesale Liquor Business** **PASSED** Page 732

Not Enacted

LD 186 **An Act to Prohibit the Sale of Liquor by Retail Licensees for Less than the Actual Price Paid** **ONTP** Page 692

LD 656 **An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses** **CARRIED OVER** Page 702

LD 1267 **An Act To Raise the Revenues of Agency Liquor Stores by 5% from the Sale of Liquor** **ONTP** Page 716

LD 1274 **An Act To Promote Maine's Brewing Industry** **ONTP** Page 718

LD 1281 **An Act to Allow Shipment of Wine By Mail** **ONTP** Page 718

Maine National Guard

Enacted

LD 1533 **An Act To Create the Maine National Guard Education Assistance Program** **PUBLIC 488** Page 728
EMERGENCY

Not Enacted

None

Term Limits

Enacted

None

Not Enacted

LD 935 **An Act To Abolish Term Limits for Legislators** **ONTP** Page 709

LD 1273 **An Act To Extend Term Limits** **DIED BETWEEN** Page 717
BODIES

LD 1284

An Act To Extend Term Limits from 8 Years to 14
Years

ONTP Page 719

Veterans' Affairs

Enacted

LD 373

An Act Eliminating the Receipt by the Maine
Veterans' Homes of Any Reimbursement from the
MaineCare Program for the Costs of Renovating the
Existing 120-bed Maine Veterans' Homes Nursing
Facility in Augusta

**PUBLIC 3 Page 695
EMERGENCY**

LD 1068

Resolve, Directing the Bureau of Veterans' Services
To Provide Assistance To Obtain Information
Regarding Maine Members of the United States
Armed Forces Presumed Lost or Deceased

RESOLVE 43 Page 712

Not Enacted

LD 1021

Resolve, To Renew the Veterans' Emergency
Assistance Program

CARRIED OVER Page 711

Joint Standing Committee on Legal and Veterans' Affairs

LD 41

An Act to Specify the Public Status of Disputed Ballots

ONTP

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

LD 41 proposed to require the Secretary of State to make available for public inspection disputed ballots arising from an election recount.

Committee Amendment "A" (S-153) proposed to specify that copies of disputed ballots in an election recount must be made available to the public for 60 days after the election has been resolved. The amendment also proposed to require the Secretary of State to ensure the privacy of voters and the integrity of the ballots. This amendment was not adopted.

LD 54

An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses

PUBLIC 91

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL MAYO	OTP-AM MAJ OTP-AM MIN	H-98

LD 54 proposed to amend the law regarding special taste-testing festivals for breweries and farm wineries to allow greater participation by all breweries in Maine by removing the requirement that they may only be small breweries. It also proposed to expand the scope of the special once-a-year license to include out-of-state breweries and farm wineries subject to rules adopted by the Bureau of Liquor Enforcement within the Department of Public Safety.

Committee Amendment "A" (H-98) was the majority report of the Joint Standing Committee on Legal and Veterans Affairs. It proposed to replace the bill and clarify who may apply for a special taste-testing festival license and remove the provisions that permit out-of-state manufacturers of malt beverages to be licensed.

Committee Amendment "B" (H-99) which was not adopted, was the minority report of the Joint Standing Committee on Legal and Veterans Affairs. It proposed to clarify who may apply for a special taste-testing festival license and would have permitted out-of-state breweries to participate in the festival.

Enacted Law Summary

Public Law 2003, chapter 91 amends the law establishing special taste-testing festivals for small breweries and farm wineries to also permit in-state malt liquor manufactures to participate in the taste-testing festival.

Joint Standing Committee on Legal and Veterans' Affairs

LD 97

An Act To Change the Personnel Employed by the Commission on Governmental Ethics and Election Practices

PUBLIC 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN	OTP-AM MAJ	H-414
GAGNON	ONTP MIN	

LD 97 proposed to replace the administrative director of the Commission on Governmental Ethics and Election Practices with an executive director. This bill also proposed to replace the commission's general counsel with a computer analyst whose compensation is paid from the Maine Clean Election Fund.

Committee Amendment "A" (H-414), the majority report of the committee, proposed to replace the bill. The amendment proposed to change the title of the director of the Commission on Governmental Ethics and Election Practices from administrative director to executive director. The amendment also proposed to remove the requirement that the commission employ a general counsel and replace it with a requirement that commission hire either a general counsel or computer analyst based on the staffing needs of the executive director.

Enacted Law Summary

Public Law 2003, chapter 381 changes the title of the director of the Commission on Governmental Ethics and Election Practices from administrative director to executive director. This law also removes the requirement that the commission employ a general counsel and replaces it with a requirement that commission hire either a general counsel or computer analyst based on the staffing needs of the director.

LD 100

An Act to Repeal the Presidential Preference Primary Elections Process

PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-34 H-600 CLARK S-289 CATHCART

LD 100 proposed to repeal the presidential preference primary elections process.

Committee Amendment "A" (H-34) proposed to add a fiscal note to the bill.

House Amendment "A" (H-600) proposed to remove the emergency preamble and emergency clause from the bill.

Senate Amendment "A" (S-289) proposed to add a General Fund deappropriation to the bill to reflect the savings to the Secretary of State from the elimination of the presidential preference primary.

Enacted Law Summary

Public Law 2003, chapter 470 repeals the presidential preference primary law, eliminating the system of nominating presidential candidates by preference primary.

Joint Standing Committee on Legal and Veterans' Affairs

LD 121

An Act to Amend the Laws Governing Push Polling

ONTP

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

LD 121 proposed to define a "push poll" as a paid telephone survey that references a candidate when any one of those factors is present. Under current law, a "push poll" is defined as a paid telephone survey that references a candidate when all of the following factors are present: a list is used to select respondents based on demographic or political characteristics; the survey fails to make inquiries that would allow for the tabulation of results based on a relevant subset of the population; the pollster does not collect or tabulate survey results; the survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and the survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

Committee Amendment "A" (S-96), which was not adopted, proposed to replace the bill. This amendment proposed to amend the definition of a push poll to define a push poll as a survey that includes a question regarding support for a candidate on the basis of an untrue statement or a survey that is primarily for the purpose of suppressing or changing the voting position of the call recipient. This amendment was not adopted.

LD 122

An Act Regarding the Sampling of Products

PUBLIC 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK	OTP-AM	S-19

LD 122 proposed to amend current law to allow a partial bottle of wine as a sample. The bill proposed to require the wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this bill proposed to bring state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

Committee Amendment "A" (S-19) proposed to replace the bill. It specified that partial-bottle wine samples may be provided to liquor licensees and must be properly sealed between tastings. It also proposed to increase the annual limit for samples provided to retail licensees from 3 gallons of malt beverage and 3 gallons of wine to 9 gallons of malt beverage and 9 liters of wine.

Enacted Law Summary

Public Law 2003, chapter 69 amends current law to allow a partial bottle of wine as a sample. The law also requires a wholesale licensee to document the amount of product sampled along with other details of the sampling. Additionally, this law brings state law into compliance with federal law concerning the amount of beer and wine samples that may be given to a retail licensee on an annual basis.

Joint Standing Committee on Legal and Veterans' Affairs

LD 140 **An Act to Authorize Use of Beano Proceeds to Compensate
Persons who Transport Disabled Veterans** **ONTP**

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

LD 140 proposed to allow an organization recognized by the federal Veterans Health Administration to use beano proceeds to compensate members of that organization who provide transportation services to disabled veterans receiving medical treatment under the supervision of the federal Veterans Health Administration.

LD 153 **An Act to Prohibit the Secretary of State From Endorsing
Political Candidates** **ONTP**

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

LD 153 proposed to prohibit the Secretary of State from using the secretary's official authority to interfere with or influence a partisan election or engage in any type of political activity.

LD 186 **An Act to Prohibit the Sale of Liquor by Retail Licensees for Less
than the Actual Price Paid** **ONTP**

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

LD 186 proposed to prohibit retail liquor licensees from selling any liquor for less than the actual price paid by the licensee for the liquor.

LD 200 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Revoke the Voting Privileges of Convicted Persons in
Prison** **ONTP**

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

LD 200 proposed an amendment to the Constitution of Maine that would revoke the right to vote of a person convicted of murder or a Class A crime while that person is imprisoned in a jail or a correctional facility in the state.

Joint Standing Committee on Legal and Veterans' Affairs

Committee Amendment "A" (H-171) was the minority report and proposed to change the proposed Constitutional amendment so that it would revoke the voting privileges of any person sentenced to a term of imprisonment in a state correctional facility instead of revoking the voting privileges of any person convicted of murder or a Class A crime who is imprisoned in either a jail or a correctional facility. This amendment was not adopted.

LD 212 **An Act to Establish Instant Run-off Voting** **CARRIED OVER**

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

LD 212, which has been carried over to the Second Regular Session, proposes to create an instant run-off voting method of determining winners in elections for President, Vice President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative. The method would simulate the ballot counts that would occur if all voters participated in a series of run-off elections and would allow a voter to rank candidates according to that voter's preferences. Each voter would have only one vote for each office, and the ballot count would be the same as would occur if voters participated in a series of run-off elections, with the weakest candidate eliminated after each round of counting.

There is an initial round of counting proposed by this bill. If more than 2 candidates receive votes after the initial round, the Secretary of State conducts an instant run-off round. In this instant run-off round, the Secretary of State would eliminate the candidate with the fewest votes. A ballot that ranks this eliminated candidate as the highest-ranked candidate would be counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate would be a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes would continue until only 2 candidates remain. The candidate with the most votes would be declared the winner.

For the presidential and vice-presidential elections, the instant run-off voting method would be conducted to determine winners for the entire State as well as in each congressional district.

LD 232 **An Act Concerning Political Action Committees and Party Committee Activities Prior to Elections** **DIED BETWEEN BODIES**

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

LD 232 proposed to require political action and party committees to submit to the Commission on Governmental Ethics and Election Practices and make available to the general public at least 72 hours before publication, any communication designed to influence an election that is intended to be published for the first time within the 10 days preceding the election.

Committee Amendment "A" (S-223) proposed to replace the bill and change the title. This amendment proposed to prohibit a certified Maine Clean Election Act candidate or a candidate seeking certification as a Maine Clean Election Act candidate from forming, participating in or soliciting or expending money for a

Joint Standing Committee on Legal and Veterans' Affairs

political action committee except for political action committees formed to support local or statewide bond referenda. This amendment was not adopted.

LD 243 An Act to Change the Name of the Maine Clean Election Act to the "Publicly Funded Election Act" DIED BETWEEN BODIES

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

LD 243 proposed to change the name of the Maine Clean Election Act to the "Publicly Funded Election Act."

LD 260 An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM MAJ ONTP MIN	S-116

LD 260 proposed to provide funds in the amount of \$28,000 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

Committee Amendment "A" (S-116) proposed to replace the bill and was the majority report of the committee. The amendment proposed to clarify that the funds in the amount of \$28,000 reimburse Philip Wolley for the legal expenses associated with Mr. Wolley's defense of criminal charges brought in connection with his termination of employment as a state employee.

LD 282 An Act To Prohibit Municipal Elections within 60 Days of a Statewide Election ONTP

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

LD 282 proposed to prohibit a municipality from holding a town meeting election within 60 days of a general or statewide election.

Committee Amendment "A" (H-173) was the minority report and proposed to replace the bill. The amendment proposed to prohibit municipalities from calling a special municipal election or special municipal referendum within 60 days of a regular election unless it is called for the same day as the regular election. The amendment also proposed to prohibit school administrative districts from calling a district referendum within 60 days of a regular election within the district unless the district referendum is called for the same day as the regular election. This amendment was not adopted.

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LD 288

Resolve, to Authorize Michelle Booker to Sue the State

DIED ON
ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J MAYO	OTP-AM	H-270

LD 288 proposed to authorize Michelle Booker, in her capacity as personal representative of the estate of Donna Leen, who was murdered on October 13, 2001 by Carl Wayne Heath following Mr. Heath's release from state criminal custody in Bangor, to sue the State under Maine's wrongful death laws. Compensatory damages are limited to \$400,000.

Committee Amendment "A" (H-270) proposed to clarify that the resolve authorizes suit against the Department of Corrections and constitutes a waiver of the State's defense of immunity under the Maine Tort Claims Act. The amendment also clarified that the maximum amount of recovery is \$400,000, including punitive damages.

LD 373

An Act Eliminating the Receipt by the Maine Veterans' Homes of Any Reimbursement from the MaineCare Program for the Costs of Renovating the Existing 120-bed Maine Veterans' Homes Nursing Facility in Augusta

PUBLIC 3
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL GAGNON	OTP-AM	H-10

LD 373 proposed to prohibit the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and to clarify that a Legislative appropriation of funds for the cost of the renovations is not required.

Committee Amendment "A" (H-10) proposed to add a provision to the bill to exempt the Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants. The amendment proposed to direct the department to amend its rules regarding reimbursement of long-term care facilities accordingly. It also proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 3 prohibits the Department of Human Services from reimbursing the Maine Veterans' Homes with MaineCare funds for costs associated with renovations to its 120-bed nursing facility in Augusta in connection with a certificate of need application filed January 22, 2002, and clarifies that a Legislative appropriation of funds for the cost of the renovations is not required. The law also exempts this Maine Veterans' Homes renovation project from the provision of law that prohibits the Department of Human Services from modifying its principles of reimbursement for long-term care facilities to exclude reimbursement for depreciation of assets created with federal or state grants and directs the department to amend its rules accordingly.

Public Law 2003, chapter 3 was enacted as an emergency measure effective February 19, 2003.

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LD 381

**An Act To Clarify How Consumers Acquire Information about
In-pack Sweepstakes, Contests and Games**

PUBLIC 192

<u>Sponsor(s)</u> HOTHAM		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-227
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LD 381 proposed to clarify the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. The information would be required to be provided by a sign at the retail outlet or by a notice on the primary or secondary packaging of the brand offering the promotion.

Committee Amendment "A" (H-227) proposed to require a certificate of approval holder, wholesale licensee or retail licensee to provide information about how to participate in a sweepstakes, game or contest without purchase.

Enacted Law Summary

Public Law 2003, chapter 192 clarifies the requirements for how a consumer acquires information about a sweepstakes, game or contest offered by a certificate of approval holder, wholesale licensee or retail licensee of alcoholic beverages. It states that the information must be provided by a sign at the retail outlet or a notice on the primary or secondary packaging of the brand offering the promotion.

LD 426

An Act To Preserve the Integrity of the Voting Process

PUBLIC 395

<u>Sponsor(s)</u> THOMAS CATHCART		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-403 H-478 MILLS P
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LD 426 proposed to require anyone wishing to monitor the names and addresses of persons who are registering at the polling place to inform the registrar or election clerk of the proposed monitor's name, address and intent in the form of a signed statement. The bill proposed new language regarding challenging someone's right to vote by requiring that the challenge be made in the form of an affidavit under oath. That form would include, in addition to other items required under current law, the challenger's name, address and party affiliation, the challenger's status as a registered voter in that municipality, the name of the voter being challenged, the reason for the challenge and the source of the information on which the challenge is based. The bill proposed that a challenge may not be made on unsupported allegations or on allegations by anonymous third parties. This bill also proposed to make it a Class E crime to challenge a qualified and registered voter for the purpose of delaying the voter.

Committee Amendment "A" (H-403) proposed to outline procedures for individuals wanting to monitor polling places. It also proposed to require a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the reason. Finally, it proposed to outline duties and abilities of wardens to regulate the challenge procedure.

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House Amendment "A" to Committee Amendment "A" (H-478) proposed to require the warden to include in the sealed envelope with the challenge certificate the signed affidavit of the person who is challenging the right of another person to vote.

Enacted Law Summary

Public Law 2003, chapter 395 amends current law regarding individuals wanting to monitor polling places and challenging a person's right to vote. Anyone who wishes to monitor the names and addresses of persons registering at the polling place is required to inform the registrar or clerk of that intent in writing. The law requires a person challenging another person's right to vote to file an affidavit listing the reason for the challenge and the source of the information on which that challenge is based. It also outlines the duties and authority of wardens to regulate the challenge procedure. Under this law, the warden is required to include the signed affidavit of the person challenging a voter in the sealed envelope with the challenge certificate.

LD 433

An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO CLARK	OTP-AM	S-188

LD 433 proposed to permit wholesale liquor licensees to sell liquor to retail licensees with a debit card and would consider the use of a debit card the same as a cash transaction. Current law requires cash for such transactions.

Committee Amendment "A" (S-188) proposed to replace the bill. It would amend the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This amendment proposed to permit the use of electronic funds transfers to conduct those transactions.

Enacted Law Summary

Public Law 2003, chapter 349 amends the law that requires the sale of liquor between manufacturers, wholesale licensees and retail licensees to be made in cash. This law permits the use of electronic funds transfers to conduct those transactions.

LD 450

An Act To Allow the Transfer of Spirits within Existing Businesses

PUBLIC 208

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM MAJ ONTP MIN	H-229

LD 450 proposed to permit a business or corporation with multiple locations licensed to sell spirits for consumption off the premises to transfer spirits between one licensed location and another.

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Committee Amendment "A" (H-229) proposed to clarify that if a business or corporation licensed to sell spirits for off-premises consumption has multiple licensed locations in the State the licensee would be permitted to transfer spirits only between those licensed locations and would require that a licensee notify the Department of Public Safety, Bureau of Liquor Enforcement in advance of the transfer of spirits between one location and another.

Enacted Law Summary

Public Law 2003, chapter 208 provides that if a business or corporation licensed to sell spirits for off-premises consumption has multiple licensed locations in the State, the licensee may transfer spirits only between those licensed locations and requires that a licensee notify the Department of Public Safety, Bureau of Liquor Enforcement in advance of the transfer of spirits between one location and another.

LD 454 **An Act To Clarify Campaign Finance Penalty Provisions** **PUBLIC 81**

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

LD 454 proposed to clarify that civil penalties for violations of the Maine Clean Election Act would also apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.

Enacted Law Summary

Public Law 2003, chapter 81 specifies that civil penalties for violations of the Maine Clean Election Act apply to violations of rules adopted by the Commission on Governmental Ethics and Election Practices.

LD 466 **An Act Concerning the Issuance of a Temporary Liquor License** **PUBLIC 213**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER GAGNON	OTP-AM MAJ ONTP MIN	H-268

LD 466 proposed to permit the Bureau of Liquor Enforcement to issue a temporary liquor license for up to 60 days from the date of transfer of ownership of an existing, licensed, on-premises establishment.

Committee Amendment "A" (H-268) proposed to replace the section in the original bill regarding the issuance of a temporary on-premises liquor license pending the issuance or denial of an annual license for an establishment that has had a transfer in ownership. With this amendment, a temporary license would be applied for at the same time an annual license application would be submitted. The Department of Public Safety, Bureau of Liquor Enforcement would be authorized to issue a temporary license for up to 60 days, unless there is objection from the municipal officials or county commissioners. Under this amendment the proposed fee for a temporary license would be \$100.

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Enacted Law Summary

Public Law 2003, chapter 213 permits the issuance of a temporary on-premises liquor license pending the issuance or denial of an annual license for an establishment that has had a transfer in ownership. Under this law, a temporary license is applied for at the same time an annual license application is submitted. The Department of Public Safety, Bureau of Liquor Enforcement may issue a temporary license for up to 60 days, unless there is objection from the municipal officials or county commissioners. The fee for a temporary license is \$100.

LD 486 **An Act To Protect Communities Affected by Casino Gambling Operations** **ONTP**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 486, which was a concept draft, proposed that, in the event that gambling casino operations are allowed in this State, a portion of the revenue received by the community in which a casino is located and by the State be required to be allocated to the surrounding towns to offset the impact of the casino on those surrounding towns.

LD 507 **Resolve, To Allow the Town of Dennysville To Sue the State and the Atlantic Salmon Commission for Breach of Contract** **CARRIED OVER**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 507, a resolve, proposes to authorize the Town of Dennysville to sue the State for damages resulting from the Atlantic Salmon Commission's failure to ensure that after placing the weir in the Dennysville River water would be able to be drawn from the dry hydrant. LD 507 has been carried over to the Second Regular Session.

LD 513 **An Act To Legalize Gambling if Casinos Are Allowed in the State** **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 513 proposed to provide that if the operation of a casino is authorized in the State, any individual, group, organization or corporation may be licensed to conduct casino-style gambling without regard to race, creed, color or place of national origin.

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LD 516 **An Act To Share Revenue from Sales of Lottery Tickets and To Permit Additional Ticket Sales Locations** **ONTP**

<u>Sponsor(s)</u> CRESSEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 516 proposed to allow the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to issue licenses to sell lottery tickets without regard to the distance between the new location and any other lottery agent's location. The bill also proposed to direct the State Liquor and Lottery Commission to distribute 12% of annual lottery ticket sales revenue back to sales agents as revenue sharing.

LD 536 **An Act To Hold a Sales Agent Harmless for the Theft of Lottery Tickets if It Reports the Crime Immediately** **ONTP**

<u>Sponsor(s)</u> DOUGLASS THOMAS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 536 proposed to provide that a lottery ticket agent does not have to pay for lottery tickets stolen from the agent's business if the theft is reported to the Director of the Bureau of Alcoholic Beverages and Lottery Operations in the Department of Administrative and Financial Services within one business day.

LD 578 **An Act To Increase the Sale of Lottery Tickets To Benefit Conservation and Wildlife** **CARRIED OVER**

<u>Sponsor(s)</u> DUPLESSIE BRYANT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 578, which has been carried over to the Second Regular Session, proposes to require the Department of Administrative and Financial Services, State Liquor and Lottery Commission to issue \$2, \$3 and \$5 wildlife lottery game tickets to benefit the Maine Outdoor Heritage Fund, in addition to the \$1 wildlife tickets currently issued. The bill proposes to establish requirements for lottery agents regarding the sale of wildlife lottery tickets based on the number of different instant tickets the agent offers for each dollar denomination of ticket. The bill also proposes to require the commission to use a portion of revenues from the sale of wildlife lottery tickets to promote the sale of those tickets.

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LD 625

An Act Regarding the Sale of Hard Cider

PUBLIC 68

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

LD 625 proposed to specify that hard cider may be sold under a malt liquor license. Under current law, hard cider is sold by licensees with a wine license, and hard cider is taxed under a malt liquor product category.

Enacted Law Summary

Current law states that hard cider may be sold by a retail liquor licensee who has a license to sell wine. Under current law, hard cider is taxed under a malt liquor product category. Public Law 2003, chapter 68 specifies that hard cider may be sold under a malt liquor license.

LD 640

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Reduce Voting Age Qualifications by 12 Months** **CARRIED OVER**

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

LD 640, which has been carried over to the Second Regular Session, is a constitutional resolution that proposes to reduce the voting age qualifications by 12 months, subject to approval at referendum.

LD 642

**An Act To Ensure the Economic Viability of the Harness Racing
Industry** **CARRIED OVER**

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

LD 642, which was carried over to the Second Regular Session, proposes to expand wagering opportunities at racetracks in the State. It proposes to authorize the sale of pari-mutuel pools on live, simulcast or replayed horse races by commercial tracks and to authorize commercial tracks to conduct high-stakes beano.

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LD 656 **An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses CARRIED OVER**

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

LD 656 which was carried over to the Second Regular Session, proposes to permit the Department of Public Safety, Bureau of Liquor Enforcement to license golf courses to serve liquor on courses from mobile service bars. The bill proposes to establish the annual license fee for a mobile service bar at \$100 and limit sales from a mobile service bar to just malt liquor. It would also require that a licensee ensure that malt liquor would be served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course approved by the Bureau of Liquor Enforcement within the Department of Public Safety. The bill also proposes to require that the bureau revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the bureau. The bill would provide for the repeal of the mobile service bar license provisions on January 1, 2006.

LD 659 **An Act To Standardize Reporting Requirements for State Party Committees' Expenditures and Contributions** **PUBLIC 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-301 H-329 MOODY

LD 659 proposed to standardize campaign finance reporting requirements by putting political action committees, party committees and disclosure of independent electioneering expenditures on the same reporting schedule. As proposed by this bill, persons making independent electioneering expenditures in races involving a Maine Clean Election Act candidate would be required to file additional reports on the same schedule as accelerated reports by candidates.

Committee Amendment "A" (H-301) proposed to strike the section of the bill that would create a specific schedule for any person, party committee, political committee or political action committee that makes an independent expenditure. It also proposed to amend the section of the bill that would create a specific schedule for party committees to file reports of contributions and expenditures by specifying that this schedule would only apply to state party committees.

House Amendment "A" to Committee Amendment "A" (H-329) proposed to require that political literature that is not authorized by a candidate must clearly and conspicuously state that the communication is not authorized by any candidate. This amendment proposed to specify the point size, font and typeface of this statement, as well as the exact words to be used.

Enacted Law Summary

Public Law 2003, chapter 302 creates a specific schedule for state party committees to file reports of expenditures and contributions. It also specifies the point size, font and type face of the disclaimer "not paid for or authorized by any candidate" where that disclaimer is required under current law.

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LD 674 **An Act To Require Winners of State and Congressional Elections to Receive a Simple Majority of the Total Vote** **ONTP**

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

LD 674 proposed to require that if no one candidate receives more than 50% of the votes in a race in a general election, a run-off election between the 2 candidates receiving the most votes in the original election must be conducted.

LD 704 **An Act Relating to Harness Racing Laws** **PUBLIC 401
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN BRYANT	OTP-AM	H-397 H-479 CLARK

Current law specifies that the Department of Agriculture, Food and Rural Resources "take the lead" in developing state policy with respect to harness racing. LD 704 proposed instead to direct the department to cooperate with the State Harness Racing Commission in developing such state policy.

It also proposed to direct the State Harness Racing Commission to share the duty of reviewing racing-related statutes and rules on an ongoing basis and would require that the appointment of the executive director receive the commissioner's approval.

It proposed to identify the executive director's duty to report and recommend changes regarding harness racing as the work of the commission, rather than as the work of the department.

This bill proposed to repeal the provision requiring the establishment of trust accounts and instead would require the licensee to pay to an association of horsemen up to 1.5% of all amounts generated for the purpose of supplementing purses.

It would also specify that if a commercial track ceases operation, a separate racetrack operated by the owner of the now-closed racetrack would be considered to be the same racetrack as the track that ceased operation.

It proposed to authorize the sale of common pari-mutuel pools for simulcast races and change the method of determining market area.

Finally, this bill proposed to require an applicant for an owner's license to provide proof of insurance of not less than \$300,000 on the applicant's horses.

Committee Amendment "A" (H-397) proposed to add an emergency preamble and emergency clause to the bill and clarify language regarding the role of the Harness Racing Commission in policy making and review of statutes governing the harness racing industry. It proposed to amend the bill by requiring that horsepersons pay up to 1 1/2% of supplemental purse money to an association of horsepersons. It also proposed to clarify language

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that would determine the market area for commercial racetracks and off-track betting facilities. The amendment would also make the requirement for horse owners liability insurance effective January 1, 2004.

House Amendment "A" (H-479) proposed to specify that the presiding judge and associate judges appointed by the State Harness Racing Commission would be deemed to be employees of the State for purposes of the Maine Tort Claims Act. The amendment also proposed to specify that the Harness Racing Promotional Board and its employees would be considered a state agency for purposes of the Maine Revised Statutes, Title 5, section 191, which directs the Attorney General's office to appear for state agencies in civil actions and proceedings.

Enacted Law Summary

Public Law 2003, chapter 401 does the following:

1. It directs the department to work in conjunction with the State Harness Racing Commission in developing State harness racing policy. Current law specifies that the Department of Agriculture, Food and Rural Resources "take the lead" in developing state policy with respect to harness racing;
2. It directs the State Harness Racing Commission to share the duty of reviewing racing-related statutes and rules on an ongoing basis and requires that the appointment of the executive director receive the commissioner's approval;
3. It identifies the executive director's duty to report and recommend changes regarding harness racing as the work of the commission, rather than as the work of the department;
4. It repeals the provision requiring the establishment of trust accounts and instead requires the licensee to pay to an association of horsemen up to 1.5% of all amounts generated for the purpose of supplementing purses;
5. It specifies that if a commercial track ceases operation, a separate racetrack operated by the owner of the now-closed racetrack is considered to be the same racetrack as the track that ceased operation;
6. It authorizes the sale of common pari-mutuel pools for simulcast races;
7. It clarifies the method of determining market area for commercial race tracks and off-track betting facilities; and;
8. It specifies that the presiding judge and associate judges appointed by the State Harness Racing Commission are deemed to be employees of the State for purposes of the Maine Tort Claims Act. The amendment also specifies that the Harness Racing Promotional Board and its employees are considered a state agency for purposes of the Maine Revised Statutes, Title 5, section 191, which directs the Attorney General's office to appear for state agencies in civil actions and proceedings.

Public Law 2003, chapter 401 was enacted as an emergency measure effective June 3, 2003.

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LD 730

Resolve, Allowing Christy Reposa To Sue the State

RESOLVE 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM MAJ ONTP MIN	H-356 H-383 TWOMEY

LD 730 proposed to authorize Christy Reposa and Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal of a child from their respective homes.

Committee Amendment "A" (H-356) replaced the resolve. The amendment proposed to authorize Christy Reposa and John Wagg, the parents of Logan Marr, to sue the State under the State's wrongful death laws. The amendment clarified that the resolve authorizes suit against the Department of Human Services and constitutes a waiver of the State's defense of immunity under the Maine Tort Claims Act. The amendment also clarified that the maximum amount of recovery is \$400,000, including costs, interest and punitive damages.

House Amendment "A" to Committee Amendment "A" (H-383) proposed to remove the authority for John Wagg to sue the Department of Human Services. The amendment also proposed to require that the proceeds of any recovery by Christy Reposa in her suit against the Department of Human Services, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr. If these proceeds so deposited are not disbursed to pay for postsecondary educational expenses for a sibling of Logan Marr, they must be deposited in the Victims' Compensation Fund established in the Maine Revised Statutes, Title 5, section 3360-H and, notwithstanding Title 5, chapter 316-A, used only for the payment of claims arising under Title 5, chapter 316-A based on a crime against a person who has not attained 18 years of age.

Enacted Law Summary

Resolve 2003, chapter 86 authorizes Christy Reposa, the parent of Logan Marr, to sue the State under the State's wrongful death laws. The law provides that the proceeds of any recovery by Christy Reposa in her suit against the Department of Human Services, not including costs and reasonable attorney's fees as determined by the court, must be deposited with a 3rd-party trustee determined by counsel for Christy Reposa, subject to approval by the court, and disbursed only to pay for postsecondary educational expenses for a sibling of Logan Marr.

LD 754

An Act To Allow Public Office Candidates To Campaign in State-funded University Dormitories

ONTP

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

LD 754 proposed to allow a candidate for public office to campaign in a dormitory of the University of Maine System, the Maine Technical College System or the Maine Maritime Academy.

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LD 757 **An Act To Provide Voting Rights to Nonresident Taxpayers** **ONTP**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 757 proposed to enable nonresident property owners to vote on municipal budget issues.

LD 802 **An Act To Clarify Maine Election Laws** **ONTP**

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 802 proposed to amend the law regarding the recount process by stating under what circumstances a ballot in a recount may be disputed. The bill also proposed to provide criteria by which the Secretary of State would make disputed ballots public and proposed to require that the identity of the voter who cast the disputed ballot be protected. The bill also proposed to provide for a penalty for delaying the recount process.

LD 816 **An Act To Amend the Laws Governing Raffles Conducted in Connection with a "Beano" Game** **ONTP**

<u>Sponsor(s)</u> PEAVEY-HASKELL		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 816 proposed to provide that a "50/50" raffle may be conducted during the period of one hour before the conduct of a "beano" game. The bill also proposed to provide that the "beano" equipment may be used in connection with the "50/50" raffle.

Committee Amendment "A" (H-345) was the minority report and proposed to replace the bill and was the minority report of the committee. The amendment proposed to permit an organization licensed to conduct "beano" to use "beano" equipment to conduct a 50/50 game. Under this proposed amendment, the maximum prize payout for a 50/50 game using "beano" equipment would have been \$1,000. The amendment also proposed to add an appropriation section. This amendment was not adopted.

LD 820 **An Act To Prohibit a Governmental Entity from Endorsing a Political Candidate or a Referendum Issue** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 820 proposed to prohibit municipalities, county governments and quasi-municipal districts, including water and sewer districts, from endorsing campaigns for the passage or defeat of a referendum or political candidates. The bill proposed to prohibit these entities from making contributions to candidates or referendum campaigns.

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The bill also proposed to authorize the Commission on Governmental Ethics and Election Practices to set penalties for violating these prohibitions.

LD 844 **An Act To Provide the Option To Nominate Presidential Candidates by Caucus** **ONTP**

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

LD 844 proposed to provide political parties the option to nominate candidates for President of the United States by caucus rather than by primary election. The bill proposed to set forth the deadlines by which parties must notify the Secretary of State of the decision to nominate by caucus and of the party's nomination for President when using the caucus method.

LD 859 **An Act To Require That the Costs Associated with Enacting a Direct Initiative Appear on the Ballot** **ONTP**

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

LD 859 proposed to require that ballots on direct initiative of legislation by the people of the State include a statement of the fiscal impact of the legislation on state revenues, appropriations or allocations. The bill proposed to authorize the Secretary of State to request assistance from the Office of Fiscal and Program Review in preparing the fiscal estimate.

Committee Amendment "A" (H-228) was the minority report and proposed to replace the bill. The amendment proposed to require that ballots on direct initiative legislation include a statement of the estimated fiscal impact of the legislation on state revenues, appropriations or allocations and to require that Office of Fiscal and Program Review to prepare the fiscal estimate. The amendment also proposed to specify that the validity of the direct initiative legislation is not affected by the validity of the fiscal estimate. This amendment was not adopted.

LD 877 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Resolution of Disputed Elections by the Supreme Judicial Court** **ONTP**

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

LD 877, which was a constitutional resolution, proposed to require that, if 2/3 of the full membership of a body of the Legislature can not confirm the result of a disputed election of a member, the election result must be determined by the Supreme Judicial Court of the State.

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LD 915 **An Act Regarding Gaming Conducted by Nonprofit Organizations** **ONTP**

<u>Sponsor(s)</u> JENNINGS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 915 proposed to provide that a licensee who is licensed to operate games of chance may operate those games of chance in more than one location at the same time.

LD 929 **An Act To Specify the Size and Typeface of Disclaimers on Political Literature Not Authorized by a Candidate** **ONTP**

<u>Sponsor(s)</u> MOODY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Current law requires that political literature that is not authorized by a candidate must clearly and conspicuously state that the communication is not authorized by any candidate. LD 929 proposed to specify the point size and typeface of this statement, as well as the exact words to be used.

LD 935 **An Act To Abolish Term Limits for Legislators** **ONTP**

<u>Sponsor(s)</u> SUSLOVIC GAGNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 935 proposed a referendum to be held in November 2003 that would repeal term limits for Legislators and limit the terms of legislative committee chairs to 3 legislative bienniums, in the same way that terms are limited for legislative leadership.

LD 980 **An Act To Amend the Laws Governing the Qualification of Candidates** **PUBLIC 270**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-108
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LD 980 proposed to prohibit a candidate from switching political parties while a candidate for office during an election cycle. It also proposed to specify that a candidate is not eligible for certification as a participating candidate under the Maine Clean Election Act if that candidate has run as a nonparticipating candidate during the same election cycle.

Committee Amendment "A" (S-108) proposed to replace the bill. The amendment proposed to specify that a candidate is not eligible for certification as a Maine Clean Election Act candidate if the candidate has run for the same office as a nonparticipating candidate in a primary election in the same election year.

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Enacted Law Summary

Public Law 2003, chapter 270 specifies that a candidate is not eligible for certification as a Maine Clean Election Act candidate if the candidate has run for the same office as a nonparticipating candidate in a primary election in the same election year.

LD 981 **An Act To Ensure Segregation of Spoiled, Defective and Void Ballots** **PUBLIC 298**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON CLARK	OTP-AM	S-129

LD 981 proposed to require that spoiled ballots be packaged and returned in a segregated, labeled envelope.

Committee Amendment "A" (S-129) proposed to replace the bill and require that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. The Secretary of State would provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

Enacted Law Summary

Public Law 2003, chapter 298 requires that spoiled, defective and void ballots be segregated in labeled envelopes and packaged and returned according to the requirements for other ballots and voting materials. Under this law, the Secretary of State shall provide each municipal clerk with either an instructional label for each type of segregated ballot envelope or a specially printed envelope containing the label and instructions.

LD 1008 **An Act To Clarify When Notice is Effective to Terminate a Tenancy at Will** **PUBLIC 296**

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

LD 1008 proposed to clarify that a tenant is entitled to occupancy through the date for which rent has been paid, but a notice to vacate on any day after such a date will still be effective so long as it is given at least 30 days in advance. Current law requires the 30 days' notice to expire upon the date rent is due.

Enacted Law Summary

Public Law 2003, chapter 296 clarifies that a tenant is entitled to occupancy through the date for which rent has been paid, but a notice to vacate on any day after such a date will still be effective so long as it is given at least 30 days in advance.

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LD 1021 **Resolve, To Renew the Veterans' Emergency Assistance Program** **CARRIED OVER**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1021, which has been carried over to the Second Regular Session, proposes to direct the Bureau of Maine Veterans' Services to administer the veterans' emergency assistance program for fiscal year 2003-2004 and proposes to appropriate money from the General Fund for the program.

Committee Amendment "A" (S-74), which was not adopted, proposed to add a fiscal note to the bill. This was the committee report when the bill was reported out. The bill was subsequently committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over.

LD 1022 **An Act To Allow Petitions for Protection of Rental Property and Tenants Based on Actions by Guests or Dangerous Pets** **PUBLIC 265**

<u>Sponsor(s)</u> GAGNON CLARK		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> S-123
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LD 1022 proposed to allow a landlord to issue to a tenant a notice to quit the premises if the tenant, a guest or pet of the tenant is causing or threatening damage to property or bodily injury to a person on the premises. The notice to quit the premises takes effect 24 hours after it is physically posted on the premises or 3 days from its posting if the notice is delivered by mail.

Committee Amendment "A" (S-123) replaced the bill. The amendment proposed to allow a landlord to file petitions for the protection of rental property or tenants when the landlord, landlord's employee or agent, rental property or tenants have experienced harm or have been threatened with harm by a guest or invitee of a tenant or a dangerous pet on the premises.

Enacted Law Summary

Public Law 2003, chapter 265 allows a landlord to file petitions for the protection of rental property or tenants when the landlord, landlord's employee or agent, rental property or tenants have experienced harm or have been threatened with harm by a guest or invitee of a tenant or a dangerous pet on the premises.

LD 1027 **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Adopt Rules Regarding Certain Election Practices** **CARRIED OVER**

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1027, which was carried over to the Second Regular Session, proposes to direct the Commission on Governmental Ethics and Election Practices to adopt routine technical rules regarding automated telephone calls and mass mailings in the 2 weeks before an election. The resolve proposes to require a candidate or political

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action committee, or any other entity required to file with the commission regarding expenditures, to provide a transcript of the telephone call or copy of the mailing to the commission before the automated telephone call is made or the mass mailing is distributed. It also proposes to require that the commission make the transcript of the telephone call or copy of the mailing available for public inspection.

Committee Amendment "A" (H-230) proposed to change the rule designation from "routine technical" to "major substantive." This was the majority report when the bill was reported out of committee. The bill was subsequently sent back to the committee and carried over.

LD 1057 **An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break** **PUBLIC 353**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM MAJ	H-404
BRYANT	ONTP MIN	

LD 1057 proposed to allow a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a restroom break.

Committee Amendment "A" (H-404) proposed to specify that the section proposed by the original bill does not apply to the conduct of high-stakes beano.

House Amendment "A" (H-462), which was not adopted, proposed to allow a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a smoking break.

Enacted Law Summary

Public Law 2003, chapter 353 allows a person conducting or assisting in the conduct of beano to assist a player by playing that player's cards while the player takes a restroom break.

This law does not apply to the conduct of high-stakes beano.

LD 1068 **Resolve, Directing the Bureau of Veterans' Services To Provide Assistance To Obtain Information Regarding Maine Members of the United States Armed Forces Presumed Lost or Deceased** **RESOLVE 43**

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

LD 1068 proposed to require the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to maintain and update a roster of all Maine members of the United States Armed Forces who are presumed lost or deceased during their service, regardless of whether the presumed loss or death occurred in operations during a recognized period of war or conflict.

Committee Amendment "A" (H-269) proposed to replace the bill with a resolve. The amendment proposed to require the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services to assist

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individuals in obtaining information regarding Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service. The amendment proposed to add a fiscal note.

Enacted Law Summary

Resolve 2003, chapter 43 requires the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services to assist individuals in obtaining information regarding Maine members of the United States Armed Forces who are presumed lost or deceased during their active military service.

LD 1115 An Act To Prohibit a Maine Clean Election Act Candidate from Running for More than One Office ONTP

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

LD 1115 proposed to prohibit a candidate from being certified as a Maine Clean Election Act candidate if that candidate is running for more than one office.

LD 1144 An Act To Clarify the Maine Clean Election Act ONTP

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

LD 1144 proposed to remove the provision in the election laws requiring a person making an independent expenditure in an election to indicate whether a candidate had knowledge of that expenditure and to clarify that expenditures made before a primary election would not be subject to Maine Clean Election Act matching funds for the general election, regardless of the purpose of the expenditure.

LD 1162 An Act To Prohibit the Use of Clean Election Funding for Candidates Who Lose in Primaries ONTP

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

LD 1162 proposed to specify that a Maine Clean Election Act candidate who loses a primary election may not be certified under the Maine Clean Election Act in the general election and must transfer all unspent campaign funds to the Maine Clean Election Fund.

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LD 1180

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Judicial Advisory Opinion Mechanism in Disputed Election Results for Members of the Maine Senate and House of Representatives

ONTP

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

LD 1180 proposed to establish a mechanism whereby a candidate in a disputed election for a seat in the state Senate or House of Representatives may seek an advisory opinion from the Supreme Judicial Court for a determination of who it finds is the apparent winner. Under the proposed bill, the chamber in which the dispute exists could not transact any business until the opinion is rendered.

LD 1196

An Act To Clarify the Definition of Independent Expenditures Under the Election Laws

PUBLIC 448

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-205
CLARK	OTP-AM MIN	

LD 1196 proposed to repeal current law regarding independent expenditures in political campaigns and replace it with new language would state that in races involving a Clean Election Act candidate, any communication depicting or naming a clearly identified candidate would be presumed to be an independent electioneering expenditure. Such an expenditure would be considered "express advocacy" and would trigger strict reporting requirements. The bill proposed to provide a process for a person making such an expenditure to rebut the presumption that it would be considered "express advocacy."

Committee Amendment "A" (S-205) was the majority report and proposed to replace the bill. It proposed to expand the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate by stating that an expenditure made for a communication that names or depicts a clearly identified candidate that is made 21 days before a primary or general election would be considered an independent expenditure. Such an expenditure would be considered "express advocacy" and trigger strict reporting requirements. Reporting requirements for this provision would be required after \$100 is spent on such an expenditure. It proposed to clarify which expenditures trigger matching funds under the Maine Clean Election Act.

Committee Amendment "B" (S-206) was the minority report and proposed to replace the bill. It proposed to expand the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate by stating that an expenditure made for a communication that names or depicts a clearly identified candidate that is made 30 days before a primary or general election would be considered an independent expenditure. Such an expenditure would be considered "express advocacy" and trigger strict reporting requirements. Reporting requirements for this provision would be required after \$250 is spent on such an expenditure. It proposed to clarify which expenditures trigger matching funds under the Maine Clean Election Act. This amendment was not adopted.

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Enacted Law Summary

Public Law 2003, chapter 448 amends the election laws governing independent expenditures by expanding the scope of reporting for independent expenditures in races involving a Maine Clean Election Act candidate. It states that in races involving a Maine Clean Election Act candidate, an expenditure made that names or depicts a clearly identified candidate made 21 days before a primary or general election is considered an independent expenditure. Under current law, independent expenditures trigger reporting requirements that may result in matching funds being distributed to a Maine Clean Election Act candidate. Reporting requirements for this law would be required after \$100 is spent on such an expenditure. This law provides for a person to rebut that the expenditure made was an independent expenditure by stating that it was not made to influence the nomination, election or defeat of a candidate.

LD 1242 **An Act To Recognize the Regional Impact of Casino-style Gambling Facilities** **CARRIED OVER**

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

LD 1242, which was carried over to the Second Regular Session, proposes to provide that before a facility at which casino-style gambling is conducted is allowed to operate, the operation of such a facility must be approved by the legislative body or voters of the municipality in which the facility is to be located and the legislative body or voters of each municipality that abuts the municipality in which the facility is to be located.

LD 1251 **An Act To Increase Access to Information Regarding Referendum Questions** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAKAS GAGNON	OTP-AM	H-449 H-532 CLARK

LD 1251 proposed to require the Secretary of State to allow for the publication of public comment in support of or opposition to statewide referendum questions along with the explanatory information on referendum questions that is already published by the Secretary of State. The bill proposed to establish a fee of \$500 for having a public comment printed. The bill also proposed to require the Secretary of State to include an estimate of the financial impact of each referendum with the explanatory information.

Committee Amendment "A" (H-449) proposed to replace the bill. The amendment proposed to require the Office of Fiscal and Program Review to prepare a fiscal estimate of the impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations. It proposed to require that the Secretary of State publish that estimate with the explanatory statement that is already required. The amendment proposed to require the Secretary of State to adopt rules regarding the publication of public comment by proponents and opponents of constitutional resolutions or statewide referenda and to establish a fee of \$500 for having public comments published. It proposed to require publication of public comment beginning with the November 2004 election. It also proposed to establish a dedicated fund in the Department of the Secretary of State consisting of revenue from the \$500 fees and require that the fund be used for the purpose of publishing the

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informational pamphlet including the public comment, explanatory statement and fiscal estimate. The amendment proposed to specify that any unspent balance in excess of \$5,000 as of December 1st each year must be transferred to the General Fund. Finally, the amendment proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-532) proposed to require the Office of Fiscal and Program Review to prepare the fiscal estimate of the impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations beginning with the November 2004 election.

LD 1254 An Act To Change the Maine Clean Election Laws ONTP

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

LD 1254 proposed to prohibit anyone other than a candidate or a candidate's authorized political committee from sending political communications by mail either for or against a candidate if all of the candidates in the election are certified candidates under the Maine Clean Election Act.

LD 1267 An Act To Raise the Revenues of Agency Liquor Stores by 5% ONTP
from the Sale of Liquor

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

LD 1267 proposed to provide that, beginning July 1, 2005, an agency liquor store would be required to sell all spirits and fortified wine purchased from the State Liquor and Lottery Commission at a price equal to the retail price established by the commission plus 5% of that retail price.

LD 1268 An Act To Ensure Fairness in Elections ONTP

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

LD 1268 proposed to clarify that expenditures reported during a primary campaign that are used for campaign-related activities during a general election campaign would be general election expenditures for the purposes of distributing matching funds to a Maine Clean Election Act candidate. The bill was proposed in response to "Collins v. Ethics Commission," Docket No. AP02-57, Cumberland County Superior Court.

Committee Amendment "A" (H-438) proposed to specify the types of communication expenditures that trigger matching funds. Those expenditures are reported paid for during the primary election cycle, but used during the general election would trigger matching funds for a Clean Election Act candidate during the general election. This amendment was not adopted.

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LD 1272

An Act To Specify the Political Party of Contributors of Qualifying Contributions and To Require a Candidate Funded under the Maine Clean Election Act To Receive a Certain Level of Support in Order To Receive Public Funding in the Future

ONTP

<u>Sponsor(s)</u> PERRY J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1272 proposed to require that qualifying contributions for certification as a Maine Clean Election Act candidate be provided by registered voters who are enrolled as members of the candidate's political party. The bill also proposed to establish minimum numbers of qualifying contributions necessary for candidates who are not enrolled in a qualified political party. This bill further proposed to prohibit a person from receiving Maine Clean Election Act revenue if the person received such revenue when a candidate for the same office in a prior election and the person failed to receive at least 15% of the total votes cast for that office in the prior election.

LD 1273

An Act To Extend Term Limits

DIED BETWEEN BODIES

<u>Sponsor(s)</u> PINGREE GAGNON		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1273 proposed to extend the number of years of service authorized under the term limits law from 8 to 12 for Legislators, the Secretary of State, the Treasurer of State and the Attorney General and from 8 to 12 for the State Auditor. The bill also proposed to require that the voters of the State vote on this matter at the statewide election to be held in the year 2003.

Committee Amendment "A" (H-442) proposed to change the referendum question posed by the bill and would have applied to terms that began after December 1, 2002. This amendment was not adopted.

House Amendment "A" (H-509) proposed to limit the extension of term limits to those officials or officers who are not currently serving in that same position. Under the proposed amendment, a person who was elected to an office prior to December 1, 2004 would still be subject to a limit of 4 consecutive terms, or 2 consecutive terms for the State Auditor. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-510) proposed to limit the extension of term limits to those elected officials or constitutional officers who are not currently serving in that same position. Under the proposed amendment, a person who was elected to an office prior to December 1, 2004 would still be subject to a limit of 4 consecutive terms, or 2 consecutive terms for the State Auditor. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

House Amendment "B" (H-544) proposed to change the timing of the referendum to the general election held in November 2004. This amendment also proposed to clarify that the extension of term limits applies to those elected to office beginning with the 122nd Legislature. This amendment was not adopted.

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House Amendment "C" (H-597) Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

Senate Amendment "A" (S-305) proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators. Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

Senate Amendment "A" to Senate Amendment "A" (S-308) proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators, beginning with those Legislators first elected or reelected to nonconsecutive terms of office beginning with the 122nd Legislature. This amendment was not adopted.

Senate Amendment "B" (S-314) proposed to clarify that the extension of term limits proposed in the bill, as amended, does not apply to those Legislators who were elected to their offices in the 118th Legislature and who are still serving in those offices. The effect of this amendment would have been to continue the ineligibility of any Legislator who would be unable to run for that same office in 2004 under the current law. This amendment also proposed to change the referendum question to reflect this limitation. This amendment was not adopted.

Senate Amendment "A" to Senate Amendment "B" (S-316) proposed to clarify the referendum question and specify that the extension of term limits would apply only to Legislators. Under this proposed amendment, the term limits in current law would not change for the Secretary of State, Treasurer of State, Attorney General and State Auditor elected or reelected to office beginning with the 122nd Legislature. This amendment was not adopted.

LD 1274 **An Act To Promote Maine's Brewing Industry** **ONTP**

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

LD 1274 proposed to allow an off-premises retail licensee that stocks 75% of the available inventory of Maine-brewed malt liquor to conduct beer tastings. Current law allows certain off-premises retail licensees to conduct wine tastings.

LD 1281 **An Act to Allow Shipment of Wine By Mail** **ONTP**

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

LD 1281 proposed to allow an in-state or out-of-state alcoholic beverage producer supplier, importer, wholesaler distributor, retailer or farm winery to ship via mail up to 24 1.5 liter bottles of wine per month directly to a person who is 21 years of age or older for that person's personal use.

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LD 1283 An Act To Allow County Candidates To Run as Clean Election Candidates ONTP

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

LD 1283 proposed to allow candidates for county office to run as participating candidates under the Maine Clean Election Act.

LD 1284 An Act To Extend Term Limits from 8 Years to 14 Years ONTP

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

LD 1284 proposed to extend the number of years of service authorized under the term limits law from 8 to 14 for Legislators.

LD 1300 An Act Regarding the Presence of a Candidate at a Polling Place on Election Day ONTP

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

LD 1300 proposed to limit a candidate's activities at a polling place to voting and to prohibit a candidate or candidate's surrogate from loitering at or within 250 feet of the polling place.

LD 1308 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Appearance of Referenda on Ballots at General Elections ONTP

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

LD 1308 was a constitutional resolution that proposed to require that, except for citizen's initiatives and people's vetoes, referendum questions appear on the ballot at general elections only.

Committee Amendment "A" (H-300) was the majority report. It proposed to require that referendum questions, except for people's vetoes and questions that 2/3 of the Legislature have declared to be emergencies, appear on the ballot at a statewide election in November. This amendment was not adopted.

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LD 1310

An Act To Improve the Clean Election Option for Gubernatorial Candidates

PUBLIC 453

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS DAGGETT	OTP-AM	H-450

LD 1310 proposed to amend the Maine Clean Election Act by providing that, for a gubernatorial participating candidate, the qualifying period begins June 1st, instead of November 1st. It would increase the number of qualifying contributions to become a Maine Clean Election Act gubernatorial candidate required from 2,500 to 3,500. This bill would specify that for gubernatorial primary elections, the amount of revenues distributed is the average amount of campaign expenditures made by candidates who received more than 5% of the vote based on the preceding 4 primary elections. Finally, this bill would specify that for gubernatorial general elections, the amount of revenues distributed is the average amount of campaign expenditures made by candidates who received more than 5% of the vote based on the preceding 4 general elections.

Committee Amendment "A" (H-450) proposed to replace the original bill and proposed to substitute the current funding formula for gubernatorial candidates that run under the Maine Clean Election Act with flat funding. Under this amendment, gubernatorial candidates would receive initial distributions of \$200,000 for primary elections and \$400,000 for general elections.

Enacted Law Summary

Public Law 2003, chapter 453 replaces the current funding formula for gubernatorial candidates that run under the Maine Clean Election Act with flat funding. Under this law, gubernatorial candidates receive initial distributions of \$200,000 for primary elections and \$400,000 for general elections.

LD 1336

An Act to Strengthen the Governmental Ethics Laws

PUBLIC 268

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM MAJ ONTP MIN	H-267

LD 1336 proposed to require a Legislator to disclose the identity of all organizations in which the Legislator or a member of the Legislator's immediate family is affiliated through ownership or service and to require a Legislator to disclose ownership of real property in the State. The bill proposed to prohibit a Legislator from bypassing the bidding process when entering into a contract with a governmental agency or department. The bill also proposed to establish a civil penalty of \$10 for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices.

Committee Amendment "A" (H-267), the majority report, proposed to replace the bill. The amendment proposed to prohibit a Legislator or an organization in which a Legislator or Legislator's spouse is associated through ownership or service from contracting with a state governmental agency outside the competitive bidding process. The law proposed to require a Legislator to disclose any bid made by the Legislator or associated organization on a contract with a state governmental agency. The amendment also proposed to establish a civil

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penalty of \$10 per day for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices. The amendment proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 268 prohibits a Legislator or an organization in which a Legislator or Legislator's spouse is associated through ownership or service from contracting with a state governmental agency outside the competitive bidding process. The law requires a Legislator to disclose any bid made by the Legislator or associated organization on a contract with a state governmental agency. The law also establishes a civil penalty of \$10 per day for late or incomplete filings required by the Commission on Governmental Ethics and Election Practices.

LD 1339 An Act To Amend the Laws Governing Campaign Finance CARRIED OVER

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

LD 1339, which was carried over to the Second Regular Session, proposes to amend the campaign finance laws by requiring a political advertisement broadcast on television or radio to contain an image, if on television, and statement regarding the sponsorship of the ad spoken by the candidate, treasurer of the candidate's authorized political committee, candidate's party committee or their agents or, if sponsored by a political action committee, the chief decision maker or treasurer of that political action committee or, if sponsored by an individual without any connection to the candidate or political action committee, that individual. It also proposes to define a payment made to a 3rd party, not an employee of the candidate, candidate's political committee or party committee or political action committee, as an expenditure for the purposes of reporting and requiring expenditures made to that person to be itemized by the amount, reason and date of the expenditure. Finally, the bill proposes to require reports made by candidates, political action committees and independent expenditures regarding contributions to contain, in addition to the name of the contributor, the occupation and place of business of the contributor. This requirement already exists for party committees.

**LD 1348 An Act To Require Candidates Who Are Not Maine Clean ONTP
Election Act Candidates To Report All Sources of Funding**

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

LD 1348 proposed to require more detailed campaign finance reporting for candidates running against Maine Clean Election Act candidates. The bill proposed to require that candidate provide detail on the sources of contributions and obligations and indicate the purpose for and recipient of expenditures. The bill also proposed to require that the contribution and expenditure reports due to be filed with the Commission on Governmental Ethics and Election Practices 2 weeks prior to an election be filed within 24 hours of the contribution or expenditure that triggers the report.

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LD 1349

An Act Concerning Recognition of Qualified Political Parties

INDEF PP

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1349 proposed to allow a recognized political party to maintain its qualified status by either receiving 5% of the ballots cast for Governor or President in either of the 2 preceding general elections or maintaining an enrollment of members equal to 0.5% of all registered voters in the State.

Committee Amendment "A" (H-379) proposed to replace the bill. The amendment proposed to replace the current system of requirements for gaining and maintaining recognition as a qualified political party with a system based on enrollment of 15,000 voters. The amendment proposed to require a recognized political party to maintain an enrollment of 15,000 voters in order to maintain its qualified status. The amendment proposed to require a political party to enroll 15,000 voters to obtain qualified status. The amendment also proposed to repeal the provisions of law that allow a party to obtain qualified status by organizing around a candidate who received 5% of the vote for Governor or President and to repeal the provisions of law that allow a party to obtain qualified status by filing a petition with the signatures and legal addresses of voters equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 1354

An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations

CARRIED OVER

<u>Sponsor(s)</u> THOMPSON GAGNON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1354, which was carried over to the Second Regular Session, proposes to allow operation of video gaming terminals by nonprofit organizations that are eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. Under this bill, organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections would be able to apply for an initial license while they seek the required federal tax status. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

As proposed by this bill, video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals.

As proposed by this bill, the license specifies the number of terminals allowed on the premises, and the maximum number of terminals allowed would be 5 per licensee. Terminals would be required to be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services. By the end of a 5-year phase-in period, this computer system would be required to provide continuous

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on-line monitoring of video gaming terminal activity. Persons under 21 years of age would not be allowed to use the machines. Only members of the organization and their guests are allowed to play. The maximum dollar amount proposed by this bill for each play is \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

This bill proposed that net terminal income, which would be income after payback to players, would be divided as follows: 8% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and Public Education Fund revenue; 2% to the Compulsive Gambler Rehabilitation Fund; and 90% to the licensee.

Licenses would be issued for one year. Applicants for an initial license would be required to pay the actual costs of processing the application and performing the background investigation.

Committee Amendment "A" (H-546) proposed to restrict the types of nonprofit organizations eligible for a license to operate video gaming terminals. It proposed to remove from eligibility organizations that are exempt from federal tax under Internal Revenue Code, Sections 501(c)(3) and 501(c)(4). It would maintain organizations that would be eligible for games of chance licenses and that are exempt from federal tax under Internal Revenue Code, Section 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to fraternal benefit societies, domestic fraternal societies and associations and veterans' organizations. The organization applying for the license would be required to own or lease the premises on which the terminals would be placed and would be required to use the premises for its charitable or nonprofit purpose.

Under this amendment, video lottery terminals operated by organizations licensed under this amendment would be required to be owned or leased by the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations. Video gaming terminal manufacturers, wholesalers and operators would be required to be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval would be required for a license to operate video gaming terminals. The amendment proposed to specify that local approval would be required for renewal of a license to operate video gaming terminals and that municipal decisions are subject to appeal to the Chief of the State Police in accordance with the Maine Administrative Procedure Act.

The license proposed by this amendment would specify the number of terminals allowed on the premises; the maximum number of terminals allowed would be 5 per licensee. Terminals would be required to be licensed by the Chief of the State Police and would be required to be connected to a computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. Persons under 21 years of age would not be allowed to use the machines. The amendment proposed to specify that if an organization's liquor license is suspended, the license to operate video gaming terminals would also be suspended until the liquor license is reinstated. Only members of the organization and their guests would be allowed to play. As proposed, the maximum dollar amount for each play would be \$5 and the maximum payout would be \$1,250. Each game on each machine would be required to return at least 80% of wagers to players, calculated on an annual basis.

Net terminal income, which would be income after payback to players, would be divided among the state, the municipalities, a compulsive gambling fund for prevention and treatment of compulsive gambling and the charitable organization. Two percent of the net terminal income would go to the Compulsive Gambler Rehabilitation Fund and 75% to the licensee. Twenty-three percent of the income would go to the State for payment into the Video Gaming Fund for administrative expenses not to exceed 2%; the rest of the Video Gaming Fund would be divided between municipal revenue sharing and the municipalities that host the organizations that operate video lottery terminals. Host municipalities would receive their share in proportion to the amount of revenue that would be generated by video gaming terminals in their municipality.

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Under this amendment, licenses would be issued for one year. The amendment proposed to reduce the fees proposed by the bill. It proposed that the license fee per terminal be \$500, and for wholesalers, manufacturers and operators, the fee would be \$3,500. Applicants for an initial license would be required to pay the actual costs of processing the application and performing the background investigation.

The amendment also proposed to specify that any rules put forth by the Bureau of Alcoholic Beverages and Lottery Operations and the Chief of the State Police to administer and enforce the laws related to video gaming by nonprofits would be major substantive rules.

The amendment also proposed to add an appropriations and allocations section.

The amendment was the majority report when the bill was reported out of committee. The bill was subsequently sent back to the committee and carried over.

LD 1361

**An Act To Support Harness Horse Racing in Maine, Equine
Agriculture in Maine, Maine Agricultural Fairs and the General
Fund of the State**

UNSIGNED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	S-256
CLARK	ONTP MIN	

LD 1361 proposed to allow video lottery terminals to be placed at licensed commercial racetracks and licensed off-track wagering facilities in the State. Commercial tracks would be permitted to operate up to 1500 machines under this bill, while off-track betting facilities would be limited to 200. Terminal revenues would support the State's General Fund, harness racing purses, the Agricultural Fair Support Fund, the local municipalities where the terminals are located, the licensee and the prevention and treatment of problem gambling. Under this bill, enforcement and rule-making authority would be assigned to the Maine State Lottery Commission and the Maine State Police.

Committee Amendment "A" to (S-256) proposed to change the bill by striking a commercial racetrack as an entity eligible for a video lottery terminal license. If a commercial racetrack operates an off-track betting facility, that facility would be eligible to be licensed to operate video lottery terminals. Under the amendment, commercial racetracks would have first right of refusal for any new off-track betting facility license. Off-track betting facilities would still be eligible for video lottery terminal licenses under this amendment. Off-track betting facilities operated by commercial racetracks would be permitted to operate up to 600 machines while other off-track betting facilities would be limited to 200. Under this amendment, an off-track betting facility would be permitted to change its location within 10 miles of its current location with the consent of all off-track betting facilities and commercial racetracks within 50 miles. This amendment also proposed to add a fiscal note to the bill.

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Committee Amendment "A" (S-122) is the majority report of the committee and replaced the bill. The amendment proposed to increase the amount of time given to a tenant of a notice of a rent increase from 30 days to 45 days.

Enacted Law Summary

Public Law 2003, chapter 259 increases the amount of time that a landlord must give a notice to a tenant of a rent increase from 30 days to 45 days.

LD 1486

**An Act To Comply with Federal Election Laws Including the Help
America Vote Act of 2002**

**PUBLIC 407
EMERGENCY**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-178
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LD 1486 proposed to make changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and would specify that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. The bill proposed to add or amend certain definitions relating to members of the uniformed service and overseas voters. It would also update existing sections of the election law with the new terms. The bill proposed to make changes to the voter registration application to add certain identifying information as required by HAVA. It would specify that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It would also clarify what documentation must be retained in the voter registration file. The bill would also make a single, standard requirement for the number of voting booths needed for a general election for all municipalities and would require each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This bill would replace the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions and clarify usage of the federal write-in absentee ballot. It would also streamline the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. The bill proposed to require municipal clerks to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election; and further identifying the number of ballots that were issued to uniformed service voters and overseas voters.

Committee Amendment "A" (S-178) proposed to make the bill an emergency, and provide the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules would need to be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA. This amendment proposed to replace the section in the bill regarding absentee ballot applications for uniformed service voters and overseas voters. The new section would state that an absentee ballot application would be valid even if it is received more than 3 months prior to an election for a federal office and that the application would be valid for the next 2 regularly scheduled elections for federal office. The amendment proposed to add a new section to the bill that states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. The amendment also proposed to add a new section regarding the use of blank write-in absentee ballots for uniformed service voters and overseas voters.

Joint Standing Committee on Legal and Veterans' Affairs

Enacted Law Summary

Public Law 2003, chapter 407 makes changes necessary to bring the Maine Revised Statutes, Title 21-A into compliance with the requirements of federal election laws, including the Help America Vote Act of 2002, HAVA, and the Uniformed and Overseas Citizens Absentee Voting Act, and specifies that the Secretary of State is responsible for overseeing the State's duties with respect to these Acts. It adds or amends certain definitions relating to members of the uniformed service and overseas voters including a section regarding the use of blank write-in absentee ballots. The law makes changes to the voter registration application to add certain identifying information as required by HAVA. Chapter 407 specifies that in order for 17-year olds to preregister to vote, they must turn 18 years of age prior to the next election. It also clarifies what documentation must be retained in the voter registration file. The law also makes a single, standard requirement for the number of voting booths needed for a general election for all municipalities and requires each voting place to have at least one voting booth that is accessible for persons with physical disabilities. This law replaces the current requirements for instructions for the blank, write-in absentee ballots with authority for the Secretary of State to determine those instructions and clarifies usage of the federal write-in absentee ballot. The law also streamlines the process for recording absentee ballots issued by removing a duplicative requirement that the registrar certify the absentee ballot applications. Under this law, municipal clerks are required to file a report with the Secretary of State indicating how many persons were issued and returned absentee ballots for each election and further identify the number of ballots that were issued to uniformed service voters and overseas voters. Chapter 407 makes other changes to the provisions for absentee voting for the uniformed service voters and overseas voters that are consistent with current laws governing all other absentee voters. The law also states that, if the courts have issued an order extending the time to close the polls, any ballots cast during that extended period must be challenged, segregated and counted separately from all other ballots. Finally, this law provides the Secretary of State with the necessary rule-making authority to adopt rules establishing the administrative complaint procedure required under Section 402 of the federal Help America Vote Act of 2002, HAVA. These rules need to be in effect by the September 30, 2003 certification deadline of Maine's initial state plan required under Section 254 of HAVA.

Public Law 2003, chapter 407 was enacted as an emergency measure effective June 3, 2003.

LD 1513

**An Act To Update the Department of Defense, Veterans and
Emergency Management Laws**

PUBLIC 404

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK MAYO	OTP-AM	H-468

LD 1513 proposed to allow a member of the Maine National Guard on active state service for more than 15 days to elect to be a member of the Maine State Retirement System after September 1, 1995 to elect to be a member of the Maine State Retirement System, pay contributions or have pick-up contributions made on or receive any service credit for the period from September 1, 1995. The bill proposed to allow the Adjutant General of the Maine National Guard to receive excess personal property from the United States Department of Defense for use by the Department of Defense, Veterans and Emergency Management. It proposed to clarify that an application for a stay of court or administrative proceeding by a military member does not constitute an appearance. The bill proposed to require that the certificate of release or discharge from active military duty filed with any state, local or county government be held confidential for a period of 75 years. It proposed to specify that the Governor may agree to hold harmless the Federal Government against claims arising from debris and wreckage removal relating

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to a major disaster or emergency. It also proposed to add 2 members to the River Flow Advisory Commission. Finally, the bill proposed to name the armory located in Caribou the Nelson J. Solman Armory.

Committee Amendment "A" (H-468) proposed to revise the provision of the bill regarding optional membership in the Maine State Retirement System for certain Maine National Guard members to clarify that election is irrevocable and to eliminate the retroactive purchase of retirement benefits that was included in the bill. The amendment also proposed to add a provision to the bill authorizing the Adjutant General to sell the Saco Armory. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 404 allows a member of the Maine National Guard on active state service for more than 15 days to elect to be a member of the Maine State Retirement System. The law allows the Adjutant General of the Maine National Guard to receive excess personal property from the United States Department of Defense for use by the Department of Defense, Veterans and Emergency Management. The law clarifies that an application for a stay of court or administrative proceeding by a military member does not constitute an appearance. The law requires that the certificate of release or discharge from active military duty filed with any state, local or county government be held confidential for a period of 75 years. The law specifies that the Governor may agree to hold harmless the Federal Government against claims arising from debris and wreckage removal relating to a major disaster or emergency. The law adds 2 members to the River Flow Advisory Commission. This law authorizes the Adjutant General to sell the armory located in Saco. Finally, the law names the armory located in Caribou the Nelson J. Solman Armory.

LD 1533

An Act To Create the Maine National Guard Education Assistance Program

**PUBLIC 488
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-455 S-302 CATHCART

LD 1533 proposed to establish the Maine National Guard Education Assistance Program to provide tuition assistance to members of the Maine National Guard for postsecondary education.

Committee Amendment "A" (H-455) proposed to add an emergency preamble and emergency clause and to specify that the bill would apply retroactively to May 1, 2003 and would cover school terms beginning on or after May 1, 2003.

Senate Amendment "A" to Committee Amendment "A" (S-302) proposed to specify that the annual maximum General Fund money used for tuition benefits under the program could not exceed \$5,000.

Enacted Law Summary

Public Law 2003, chapter 488 establishes the Maine National Guard Education Assistance Program to provide tuition assistance to members of the Maine National Guard for postsecondary education. The law applies retroactively to school terms beginning on or after May 1, 2003.

Public Law 2003, chapter 488 was enacted as an emergency measure effective June 23, 2003.

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LD 1536 **An Act To Authorize the State To Establish a Multijurisdictional Lottery or Lottery Games** **CARRIED OVER**

<u>Sponsor(s)</u> GAGNON		<u>Committee Report</u>		<u>Amendments Adopted</u> S-147
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LD 1536 proposes to authorize the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games.

Committee Amendment "A" (S-147) proposed to add a fiscal note to the bill. This was the committee report when the bill was reported out. The bill was subsequently sent back to committee and carried over.

LD 1537 **An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory** **PUBLIC 342
EMERGENCY**

<u>Sponsor(s)</u> KNEELAND CLARK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-181
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LD 1537 proposed to clarify that the Maine Military Authority is part of the Department of Defense, Veterans and Emergency Management, Military Bureau.

Committee Amendment "A" (S-181) proposed to replace the bill. The amendment proposed to specify that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and to clarify that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The amendment also proposed to authorize the Adjutant General to sell the Fort Fairfield Armory for \$1. The amendment proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 342 specifies that the Maine Military Authority is under the jurisdiction of the Military Bureau within the Department of Defense, Veterans and Emergency Management and clarifies that the Maine Military Authority is a public instrumentality of the Military Bureau's Maine National Guard. The law also authorizes the Adjutant General to sell the Fort Fairfield Armory to the Town of Fort Fairfield for \$1.

Public Law 2003, chapter 342 was enacted as an emergency measure effective May 29, 2003.

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LD 1548

An Act To Amend the Election Laws

PUBLIC 447

<u>Sponsor(s)</u> CLARK GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-496
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LD 1548 proposed to add or amend the definitions for certain voting terms. The bill also proposed to specify how ballots would be destroyed after their retention period. This bill would clarify the process for adding names of new registrants to the voting list for election day. The bill would also prohibit the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. The bill proposed to correct an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. This bill proposed to add a reason for challenging ballots, which is currently found in another section of law, to the challenge section. The bill also would remove the penalty for soliciting a vote from a person who is under guardianship because of mental illness. The bill would clarify the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This bill would also specify that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials. The bill proposed to clarify the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. This bill also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This bill would detail specific requirements for when a clerk must accept a written absentee ballot application, written request or telephone application. The bill would also clarify the circumstances when a voter could be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots would be processed and counted on election day. This bill also proposed to clarify who are designated recount candidates and the procedure to be used in notifying a candidate of the recount. Finally, this bill proposed to change the penalty for tampering with an electronic tabulating device or other type of voting device so that it would be consistent with the penalty for tampering with a voting machine.

Committee Amendment "A" (H-496) proposed to incorporate changes that ensure that each crime and civil violation has its own unique statutory cite. This amendment also proposed to change the act of tampering with a voting device from a Class C crime to a Class B crime.

Enacted Law Summary

Public Law 2003, chapter 447 adds or amends the definitions for certain voting terms. The law also specifies how ballots must be destroyed after their retention period. This law clarifies the process for adding names of new registrants to the voting list for election day. The law also prohibits the use of obscene language in the name of a new political party or for a nonparty candidate's political designation on petitions or the ballot. Chapter 447 corrects an incorrect reference to the Maine Rules of Civil Procedure, relating to challenges of the Secretary of State's decision regarding candidate petitions. It adds a reason for challenging ballots, which is currently found in another section of law, to the challenge section. This law also removes the penalty for soliciting a vote from a person who is under guardianship because of mental illness. Chapter 447 clarifies the prohibition against the use of devices in the voting place to make audible voice communications that influence voters. This law also specifies that the state-supplied tamper-proof containers and locks must only be used to secure state ballots and election materials and clarifies the requirement that the clerk must provide a secure location for keeping ballots and voting equipment. It also clarifies which candidates can request a recount and increases the deposit amount for recounts requested when the difference between the vote totals is over 6%, 8% and 10% of the total votes cast for the office. This law provides for specific requirements for when a clerk must accept a written absentee ballot

Joint Standing Committee on Legal and Veterans' Affairs

application, written request or telephone application and clarifies the circumstances when a voter can be issued a 2nd absentee ballot, as well as directing the election officials as to which of these ballots must be processed and counted on election day. Under this law, the penalty for tampering with an electronic tabulating device or other type of voting device is changed so that it is consistent with the penalty for tampering with a voting machine. Finally, this law clarifies who are designated recount candidates and the procedure to be used in notifying a candidate of the recount.

LD 1581 **Resolve, Authorizing Municipalities To Consolidate Voting Districts for Special Elections on Bond Issues Held in 2003** **RESOLVE 7 EMERGENCY**

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

LD 1581, a resolve, proposed to authorize municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003.

Enacted Law Summary

Resolve 2003, chapter 7 authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in 2003.

Resolve 2003, chapter 7 was enacted as an emergency measure effective April 30, 2003.

LD 1603 **Resolve, Authorizing Michaela Corbin-Bumford To Sue the State** **CARRIED OVER**

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

LD 1603, a resolve, proposes to authorize Michaela Corbin-Bumford to sue the State for damages resulting from alleged wrongful removal from her home by the Department of Human Services. The maximum amount of any recovery in the lawsuit is limited to \$400,000. The resolve was reported out by the committee pursuant to joint order and proposed as a separate resolve rather than being included in LD 730.

LD 1603 has been carried over to the Second Regular Session.

LD 1613 **Resolve, Authorizing Germaine Bell To Sue the State** **CARRIED OVER**

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

LD 1613, a resolve, proposes to authorize Germaine Bell to bring a civil action against the State for damages in connection with services she received from the Department of Human Services.

LD 1613 has been carried over to the Second Regular Session.

Joint Standing Committee on Legal and Veterans' Affairs

SP 552

**JOINT STUDY ORDER – Establishing the Committee to Study
the Implementation of the Privatization of the State's Wholesale
Liquor Business**

PASSED

Sponsor(s)
GAGNON

Committee Report

Amendments Adopted
S-264

Senate Paper 552 is a Joint Study Order to Study the Implementation of the Privatization of the State's Wholesale Liquor Business. This Joint Order was passed without reference to committee. This Joint Order establishes a Legislative Study Committee that is charged with reviewing the bidding process by which the State will lease the wholesale spirits distribution rights to a private distributor and to explore issues associated with the responsibility for enforcement the liquor laws. The committee is required to issue a report to the Second Regular Session of the 121st Legislature no later than December 3, 2003.

Senate Amendment "A" (S-264) provides that the Study committee may hold up to 3 meetings and may introduce a bill to the Second Regular Session of the 121st Legislature.

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

July 2003

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Rep. Frederick J. Moore III*

**JOINT STANDING COMMITTEE ON
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	36	92.3%	2.2%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>7.7%</u>	<u>0.2%</u>
Total Bills referred	39	100.0%	2.4%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	39	100.0%	2.4%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	2	5.6%	0.1%
<i>Ought to Pass as Amended</i>	12	33.3%	0.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>17</u>	<u>47.2%</u>	<u>1.2%</u>
Total unanimous reports	31	86.1%	2.1%
B. Divided committee reports			
<i>Two-way reports</i>	5	13.9%	0.3%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	5	13.9%	0.3%
Total committee reports	36	100.0%	2.5%
III. CONFIRMATION HEARINGS	5	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	13	33.3%	0.8%
<i>Private and Special Laws</i>	1	2.6%	0.1%
<i>Resolves</i>	2	5.1%	0.1%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	16	41.0%	1.0%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	0	0.0%	0.0%
<i>Rules authorized with legislative changes</i>	1	100.0%	6.7%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	6.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted

LD 1396	Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 20 EMERGENCY	Page 751
LD 1417	An Act To Make Changes to the Laws Governing Aquaculture Leasing	PUBLIC 247	Page 752
LD 1519	Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine	RESOLVE 40 EMERGENCY	Page 760

Not Enacted

LD 271	An Act To Improve Guidance to the Commissioner of Marine Resources for Granting Marine Aquaculture Leases	ONTP	Page 740
LD 272	An Act to Expand Aquaculture Site Location Criteria to Include Aesthetic Impact and Property Value Changes	ONTP	Page 741
LD 648	An Act Clarifying Municipalities' Authority to Assign Mooring Permits	ONTP	Page 744
LD 882	An Act To Transfer Certain Authority from the Department of Marine Resources to the Department of Agriculture, Food and Rural Resources	ONTP	Page 745
LD 939	An Act To Repeal the Fee on Aquacultural Salmon Production	CARRIED OVER	Page 746
LD 1001	An Act To Modify the Criteria for Approval of Aquaculture Leases	ONTP	Page 746
LD 1088	Resolve, To Create a Study Committee To Consider Bay Management Planning	ONTP	Page 747

LD 1279 Resolve, Related to Aquaculture Leases in Blue Hill Bay CARRIED OVER Page 747

Commercial Fishing

Enacted

LD 1387 An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses PUBLIC 170 Page 749

LD 1389 An Act To Create a Marine Harvesting Demonstration License PUBLIC 169 Page 750

LD 1440 An Act To Establish the Commercial Fishing Safety Council PUBLIC 90 Page 757
EMERGENCY

LD 1471 An Act To Correct Certain Errors and Inconsistencies in Laws Relating to Marine Resources PUBLIC 248 Page 759

Not Enacted

None

Lobster

Enacted

LD 703 An Act To Change the Options for a Lobster Management Zone and To Change Entry Criteria for Noncommercial Licensees PUBLIC 466 Page 744

LD 1368 An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses PUBLIC 468 Page 748

Not Enacted

LD 169 An Act to Waive the Apprenticeship Requirement for a Lobster and Crab Fishing License ONTP Page 740

LD 207 An Act to Limit Lobster Management Zones to State Coastal Waters ONTP Page 740

LD 276	An Act to Allow the Sale of Lobster and Crab Fishing Licenses	CARRIED OVER	Page 741
LD 277	An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License	ONTP	Page 741
LD 591	An Act Regarding Requirements for Obtaining a Lobster Fishing License	ONTP	Page 743
LD 835	An Act To Allow a Select Group of Former Lobstermen To Obtain Lobster Fishing Licenses	ONTP	Page 745
LD 900	An Act Regarding Eligibility for a License To Harvest Marine Organisms for a Person Who Served in the United States Armed Forces or United States Coast Guard	ONTP	Page 746
LD 1382	An Act To Increase the Trap Limit for Swan's Island to the Maximum Lobster Traps Allowed in Federal Waters of Zone B	ONTP	Page 748

Miscellaneous

Enacted

LD 1388	An Act To Expand the Mission of the Marine Patrol	PUBLIC 60 EMERGENCY	Page 749
LD 1437	An Act To Amend Marine Resources Special License Requirements for Educational Programs	PUBLIC 104	Page 757

Not Enacted

LD 70	Resolve, to Provide for the Effective Implementation of Anadromous Fish Restoration on the Upper Kennebec River System	ONTP	Page 739
LD 1134	Resolve, Establishing a Study Group To Improve the Planning and Management for Multiple Uses of Marine Waters	ONTP	Page 747

Scallops

Enacted

LD 81	An Act To Set the Minimum Legal Shell Size for Scallops	PUBLIC 63 Page 739
LD 1416	An Act To Create the Scallop Advisory Council and the Scallop Research Fund	PUBLIC 319 Page 752

Not Enacted

None

Sea Urchins

Enacted

LD 1451	An Act To Manage the Sea Urchin Fishery	PUBLIC 200 Page 758 EMERGENCY
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Not Enacted

None

Shellfish

Enacted

LD 1415	An Act To Decriminalize Unlicensed Shellfish Digging	PUBLIC 284 Page 751
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Not Enacted

LD 402	An Act To Reduce the Tax Paid on Mahogany Quahogs	ONTP Page 743
LD 598	An Act To Protect the Public from Paralytic Shellfish Poisoning	ONTP Page 743
LD 871	An Act To Amend the Shellfish Harvesting Laws Regarding Closed Areas for Clam Digging	ONTP Page 745
LD 1003	An Act To Protect the Public from Floodwater Contamination in Shellfish	ONTP Page 747

Waterfront Access/Economic Development

Enacted

LD 364

**An Act To Provide Funding for the Downeast
Institute for Applied Marine Research and
Education**

P & S 29 Page 742

Not Enacted

LD 544

An Act To Improve Rights to Marine Resources

ONTP Page 743

Joint Standing Committee on Marine Resources

LD 70

Resolve, to Provide for the Effective Implementation of Anadromous Fish Restoration on the Upper Kennebec River System

ONTP

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

LD 70 proposed to direct the Department of Marine Resources to update and review the current status of the shad and alewives restoration effort on the upper Kennebec River system and to develop a comprehensive plan regarding continued restoration efforts. The resolve proposed to direct the department to conduct an assessment of the impacts and benefits of the reintroduction of anadromous alewives and to hold public information meetings in affected Kennebec River and Sebasticook River communities. The resolve also proposed to require the department to complete its duties under this resolve and report its findings to the Joint Standing Committee on Marine Resources no later than January 15, 2004.

LD 81

An Act To Set the Minimum Legal Shell Size for Scallops

PUBLIC 63

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY LEMONT	OTP-AM	H-58

LD 81 proposed to increase the minimum ring size of scallops from 3 1/2 inches in diameter to 4 inches in diameter.

Committee Amendment "A" (H-58) proposed to replace the bill and change the title. It proposed that beginning on December 1, 2003, the statewide minimum shell size for scallops would be 3-3/4 inches, and on December 1, 2004 it would increase that minimum size to 4 inches. It would require the immediate release of all scallops that do not meet the size requirements and would provide for prima facie evidence of the possession of illegal scallops. It would also provide the Commissioner of the Department of Marine Resources with the authority to increase the shell size minimum and would make violations of shell size restrictions civil violations.

Enacted Law Summary

Public Law 2003, chapter 63 sets a statewide minimum shell size for scallops of 3-3/4 inches beginning on December 1, 2003, and on December 1, 2004 it increases that minimum shell size to 4 inches. It requires the immediate release of all scallops that do not meet the size requirements and provides for prima facie evidence of the possession of illegal scallops. It also authorizes the Commissioner of the Department of Marine Resources, after December 1, 2004, to increase the shell size minimum.

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LD 169 **An Act to Waive the Apprenticeship Requirement for a Lobster and Crab Fishing License** **ONTP**

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

LD 169 proposed to provide that a person who held a lobster and crab fishing license within the previous 5 years and fished for lobster under a lobster and crab fishing license for at least 5 years was eligible for a lobster license without meeting the requirements of the lobster apprentice program.

LD 207 **An Act to Limit Lobster Management Zones to State Coastal Waters** **ONTP**

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

LD 207 proposed to limit lobster management zones to the 3-mile nautical line as described on nautical charts. A lobster license holder would not be required to fish a majority of that person's traps within the license holder's declared lobster management zone when fishing beyond the 3-mile nautical line.

LD 207 proposed that a license holder would be subject to the most restrictive rules regarding the number of lobster traps allowed on a trawl and the time of day when lobster fishing could occur adopted for any zone in which the license holder fished only when fishing inside the 3-mile nautical line. The bill also proposed that a license holder would be subject to the most restrictive rules regarding the number of lobster traps fished adopted for any zone in which the license holder fished when that license holder was fishing inside the 3-mile nautical line and would be subject to the rules for the license holder's own zone when fishing beyond the 3-mile nautical line.

LD 271 **An Act To Improve Guidance to the Commissioner of Marine Resources for Granting Marine Aquaculture Leases** **ONTP**

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

LD 271, a concept draft pursuant to Joint Rule 208, proposed to make changes in the conditions for granting aquaculture leases under the Maine Revised Statutes, Title 12, section 6072, subsection 7-A and section 6072-A, subsection 10. Such changes would have provided additional and specific conditions that needed to be met by a project applicant in order for the Commissioner of Marine Resources to grant an aquaculture lease.

Joint Standing Committee on Marine Resources

LD 272 **An Act to Expand Aquaculture Site Location Criteria to Include Aesthetic Impact and Property Value Changes** **ONTP**

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

LD 272 proposes to require that the Department of Marine Resources to include an assessment of aesthetic impact and property value impact in its site review of aquaculture lease applications.

LD 276 **An Act to Allow the Sale of Lobster and Crab Fishing Licenses** **CARRIED OVER**

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

LD 276 proposed to allow a person to sell that person's lobster and crab fishing license to a person approved by the Department of Marine Resources to purchase that license.

LD 277 **An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License** **ONTP**

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

LD 277 proposed to provide that a person who previously held a lobster and crab fishing license was eligible for the same license without meeting the requirements of the apprentice program.

Committee Amendment "A" (H-331), the minority report of the Committee on Marine Resources proposed to replace the bill and allow the commissioner to waive the apprenticeship requirements for purchasing a lobster and crab fishing license for a person who held such a license in the past if the Lobster License Appeal Committee determined that the person failed to renew the previous license due to extraordinary circumstances, such as poor health, military service, financial hardship or inability to find work under the apprentice program. This amendment included a sunset provision that repealed these provisions on July 1, 2008. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-343) proposed to do the following.

1. Specify that a person for whom the apprenticeship requirement was waived by the Commissioner of Marine Resources would be placed at the end of the waiting list for the lobster fishing zone and behind any person currently in the apprentice program.
2. Amend the membership of the Lobster License Appeal Committee established in Committee Amendment "A" to allow former Legislators who were members of the joint standing committee of the Legislature having jurisdiction over marine resources matters to be members of the Lobster License Appeal Committee.

Joint Standing Committee on Marine Resources

3. Establish the procedure that would be followed by a person appealing to the Lobster License Appeal Committee and by the committee, including the meeting dates, notice to the appellant and the standard of proof that would be met by the appellant.
4. Require the Commissioner of Marine Resources to make a final determination regarding the recommendation of the Lobster License Appeal Committee within 72 hours of notice of the decision of the committee.
5. Specify that meetings of the Lobster License Appeal Committee were not public meetings. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-344) proposed to change the eligibility for a successful appeal to require that the person had served at least 6 years in the military and maintained the lobster and crab fishing license for at least 4 years or 50% of the time spent in the military, whichever was shorter. (Not adopted)

Current law allows a person who was prevented from renewing that person's Class I, Class II or Class III lobster and crab fishing license due to service in the military to obtain a license upon appeal to the Commissioner of Marine Resources. A person who serves more than 6 years in the military is not eligible to appeal.

LD 364 **An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education** **P & S 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM MAJ	H-33
DAMON	ONTP MIN	S-294 CATHCART

LD 364 proposed to appropriate \$15,000 to the Department of Marine Resources in each of fiscal years 2003-04 and 2004-05 for the establishment of a grant to the Maine Aquaculture Innovation Center for operating costs at the Downeast Institute for Applied Marine Research and Education, formerly the Beals Island Regional Shellfish Hatchery.

Committee Amendment "A" (H-33) is the majority report, proposed to provide the grant directly to the Downeast Institute for Applied Marine Research and Education.

Senate Amendment "A" to Committee Amendment "A" (S-294) proposed to clarify that the appropriations provided in Committee Amendment "A" were intended to be one-time appropriations for the 2004-2005 fiscal biennium.

Enacted Law Summary

Private and Special Law 2003, chapter 29 appropriates \$15,000 to the Maine Aquaculture Innovation Center for operating costs at the Downeast Institute for Applied Marine Research and Education, formerly the Beals Island Regional Shellfish Hatchery, for the 2004-2005 fiscal biennium.

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LD 402 **An Act To Reduce the Tax Paid on Mahogany Quahogs** **ONTP**

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

LD 402 proposed to reduce the tax on mahogany quahogs landed in the State from \$1.20 per bushel to 50¢ per bushel. Additionally, the bill proposed to require that all revenues received from this tax would be credited to the Toxin Monitoring Fund and that any money not used for monitoring the level of paralytic shellfish toxin in mahogany quahogs would be used for research, population studies and support of the mahogany quahog fishery.

LD 544 **An Act To Improve Rights to Marine Resources** **ONTP**

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

LD 544, a concept draft pursuant to Joint Rule 208, proposed to grant owners of property adjacent to marine resources a right to intervene in state policy decisions regarding the use of those resources.

LD 591 **An Act Regarding Requirements for Obtaining a Lobster Fishing License** **ONTP**

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

LD 591 proposed to provide that a person who held a lobster and crab fishing license within the previous 10 years and fished for lobster under a lobster and crab fishing license for at least 10 years was eligible for a lobster and crab fishing license without meeting the requirements of the lobster apprentice program.

LD 598 **An Act To Protect the Public from Paralytic Shellfish Poisoning** **ONTP**

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

LD 598 proposed to require that shellfish harvested for depuration purposes be taken only from restricted or approved areas.

Joint Standing Committee on Marine Resources

LD 648

An Act Clarifying Municipalities' Authority to Assign Mooring Permits

ONTP

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 648 proposed to add aquaculture to the list of activities that required mooring permits from municipal harbor masters and clarified that municipalities with harbor masters could exercise exclusive authority to assign mooring permits within waters under their jurisdiction.

LD 703

An Act To Change the Options for a Lobster Management Zone and To Change Entry Criteria for Noncommercial Licensees

PUBLIC 466

<u>Sponsor(s)</u> HONEY HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-375
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LD 703 proposed to expand the authority of the Zone E council authority and require that noncommercial lobster and crab license entry criteria be the same as commercial license entry criteria. It also proposed to set the number of noncommercial traps at 10 per vessel and caps the number of noncommercial lobster and crab licenses that can be issued at 2002 license year levels.

Committee Amendment "A" (H-375) proposed to replace the original bill and require that the holder of or applicant for a noncommercial lobster and crab fishing license declare both the lobster management zone in which that person will fish and the vessel that will be used to conduct fishing operations. It also proposed to limit the number of noncommercial traps that can be fished from a vessel to 10, regardless of the number of noncommercial license holders that fish from that vessel. Additionally, it proposed to expand the authority of the Zone E lobster management policy council and repeal that expanded authority on June 1, 2006.

Enacted Law Summary

Public Law 2003, chapter 466 requires that the holder of or the applicant for a noncommercial lobster and crab fishing license declare both the lobster management zone in which that person will fish and the vessel that will be used to conduct fishing operations. It limits the number of noncommercial traps that can be fished from a vessel to 10, regardless of the number of noncommercial license holders that fish from that vessel. The bill also expands the authority of the Zone E lobster management policy council and repeals that expanded authority on June 1, 2006.

Joint Standing Committee on Marine Resources

LD 835 **An Act To Allow a Select Group of Former Lobstermen To Obtain Lobster Fishing Licenses** **ONTP**

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

LD 835 proposed to allow the issuance of a lobster and crab-fishing license if the applicant had held a lobster and crab-fishing license for at least 3 years at any time within the last 10 years.

LD 871 **An Act To Amend the Shellfish Harvesting Laws Regarding Closed Areas for Clam Digging** **ONTP**

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

LD 871 proposed to change the policy for areas of rivers that were closed to the harvesting of shellfish due to poor test results that closed the entire river. Only the areas that tested poorly would be closed under this bill. It also proposed to require the Department of Conservation to post water test results for clam flats on its publicly accessible site on the Internet.

LD 882 **An Act To Transfer Certain Authority from the Department of Marine Resources to the Department of Agriculture, Food and Rural Resources** **ONTP**

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

LD 882 proposed to include products of aquaculture as agricultural or farm products for the purposes of marketing and promotional assistance by the Department of Agriculture, Food and Rural Resources. It proposed to transfer responsibility for the destruction of and indemnification for diseased fish and shellfish that were the products of aquaculture from the Commissioner of Marine Resources to the Commissioner of Agriculture, Food and Rural Resources.

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LD 900 **An Act Regarding Eligibility for a License To Harvest Marine Organisms for a Person Who Served in the United States Armed Forces or United States Coast Guard** **ONTP**

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

LD 900 proposed to amend the eligibility requirements for the issuance on appeal of a Class I, Class II or Class III lobster and crab fishing license to a person who served in the United States Armed Forces or the United States Coast Guard to include that if a person held one of these licenses while in the service, that person was entitled to a license on a successful appeal. The bill also proposed to allow the service member who had won the appeal to choose a zone in which to fish regardless of the zone restrictions and to purchase not more than 300 trap tags for the first year with the normal increase of 100 trap tags per year up to the zone maximum limit of trap tags.

LD 939 **An Act To Repeal the Fee on Aquacultural Salmon Production** **CARRIED OVER**

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

LD 939 proposes to repeal the Salmon Aquaculture Monitoring, Research and Development Fund, including the 1¢ per pound fee on whole fish harvested paid by the salmon aquaculture industry, and to require the commission to refund any remaining balance in the fund to persons who have paid money into the fund since January 1, 2001. Additionally, it proposes to repeal the Maine Salmon Aquaculture Advisory Council, whose purpose is to provide guidance on expenditures from the Salmon Aquaculture Monitoring, Research and Development Fund.

LD 1001 **An Act To Modify the Criteria for Approval of Aquaculture Leases** **ONTP**

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

LD 1001 proposed to broaden the criteria for approval of aquaculture leases to include consideration of upland conservation lands, public parks and residential uses. The Commissioner of Marine Resources would be required to adopt quantifiable impact standards and visual impact criteria to protect upland conservation lands, public parks and residential uses. This would increase predictability for all parties in the lease application process.

Joint Standing Committee on Marine Resources

LD 1003 **An Act To Protect the Public from Floodwater Contamination in Shellfish** **ONTP**

<u>Sponsor(s)</u> LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1003 proposed to establish conditions under which shellfish depuration certificate holders could be exempt from shellfish emergency rainfall closures.

LD 1088 **Resolve, To Create a Study Committee To Consider Bay Management Planning** **ONTP**

<u>Sponsor(s)</u> EDMONDS SULLIVAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1088 proposed to direct the Commissioner of Marine Resources to establish a committee to study bay management planning for siting aquaculture facilities, which would hold 3 public hearings and analyze the data given and issue a report and recommendations and suggested legislation to the Second Regular Session of the 121st Legislature.

LD 1134 **Resolve, Establishing a Study Group To Improve the Planning and Management for Multiple Uses of Marine Waters** **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1134 proposed to direct the Land and Water Resources Council to undertake a study to develop and implement a marine bay planning and management program in Maine. This program would improve the planning and management of multiple uses of estuarine and marine waters in Maine.

LD 1279 **Resolve, Related to Aquaculture Leases in Blue Hill Bay** **CARRIED OVER**

<u>Sponsor(s)</u> DAMON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1279 proposes to direct the Commissioner of Marine Resources to establish a zone in Blue Hill Bay in which finfish aquaculture leases would be excluded.

Joint Standing Committee on Marine Resources

LD 1368

**An Act Concerning Age Requirements for Student, Apprentice
and Noncommercial Lobster Licenses**

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM MAJ ONTP MIN	H-276 S-299 CATHCART

LD 1368 proposed to amend the laws concerning age requirements for student, apprentice and noncommercial lobster license holders by proposing to set a minimum age for licensure of 8 years and an age-based graduated trap limit for student license holders.

Committee Amendment "A" (H-276) is the majority report and proposed exempt those individuals who hold a student or noncommercial lobster and crab fishing license on October 31, 2003 from the age and trap limits proposed in the bill. This amendment also proposed to prohibit a person who holds a student license and is less than 8 years of age on October 31, 2003 from submerging more than 10 traps at any given time and upon reaching 8 years of age, that person would be required to comply with the trap limits proposed in the bill.

Senate Amendment "A" to Committee Amendment "A" (S-299) proposed to add an appropriation section to the bill.

Enacted Law Summary

Public Law 2003, chapter 468 amends the laws concerning age requirements for student, apprentice and noncommercial lobster license holders by setting a minimum age for licensure of 8 years and by establishing an age-based graduated trap limit for student license holders. It exempts those individuals who hold a student or noncommercial lobster and crab fishing license on October 31, 2003 from the age and trap limits. Public Law 2003, chapter 486 prohibits a person who holds a student license and is less than 8 years of age on October 31, 2003 from submerging more than 10 traps at any given time and upon reaching 8 years of age, requires that person to comply with the graduated trap limits established by this chapter.

LD 1382

**An Act To Increase the Trap Limit for Swan's Island to the
Maximum Lobster Traps Allowed in Federal Waters of Zone B**

ONTP

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

LD 1382 proposed to allow a person who fished for lobsters in the Swan's Island Lobster Conservation Area to fish outside that area in other areas of federal waters of Zone B with the number of traps that, combined with the number of traps that person had submerged in the Swan's Island Lobster Conservation Area, equaled the trap limit for federal waters of Zone B.

Joint Standing Committee on Marine Resources

LD 1387

An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses

PUBLIC 170

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-70

LD 1387 proposed to authorize the Commissioner of Marine Resources to refuse to renew a license to harvest or sell marine organisms if that license holder failed to substantially comply with requirement to submit certain data regarding fisheries until that license holder complies with the reporting requirement.

Committee Amendment "A" (S-70) proposed to clarify the Commissioner of Marine Resources' authority to refuse to renew a license if that license holder fails to provide certain information regarding marine fisheries. It also proposed to remove duplicative language currently in statute.

Enacted Law Summary

Public Law 2003, chapter 170 provides that if a holder of a license to harvest or sell marine organisms fails to submit required statistics concerning the fisheries, the Commissioner of Marine Resources may refuse to renew the holder's license until the holder complies with the reporting requirement.

LD 1388

An Act To Expand the Mission of the Marine Patrol

**PUBLIC 60
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON MCNEIL	OTP-AM	S-28

LD 1388 proposed to authorize the Department of Marine Resources to provide safety and security services in the coastal waters when conditions warrant, and to coordinate with local, state and federal agencies when such services are provided.

Committee Amendment "A" (S-28), proposed to replace the bill and is the majority report. It proposed to do the following:

1. Authorize the Department of Marine Resources to provide safety and security services in the coastal waters of the State and require the department to coordinate these services with local, state and federal agencies;
2. Authorize marine patrol officers to assist the United States Coast Guard in enforcing federal safety and security zones;
3. Require the Department of Marine Resources, Bureau of Marine Patrol to enter into a memorandum of agreement with the United States Coast Guard before providing assistance in enforcing safety and security zones;

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4. Dedicate federal funds received as reimbursement for the assistance of marine patrol officers in enforcing federal safety and security zones to the watercraft fund of the Department of Marine Resources; and
5. Add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 60 authorizes the Department of Marine Resources to provide safety and security services in the coastal waters when conditions warrant, and coordinate these services with local, state and federal agencies. It requires the department to enter into a memorandum of agreement with the United States Coast Guard before providing assistance in enforcing federal safety and security zones and dedicates any federal funds received as reimbursement for providing assistance to the department's watercraft fund.

Public Law 2003, chapter 60 was enacted as an emergency measure effective April 18, 2003.

LD 1389

An Act To Create a Marine Harvesting Demonstration License

PUBLIC 169

<u>Sponsor(s)</u> DAMON BULL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-69
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LD 1389 proposed to create a new license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It would not allow any portion of the catch to be sold, given away or transported. It would require that all organisms be liberated alive into the area from which they were taken. Additionally, it would require that in order to be eligible for this license, an individual must demonstrate knowledge of the lobster fishery by passing the lobster and crab fishing written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license.

Committee Amendment "A" (S-69) proposed to replace the bill. It proposed to create a new marine harvesting demonstration license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It would not allow any portion of the catch to be sold, given away or transported and would require that all organisms be liberated alive into the area from which they were taken. It also proposed to clarify that the person who actually handles lobster gear pursuant to this license must be the holder of the license. Additionally, it would prohibit a person from using a different vessel than the vessel named for use under a marine harvesting license or from conducting commercial harvesting activities with that boat unless otherwise provided by the Department of Marine Resources. In order to demonstrate the harvest of lobster and crabs under this license, a person would have to pass a lobster and crab fishing written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license. The proposed amendment would take effect on January 1, 2004 and would require the department to report to the Joint Standing Committee of Marine Resources by January 1, 2006 regarding the implementation and effectiveness of this license.

Enacted Law Summary

Public Law 2003, chapter 169 creates a new license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It requires that all organisms captured pursuant to this license be released alive into the area from which they were taken.

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Additionally, it requires that an applicant for the license must pass a written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license.

LD 1396 **Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources** **RESOLVE 20 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-206

LD 1396 proposed to provide for legislative review of portions of Chapter 2: Aquaculture Lease Regulations, a major substantive rule of the Department of Marine Resources.

Committee Amendment "A" (H-206) proposed to remove the requirement from the Department of Marine Resources' rules that harbor masters provide information on ecologically significant flora and fauna in areas near proposed aquaculture lease sites.

Enacted Law Summary

Resolve 2003, chapter 20 provides for legislative review of portions of Chapter 2: Aquaculture Lease Regulations, a major substantive rule of the Department of Marine Resources and amends those rules to remove the requirement that harbor masters provide the Department of Marine Resources with information on ecological significant flora and fauna in areas near proposed aquaculture lease sites.

Resolve 2003, chapter 20 was passed as an emergency measure effective May 15, 2003.

LD 1415 **An Act To Decriminalize Unlicensed Shellfish Digging** **PUBLIC 284**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-264

LD 1415 proposed to change a violation of digging shellfish without a municipal shellfish license from a criminal to a civil violation and proposed to impose a fine of not less than \$100 nor more than \$500 for the offense.

Committee Amendment "A" (H-264) proposed to clarify that harvesting shellfish from a closed area is a Class D crime. It also proposed allow for the maximum fine and period of incarceration possible under a Class D crime for harvesting shellfish in closed areas.

Enacted Law Summary

Public Law 2003, chapter 284 changes the penalties for digging shellfish without a municipal shellfish license from a criminal to a civil violation and imposes a fine of not less than \$100 or more than \$500 for each violation. It also clarifies that harvesting shellfish from a closed area is a Class D crime and allows for the maximum fine and period of incarceration possible for harvesting shellfish in closed areas.

Joint Standing Committee on Marine Resources

LD 1416

An Act To Create the Scallop Advisory Council and the Scallop Research Fund

PUBLIC 319

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-374
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LD 1416 proposed to change the licensing for scallop dragging by licensing individuals rather than licensing the activities of a boat. It proposed to add an owner-operator provision to the scallop license, requiring that the owner of the vessel or a family member of the owner must be on board when that vessel is being used to harvest scallops. It also proposed to make exemptions for temporary illness or disability on the part of the owner or temporary changes due to a boat accident or mechanical failure. Additionally, it proposed to allow for a person who currently holds more than one scallop dragging license to continue to do so, and to allow other individuals to use the vessel for scallop harvesting without the owner on board.

Finally, it proposed to create the Scallop Research Fund, which could be used for research and development of the scallop resource and would be funded by a surcharge to the scallop draggers license, the hand fishing scallop license and the scallop diving tender license. It proposed to create the Scallop Advisory Council that would make recommendations to the Commissioner of Marine Resources on expenditures from the fund and other matters of interest to the scallop fishery.

Committee Amendment "A" (H-374) proposed to strike provisions of the bill regarding the proposed owner-operator requirement for scallop draggers and to remove law enforcement as one of the activities supported by the Scallop Research Fund.

Enacted Law Summary

Public Law 2003, chapter 319 creates the Scallop Research Fund, which may be used for research and development of the scallop resource and is funded by a surcharge to the scallop draggers license, the hand fishing scallop license and the scallop diving tender license. The bill creates the Scallop Advisory Council to make recommendations to the Commissioner of Marine Resources on expenditures from the fund and other matters of interest to the scallop fishery.

LD 1417

An Act To Make Changes to the Laws Governing Aquaculture Leasing

PUBLIC 247

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-282
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LD 1417 proposed to make changes to several sections of the marine resources laws that regulate the leasing and monitoring of public waters for aquaculture. The proposed changes would affect the issuance of standard and limited-purpose aquaculture leases. It proposed to:

1. Clarify that the existing exclusive jurisdiction of the Commissioner of Marine Resources to regulate aquaculture activities on state submerged lands below the mean low-water mark includes all types of equipment to be located within a standard aquaculture lease. It also proposed to allow qualified staff to sign lease documents following the approval of a standard lease by the commissioner;

Joint Standing Committee on Marine Resources

2. Repeal a provision on municipal approval and would enact new language concerning municipal participation in the standard aquaculture lease process;
3. Create a new section that would outline the role of municipalities in the review and issuance of standard aquaculture leases, including preapplication meetings, submission of comments to the Department of Marine Resources on all decision criteria and establishing conditions on leases. It would also clarify that the issuance of a mooring permit by a municipality would not be preempted by the Commissioner of Marine Resources' exclusive authority to grant aquaculture leases;
4. Create a requirement for a preapplication meeting to be held with the Department of Marine Resources to guide an applicant in preparing an application for a standard lease;
5. Remove language that would require the Department of Marine Resources to determine financial and technical capacity prior to conducting a public hearing on a standard lease application so that public comment could be received on this approval criterion. It also proposes to delete language on municipal involvement that has been moved to the Maine Revised Statutes, Title 12, section 6072, subsection 3-A.
6. Change language to expand the factors considered by the Department of Marine Resources in the site review of proposed standard aquaculture leases to conform with current practice;
7. Repeal a requirement that the applicant for a standard aquaculture lease publish notice of public hearing for the lease in the newspaper;
8. Delete language regarding Department of Environmental Protection certification of water quality and proposed to list the current requirement for a discharge permit to be obtained for affected lease applications;
9. Change language on the notification of granted leases that would remove a requirement on public notice in a local paper and would add a requirement that the Department of Marine Resources notify riparian landowners, the municipality and interested parties that a lease has been granted;
10. Amend language on the revocation of standard aquaculture leases to allow the Commissioner of Marine Resources discretion in when to initiate revocation proceedings;
11. Repeal current language on the renewal of standard leases;
12. Enact new language on the renewal of standard leases that would require earlier notice of intent to renew and would add a requirement that leases not routinely used must be determined to still meet all of the approval criteria in the Maine Revised Statutes, Title 12, subsection 6072, subsection 7-A;
13. Clarify that the existing exclusive jurisdiction of the Commissioner of Marine Resources to regulate aquaculture activities on state submerged lands below the mean low-water mark would include all types of equipment to be located within a limited-purpose aquaculture lease. Language is also proposed to allow qualified professional staff to sign decision documents and leases;
14. Change language to require the Department of Marine Resources to notify riparian landowners when the department is reviewing a complete limited-purpose aquaculture lease application. It also proposed to require applicants to submit the names and addresses of the riparian landowners;
15. Require the Department of Marine Resources and not the applicant to publish notice of a public hearing for a limited-purpose aquaculture lease application;

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16. Repeal a provision on municipal approval and would enact new language concerning municipal participation in the limited-purpose aquaculture lease process;
17. Create a new section that would outline the role of municipalities in the review and issuance of limited-purpose aquaculture leases, including preapplication meetings, submission of comments to the Department of Marine Resources on all decision criteria and establishing conditions on leases. It also proposed to clarify that the Commissioner of Marine Resources' exclusive authority to grant aquaculture leases would not preempt a municipality from issuing a mooring permit;
18. Remove the requirement to record the lease in the registry of deeds and publish notice in the paper and would add a requirement that the Department of Marine Resources notify riparian landowners, interested persons and the municipality;
19. Repeal existing language on monitoring limited-purpose aquaculture leases;
20. Allow the Commissioner of Marine Resources discretion in when to initiate revocation proceedings for limited-purpose aquaculture leases;
21. Add the United States Department of Agriculture to the list of federal agencies permitted to use confidential data submitted by lease holders at the direction of the Commissioner of Marine Resources;
22. Authorize a dedicated fund that would receive fees from both finfish and shellfish growers in order to fund monitoring, research and development of marine aquaculture. These fees would be determined by the Department of Marine Resources through rulemaking and would be derived from the weight of harvested fish, application fees and lease rents; and
23. Rename the Maine Salmon Aquaculture Advisory Council the Aquaculture Advisory Council and would alter its membership to include members from both shellfish and finfish aquaculture.

Committee Amendment "A" (H-282) proposed to replace the bill. It proposed to make changes to several sections of the marine resources laws that regulate the leasing and monitoring of public waters for marine aquaculture. These changes would affect the issuance of standard and limited-purpose aquaculture leases. It proposed to:

1. Allow qualified professional staff to sign lease documents following the approval of a standard lease by the Commissioner of Marine Resources, and would allow the commissioner or deputy commissioner to delegate the approval of limited-purpose leases to qualified professional staff;
2. Repeal a requirement that the applicant for a standard aquaculture lease publish notice of public hearing for the lease in the newspaper;
3. Delete language regarding Department of Environmental Protection certification of water quality;
4. Remove a requirement of public notice in a local paper for the notification of granted leases and would add a requirement that the Department of Marine Resources notify riparian landowners, intervenors and the municipality that a lease has been granted;
5. Amend language on the revocation of standard aquaculture leases that would allow the Commissioner of Marine Resources discretion in when to initiate revocation proceedings;

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6. Enact new language on the renewal of standard leases that requires earlier notice of intent to renew and would add a requirement that leases not routinely used must be determined to still meet all of the approval criteria in the Maine Revised Statutes, Title 12, section 6072, subsection 7-A;
7. Clarify that the existing exclusive jurisdiction of the Commissioner of Marine Resources to regulate aquaculture activities on state submerged lands below the mean low-water mark would include all types of equipment to be located within a limited-purpose aquaculture lease. It also proposed to allow qualified professional staff to sign decision documents and leases;
8. Require the Department of Marine Resources to notify riparian landowners when the department reviews a complete limited-purpose aquaculture lease application. It also proposed to require the applicant to submit the names and addresses of the riparian landowners;
9. Require the Department of Marine Resources and not the applicant to publish notice of a public hearing for a limited-purpose aquaculture lease application;
10. Delete a provision on municipal approval and would add language concerning municipal participation in the limited-purpose aquaculture lease process.
11. Remove the requirement to record the lease in the registry of deeds and publish notice in the paper and would add a requirement that the Department of Marine Resources notify riparian landowners, interested persons and the municipality;
12. Allow the Commissioner of Marine Resources discretion in when to initiate revocation proceedings on limited-purpose aquaculture;
13. Add the United States Department of Agriculture to the list of federal agencies permitted to use confidential data submitted by lease holders at the direction of the Commissioner of Marine Resources.
14. Authorize a dedicated fund that would receive fees from both finfish and shellfish growers in order to fund monitoring, research and development of marine aquaculture. These fees would be determined by rulemaking by the Department of Marine Resources and are derived from the weight of harvested fish, application fees and lease rents;
15. Renames the Maine Salmon Aquaculture Advisory Council the Aquaculture Advisory Council and would alter its membership to include members from both shellfish and finfish aquaculture; and
16. Add unreasonable noise and visual impacts to conditions the Commissioner of Marine Resources would have to consider when granting an aquaculture lease and would make any rules adopted to quantify these impacts major substantive rules.

Joint Standing Committee on Marine Resources

Enacted Law Summary

Public Law 2003, chapter 247 makes the following changes to marine resource laws that regulate the leasing and monitoring of public waters for marine aquaculture:

1. It allows qualified professional staff to sign lease documents following the approval of a standard lease by the Commissioner of Marine Resources, and allows the commissioner or deputy commissioner to delegate the approval of limited-purpose leases to qualified professional staff;
2. It repeals a requirement that the applicant for a standard aquaculture lease publish notice of public hearing for the lease in the newspaper;
3. It changes language on the notification of granted leases to remove a requirement of public notice in a local paper and adds a requirement that the Department of Marine Resources notify riparian landowners, intervenors and the municipality that a lease has been granted;
4. It grants the Commissioner of Marine Resources discretion in determining when to initiate revocation proceedings for standard and limited purpose aquaculture leases;
5. It requires applicants when renewing a standard lease to provide earlier notice of intent to renew and adds a requirement that leases not routinely used must be determined to still meet certain statutory criteria;
6. It clarifies that the existing exclusive jurisdiction of the Commissioner of Marine Resources to regulate aquaculture activities on state submerged lands below the mean low-water mark includes all types of equipment to be located within a limited-purpose aquaculture lease;
7. It requires the Department of Marine Resources to notify riparian landowners when a limited-purpose aquaculture lease application is being reviewed by the department;
8. It changes requires the Department of Marine Resources and not the applicant to publish notice of a public hearing for a limited-purpose aquaculture lease application;
9. It deletes a provision on municipal approval and adds new language concerning municipal participation in the limited-purpose aquaculture lease process;
10. It adds the United States Department of Agriculture to the list of federal agencies permitted to use confidential data submitted by lease holders at the direction of the Commissioner of Marine Resources;
11. It authorizes a dedicated fund to receive fees from both finfish and shellfish growers in order to fund monitoring, research and development of marine aquaculture;
12. It renames the Maine Salmon Aquaculture Advisory Council the Aquaculture Advisory Council and alters its membership to include members from both shellfish and finfish aquaculture; and
13. It adds unreasonable noise and visual impacts to conditions the Commissioner of Marine Resources must consider when granting an aquaculture lease and makes any rules adopted to quantify these impacts major substantive rules.

Joint Standing Committee on Marine Resources

LD 1437

An Act To Amend Marine Resources Special License Requirements for Educational Programs

PUBLIC 104

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

LD 1437 provided that teachers in primary or secondary schools did not need approval by the Marine Resources Advisory Council but could obtain a special license for research, aquaculture or education directly from the Commissioner of Marine Resources.

Enacted Law Summary

Public Law 2003, chapter 104 provides that the Commissioner of Marine Resources may issue a special license for research, aquaculture or education to teachers in primary or secondary schools without obtaining the permission of the Advisory Council.

LD 1440

An Act To Establish the Commercial Fishing Safety Council

**PUBLIC 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	H-126 TWOMEY S-32

LD 1440 proposed to establish the Commercial Fishing Safety Council as an advisory body to the Commissioner of Marine Resources.

Committee Amendment "A" (S-32) proposed to add an emergency preamble and emergency clause to the bill.

House Amendment "A" (H-126) proposed on behalf of the Committee on Engrossed Bills that would clarify the definition of "quorum."

Enacted Law Summary

Public Law 2003, chapter 90 establishes the Commercial Fishing Safety Council as an advisory body to the Commissioner of Marine Resources.

Public Law 2003, chapter 90 was enacted as an emergency measure effective April 25, 2003.

Joint Standing Committee on Marine Resources

LD 1451

An Act To Manage the Sea Urchin Fishery

PUBLIC 200
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-99

LD 1451 proposed to make it a Class D crime to possess small sea urchins and would establish a minimum fine of \$500 for a first offense and \$1,000 for a 2nd offense and a mandatory one-year suspension for a 3rd or subsequent offense. It proposed to expand the allowable uses of the Sea Urchin Research Fund to include safety education and training and the implementation of management measures, following consultation by the Commissioner of Marine Resources with the Sea Urchin Zone Council. It also proposed to allow the Commissioner of Marine Resources to prohibit new entry into the urchin fishery in years when it is necessary to protect the fishery from imminent depletion.

Committee Amendment "A" (S-99) proposed to add an emergency preamble and clause to the bill and would replace section 2 of the bill with language that would authorize the Commissioner of Marine Resources to adopt rules regarding the culling requirements for sea urchins harvested under a hand-fishing license in Zone 1. It proposed to impose minimum fines for violations of sea urchin harvesting requirements. Additionally, it proposed to require the Department of Marine Resources to report to the Joint Standing Committee of Marine Resources on the status of the implementation of the proposed requirements no later than January 1, 2005.

Enacted Law Summary

Public Law 2003, chapter 200 requires the Commissioner of Marine Resources to suspend, for at least 1 year and up to 3 years, the sea urchin fishing license of any license holder convicted of a 3rd or subsequent offense of possessing sea urchins smaller than the minimum size. It also authorizes the commissioner to adopt rules regarding the culling requirements for sea urchins harvested under a hand-fishing license in Zone 1. Additionally, it allows the commissioner to adopt rules to establish a sea urchin limited entry system to prevent new entries into the fishery when it is necessary to protect the urchin fishery for imminent depletion. Public Law 2003, chapter 200 expands the allowable uses of the Sea Urchin Research Fund to include safety education and training and the implementation of management measures, following consultation by the Commissioner of Marine Resources with the Sea Urchin Zone Council. Finally, it requires the department to report back to the Joint Standing Committee of Marine Resources on the status of the implementation of these new requirements no later than January 1, 2005.

Public Law 2003, chapter 200 was enacted as an emergency measure effective May 16, 2003.

Joint Standing Committee on Marine Resources

LD 1471

**An Act To Correct Certain Errors and Inconsistencies in Laws
Relating to Marine Resources**

PUBLIC 248

<u>Sponsor(s)</u> BULL	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> H-247 BULL
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LD 1471 proposed to:

1. Correct a reference to a federal agency;
2. Eliminate a reference to shrimp in the laws relating to emerging fisheries;
3. Clarify that the violation of a rule adopted by the Commissioner of Marine Resources would be a civil violation for which a fine of not less than \$100 may be adjudged;
4. Correct an inconsistency with regard to the processing of scallops. It proposed to clarify that scallop harvesters may process, possess, ship, transport or sell only shucked scallops. It also proposed to require that a person, except a person authorized by either of the scallop harvester licenses who processes, possesses, buys, ships, transports or shucks shellfish or whole scallops, to have a shellfish sanitation certificate to process, sell, ship, transport or shuck shellfish or whole scallops;
5. Make a violation of the laws relating to sea urchins is a criminal violation, unless otherwise specified;
6. Clarify that the commercial shrimp license would pertain only to the northern shrimp species;
7. Stipulate that it would be a violation of law to engage in certain shellfish and whole scallop activities without a shellfish sanitation certificate or a depuration certificate; and
8. Change all references to regulations to conform to the rule-making process provided in the Maine Revised Statutes, Title 5, chapter 375.

House Amendment "A" (H-247) proposed to change a reference to a "regulation" to a reference to a "rule" consistent with changes made in the bill.

Enacted Law Summary

Public Law 2003, chapter 248 makes changes to the laws relating to marine resources as follows:

1. It corrects a reference to a federal agency;
2. It eliminates a reference to shrimp in the laws relating to emerging fisheries;
3. It clarifies that the violation of a rule adopted by the Commissioner of Marine Resources is a civil violation for which a fine of not less than \$100 may be adjudged;
4. It corrects an inconsistency with regard to the processing of scallops. It clarifies that scallop harvesters may process, possess, ship, transport or sell only shucked scallops. It requires that a person, except a person authorized by either of the scallop harvester licenses who processes, possesses, buys, ships, transports or

Joint Standing Committee on Marine Resources

shucks shellfish or whole scallops, must have a shellfish sanitation certificate to process, sell, ship, transport or shuck shellfish or whole scallops;

5. It provides that, unless otherwise specified, a violation of the laws relating to sea urchins is a criminal violation;
6. It clarifies that the commercial shrimp license pertains only to the northern shrimp species;
7. It stipulates that it is a violation of law to engage in certain shellfish and whole scallop activities without a shellfish sanitation certificate or a depuration certificate; and
8. It changes all references to regulations to conform to the rule-making process provided in the Maine Revised Statutes, Title 5, chapter 375;

LD 1519

Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine

**RESOLVE 40
EMERGENCY**

Sponsor(s)
BULL

Committee Report
OTP-AM

Amendments Adopted
H-281
H-327 BULL

LD 1519 proposed to establish the Task Force on the Planning and Development of Marine Aquaculture in Maine to develop recommendations on how to balance the range of potential uses of state waters and plan for the growth of marine aquaculture while considering all reasonable constraints and opportunities.

Committee Amendment "A" (H-281) proposed to create the 11-member Stakeholder Advisory Panel, which would be charged with reviewing the draft report of the task force on the Planning and Development of Marine Aquaculture in Maine and making recommendations to the task force on that draft report before the task force submits its final report to the Joint Standing Committee on Marine Resources. Additionally, the task force would be required to periodically consult with the advisory panel regarding the issues identified in the resolve. It proposed that the Speaker of the House of Representatives and the President of the Senate would appoint members of the advisory panel.

It also proposed to add 3 additional items to be considered by the task force. It amends the resolve to allow the task force to submit legislation to the Second Regular Session of the 121st Legislature to implement the recommendations in its final report.

Finally, it proposed to require the task force to consider all pertinent scientific data in developing its report and would require the Commissioner of Marine Resources to use funds from existing department resources for costs associated with this resolve.

House Amendment "A" to Committee Amendment "A" (H-327) proposed to clarify that the municipal appointee for the Stakeholder Advisory Panel be a "municipal official."

Joint Standing Committee on Marine Resources

Enacted Law Summary

Resolve 2003, chapter 40 establishes the Task Force on the Planning and Development of Marine Aquaculture in Maine to develop recommendations on how to balance the range of potential uses of state waters and plan for the growth of marine aquaculture while considering all reasonable constraints and opportunities. It also creates the 11-member Stakeholder Advisory Panel charged with reviewing the draft report of the task force on the Planning and Development of Marine Aquaculture in Maine and making recommendations to the task force on that draft report before the task force submits its final report to the Joint Standing Committee on Marine Resources. Additionally, it also requires the task force to periodically consult with the advisory panel regarding the issues identified in this resolve.

Resolve 2003, chapter 40 was passed as an emergency measure effective May 21, 2003.

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Natural Resources*

July 2003

Members:

*Sen. John L. Martin, Chair
Sen. Betheda G. Edmonds
Sen. W. Tom Sawyer, Jr.*

*Rep. Theodore Koffman, Chair
Rep. Joanne T. Twomey
Rep. Deborah J. Hutton
Rep. Elaine Makas
Rep. Thomas B. Saviello
Rep. Judd D. Thompson
Rep. Robert A. Daigle
Rep. David L. Tobin
Rep. Henry L. Joy
Rep. James D. Annis*

Staff:

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**JOINT STANDING COMMITTEE ON
NATURAL RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	66	95.7%	4.0%
<u><i>Bills Carried Over</i></u>	<u>3</u>	<u>4.3%</u>	<u>0.2%</u>
Total Bills referred	69	100.0%	4.2%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	69	100.0%	4.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	1	1.5%	0.1%
<i>Ought to Pass as Amended</i>	29	43.9%	2.0%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>27</u>	<u>40.9%</u>	<u>1.8%</u>
Total unanimous reports	57	86.4%	3.9%
B. Divided committee reports			
<i>Two-way reports</i>	7	10.6%	0.5%
<i>Three-way reports</i>	2	3.0%	0.1%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	9	13.6%	0.6%
Total committee reports	66	100.0%	4.5%
III. CONFIRMATION HEARINGS	3	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	29	42.0%	1.8%
<i>Private and Special Laws</i>	1	1.4%	0.1%
<i>Resolves</i>	7	10.1%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	37	53.6%	2.3%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Natural Resources

SUBJECT INDEX

Air Quality

Enacted

None

Not Enacted

LD 829 An Act To Strengthen the State's Air Toxics Laws ONTP Page 788

Arsenic

Enacted

LD 1309 An Act To Protect Public Health by Reducing Human Exposure to Arsenic PUBLIC 457 Page 799

Not Enacted

None

Climate Change

Enacted

LD 845 An Act To Provide Leadership in Addressing the Threat of Climate Change PUBLIC 237 Page 788

Not Enacted

None

Coastal Areas

Enacted

LD 696 An Act Concerning the Adoption of Coastal Sand Dune Rules PUBLIC 130 Page 784
EMERGENCY

Not Enacted

LD 1276 An Act To Amend the Sand Dune Laws ONTP Page 798

Consumer Products

Enacted

LD 21 An Act to Ensure Full Disclosure of the Source of PUBLIC 5 Page 773
Water Sold in Containers

Not Enacted

None

Dams

Enacted

LD 709 An Act To Require Public Meetings prior to Dam PUBLIC 134 Page 786
Removal

Not Enacted

LD 633 An Act To Provide for Local Approval of Existing or ONTP Page 781
Former Hydropower Projects To Enable
Prioritization of Renewable Indigenous Energy
Generation in Maine

LD 1016 Resolve, Directing Certain State Agencies To ONTP Page 791
Renegotiate an Agreement Regarding Dams on the
Sebasticook River

Department of Environmental Protection

Enacted

LD 564 An Act To Clarify the Responsibilities of the PUBLIC 131 Page 779
Department of Environmental Protection

LD 1547 An Act To Amend Certain Laws Administered by the PUBLIC 245 Page 808
Department of Environmental Protection

Not Enacted

LD 517	An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals	ONTP Page 777
LD 927	An Act To Require an Impact Statement on Legislation Relating to the Department of Environmental Protection and the Executive Department, State Planning Office	ONTP Page 790
LD 1034	An Act To Require Certain Agencies To Track Votes of Board and Commission Members	ONTP Page 791

Dioxin

Enacted

LD 1403	An Act To Amend a Requirement Concerning Dioxin	PUBLIC 165 Page 802
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Not Enacted

None

Environmental Standards

Enacted

None

Not Enacted

LD 1011	An Act To Establish Minimum Environmental Compliance Standards for Subsidized Employers	ONTP Page 790
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Ground Water

Enacted

None

Not Enacted

LD 817	An Act To Amend the Laws Governing Sand and Salt Sheds	ONTP Page 788
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Junkyards

Enacted

LD 1367	An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses	PUBLIC 312 Page 801
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Not Enacted

None

Land Use

Enacted

LD 531	An Act To Clarify the Use of Municipal Rate of Growth Ordinances	PUBLIC 127 Page 778
LD 695	An Act To Amend the Laws Governing Minimum Lot Size	PUBLIC 308 Page 783
LD 1045	Resolve, Directing the Community Preservation Advisory Committee To Study the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs	RESOLVE 34 Page 791
LD 1297	An Act To Amend the Subdivision Laws	PUBLIC 226 Page 798

Not Enacted

LD 395	An Act to Clarify the Use of Municipal Rate-of-growth Ordinances	ONTP Page 776
LD 522	An Act To Expand the Duties of the Community Preservation Advisory Committee	ONTP Page 777
LD 525	An Act To Encourage Open Space Preservation	ONTP Page 778
LD 623	An Act To Amend Shoreline Zoning	ONTP Page 781
LD 745	An Act To Allow Municipalities To Assess a Surcharge on New Construction That Is Not in a Designated Growth Area	ONTP Page 787
LD 853	An Act To Promote Livable, Affordable Neighborhoods	ONTP Page 789

Not Enacted

LD 927	An Act To Require an Impact Statement on Legislation Relating to the Department of Environmental Protection and the Executive Department, State Planning Office	ONTP Page 790
LD 1067	An Act To Abolish the State Planning Office	ONTP Page 793

Surface Water – Invasive Species

Enacted

LD 707	An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants	PUBLIC 136 Page 785
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Not Enacted

LD 552	An Act To Establish Cleaning Stations for Boats Entering Maine	ONTP Page 779
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Waste - Biosolids

Enacted

LD 188	An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land	PUBLIC 231 Page 774
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Not Enacted

LD 670	An Act Regarding the Disposal of Sludge	ONTP Page 782
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Waste - Electronics

Enacted

LD 743	An Act To Develop a Plan for Cathode Ray Tube Disposal	PUBLIC 150 Page 786
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Not Enacted

LD 590	An Act To Regulate the Disposal of Computers and Related Equipment	ONTP Page 780
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Waste - Household Hazardous

Enacted

LD 1549 **An Act To Fund Municipal Collection of Household Hazardous Waste** **P & S 30 Page 810**

Not Enacted

None

Waste - Mercury

Enacted

LD 385 **An Act to Change the Reporting Requirements for the Mercury Switch Removal Program** **PUBLIC 6 Page 775**

LD 697 **An Act To Require the Installation of Dental Amalgam Separator Systems in Dental Offices** **PUBLIC 301 Page 784**

LD 1159 **An Act To Reduce Mercury Use in Measuring Devices and Switches** **PUBLIC 221 Page 795**

Not Enacted

LD 134 **Resolve, To Regulate the Disposal of Dental Mercury Amalgam** **ONTP Page 773**

Waste - Solid

Enacted

LD 1515 **An Act To Promote and Monitor Competition in the Solid Waste Industry** **PUBLIC 338 Page 806**

LD 1626 **Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town** **RESOLVE 93 Page 814**

Not Enacted

LD 30 **An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill** **ONTP Page 773**

LD 803 **An Act To Ensure the Rights of Host Communities
Regarding the Construction and Operation of State-
owned Solid Waste Disposal Facilities** **ONTP Page 787**

Waste - Superfund

Enacted

LD 645 **An Act to Provide Additional Financing for Costs
Associated with the Remediation of a Waste Oil Site
in Plymouth** **PUBLIC 129 Page 781
EMERGENCY**

Not Enacted

None

Waste - Tires

Enacted

None

Not Enacted

LD 1253 **An Act to Ensure Playground Safety** **CARRIED OVER Page 797**

Waste Facilities

Enacted

LD 693 **An Act To Ensure the Safety of Children Touring
Incinerator Facilities** **PUBLIC 441 Page 783**

Not Enacted

LD 215 **Resolve, to Direct the Department of Environmental
Protection to Create Statewide Standards for
Incinerators** **ONTP Page 774**

LD 851 **An Act To Test for and Reduce Mercury Emissions
from Resource Recovery Facilities** **ONTP Page 789**

LD 948 **An Act To Ensure Clean Air in Communities
Affected by Privately Owned Incinerator Facilities** **ONTP Page 790**

Water Quality

Enacted

LD 443	An Act To List Agriculture as a Designated Use in Water Quality Standards	PUBLIC 227	Page 776
LD 1059	Resolve, Directing the Department of Environmental Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes	RESOLVE 37	Page 792
LD 1137	An Act Regarding Riverine Impoundments	PUBLIC 257	Page 794
LD 1485	Resolve, To Update Water Quality Criteria	RESOLVE 39	Page 803
LD 1493	An Act To Expedite the Removal of Overboard Discharge	PUBLIC 246	Page 804
LD 1529	An Act To Reclassify Certain Waters of the State	PUBLIC 317	Page 807

Not Enacted

LD 632	An Act to Establish a Process to Classify Water Bodies as Impaired	ONTP	Page 781
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Water Quality – Commercial Vessel Discharge

Enacted

LD 1271	Resolve, To Study the Implementation of a Plan To Prohibit the Discharge of Certain Wastewater into Coastal Waters	RESOLVE 79 EMERGENCY	Page 797
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Not Enacted

LD 1158	An Act To Protect Maine's Coastal Water	CARRIED OVER	Page 795
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Water Quality - Stormwater

Enacted

LD 1570	An Act Concerning Storm Water Management	PUBLIC 318 EMERGENCY	Page 812
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Not Enacted

None

Water Withdrawal

Enacted

LD 491

An Act To Manage Water Resources

PUBLIC 121 Page 776

Not Enacted

None

Wells

Enacted

LD 1604

**An Act To Expedite the Drilling of Private Drinking
Water Wells**

PUBLIC 373 Page 813

Not Enacted

None

Joint Standing Committee on Natural Resources

LD 21

An Act to Ensure Full Disclosure of the Source of Water Sold in Containers

PUBLIC 5

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

LD 21 proposed to require that the label identifying the source of bottled water spell out the name and geographic location of that source without the use of abbreviations or acronyms.

Enacted Law Summary

Public Law 2003, chapter 5 requires that the label identifying the source of bottled water spell out the name and geographic location of that source without the use of abbreviations or acronyms.

LD 30

An Act to Appropriate Funds for Special Testing at the Norridgewock Landfill

ONTP

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

LD 30 proposed to appropriate \$25,000 for testing for methane gas and other health and safety concerns at the Crossroads Landfill in Norridgewock.

LD 134

Resolve, To Regulate the Disposal of Dental Mercury Amalgam

ONTP

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

LD 134 proposed to require the Department of Environmental Protection to adopt major substantive rules by January 1, 2004 for the proper disposal of mercury amalgam waste from dental offices and other places where mercury amalgam fillings are prepared, used, removed, replaced or repaired.

Joint Standing Committee on Natural Resources

LD 188

An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land

PUBLIC 231

<u>Sponsor(s)</u> RINES HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-259
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LD 188 proposed to clarify that a municipality may adopt environmental standards that apply to the land application of sludge that are at least as stringent as the environmental standards that apply in the State or political subdivision of the State where the sludge originates.

Committee Amendment "A" (H-259) proposed to replace the bill. It proposed to provide that the utilization and distribution of residuals that contain human pathogens, such as municipal treatment plant sludge, may not be licensed by permit by rule. The amendment also proposed to direct the Department of Environmental Protection to establish a list of interested parties to whom notice of applications for the distribution of composted sludge must be provided. The amendment also proposed to require that notice be distributed via electronic mail to all municipalities that are equipped to receive electronic mail. The amendment also proposed that any amendment of Board of Environmental Protection rules to make the rules consistent with this bill is a routine technical rule.

Enacted Law Summary

Public Law 2003, chapter 231 provides that the utilization and distribution of residuals that contain human pathogens, such as municipal treatment plant sludge, may not be licensed by permit by rule. It also directs the Department of Environmental Protection to establish a list of interested parties to whom notice of applications for the distribution of composted sludge must be provided. The notice must also be distributed via electronic mail to all municipalities that are equipped to receive electronic mail. It also provides that any amendment of Board of Environmental Protection rules to make the rules consistent with this bill is a routine technical rule.

LD 215

Resolve, to Direct the Department of Environmental Protection to Create Statewide Standards for Incinerators

ONTP

<u>Sponsor(s)</u> SULLIVAN MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 215 proposed to require the Department of Environmental Protection to adopt rules that provide uniform incinerator emissions standards applicable to all communities in Maine.

Joint Standing Committee on Natural Resources

LD 242

**Resolve, Relating to the Consideration of the Cumulative Effect
on Protected Natural Resources**

RESOLVE 14

<u>Sponsor(s)</u> FAIRCLOTH MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-134
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LD 242 proposed to add a standard to the standards that must be met before a permit may be granted for activities such as dredging, bulldozing or construction on or over certain wetlands or protected natural resources. The new standard proposed to require a finding that the cumulative effect of the proposed activity will not be to unreasonably harm protected natural resources located on or adjacent to the project area.

Committee Amendment "A" (H-134) proposed to change the bill to a resolve and to direct the Department of Environmental Protection to convene a working group of interested parties to design a method for the consideration of cumulative effects on protected natural resources. It also proposed to direct the department to submit a proposal to the Joint Standing Committee on Natural Resources by January 5, 2004. The amendment also proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation relating to the department's proposal during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 14 directs the Department of Environmental Protection to convene a working group of interested parties to design a method for the consideration of cumulative effects on protected natural resources. It also directs the department to submit a proposal to the Joint Standing Committee on Natural Resources by January 5, 2004. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation relating to the department's proposal during the Second Regular Session of the 121st Legislature.

LD 385

**An Act to Change the Reporting Requirements for the Mercury
Switch Removal Program**

PUBLIC 6

<u>Sponsor(s)</u> COWGER SAWYER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 385 proposed to move the date by which the Department of Environmental Protection must report on the effectiveness of source separation of mercury-added products from January 1, 2005 to January 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 6 moves the date by which the Department of Environmental Protection must report on the effectiveness of source separation of mercury-added products from January 1, 2005 to January 1, 2004.

Joint Standing Committee on Natural Resources

LD 395

An Act to Clarify the Use of Municipal Rate-of-growth Ordinances

ONTP

<u>Sponsor(s)</u> SUSLOVIC	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 395 proposed to outline how a municipality may adopt a growth rate ordinance. The bill proposed that temporary growth rate ordinances could be enacted only to slow development while a community works toward solving the problems necessitating the growth rate ordinance. It also proposed that an ongoing growth rate ordinance could be enacted only as part of an integrated growth management strategy and also could be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposed to clarify that a municipality with a comprehensive plan could implement a growth rate ordinance that applies only to designated rural areas.

LD 443

An Act To List Agriculture as a Designated Use in Water Quality Standards

PUBLIC 227

<u>Sponsor(s)</u> KNEELAND WOTTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-106
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LD 443 proposed to add agriculture as a designated use in Maine's water quality standards. It also proposed to make technical changes.

Committee Amendment "A" (S-106) proposed to provide that the sections of the bill that add agriculture as a designated use in the State's water quality standards will take effect when the water use standards for maintaining in-stream flows are finally adopted.

Enacted Law Summary

Public Law 2003, chapter 227 adds agriculture as a designated use in Maine's water quality standards. This designation takes effect when the water use standards for maintaining in-stream flows are finally adopted.

LD 491

An Act To Manage Water Resources

PUBLIC 121

<u>Sponsor(s)</u> COLLINS MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-136
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LD 491 proposed to establish a permit procedure for withdrawals of groundwater or surface water in excess of 50,000 gallons per day. The bill proposed to allow the Department of Environmental Protection to impose reasonable conditions on the permit and to issue the permit only if the use is reasonable, any negative environmental impacts are mitigated and the use will not adversely affect other water supplies.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-136) proposed to replace the bill. It proposed to add a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard proposed to provide that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The amendment proposed to direct the Commissioner of Human Services to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

Enacted Law Summary

Public Law 2003, chapter 121 adds a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard provides that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The Commissioner of Human Services is directed to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

LD 517 **An Act To Ensure Legislative Oversight of Major Environmental Policy Proposals** **ONTP**

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

LD 517 proposed to provide that any rule proposed by the Department of Environmental Protection that will be more stringent than a federal standard is subject to legislative review as a major substantive rule.

LD 522 **An Act To Expand the Duties of the Community Preservation Advisory Committee** **ONTP**

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

LD 522 proposed to add 2 additional duties to the charge of the Community Preservation Advisory Committee. The proposal directed the committee to conduct a study of methods for redrawing county boundaries and to conduct a study of the structure of county commissions.

Joint Standing Committee on Natural Resources

LD 525

An Act To Encourage Open Space Preservation

ONTP

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

LD 525 was a concept draft pursuant to Joint Rule 208. This bill proposed to amend the law to allow municipalities to achieve goals such as encouraging open space preservation, controlling sprawl and supporting affordable housing. It also proposed to authorize communities and property owners to negotiate agreements under which a property owner would receive a reduction in property taxes in return for the property owner's agreement to use the property in a manner benefiting the town in some manner for a period of 10 years. The bill proposed to allow the property owner to negotiate a reduction in property taxes in exchange for delaying the development of the land, providing public access for hunting and fishing, or building affordable housing. Any negotiated agreements reached by the property owner and the town officials would require approval by the town.

LD 531

An Act To Clarify the Use of Municipal Rate of Growth Ordinances

PUBLIC 127

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC BROMLEY	OTP-AM MAJ ONTP MIN	H-159

LD 531 proposed to outline the parameters within which a municipality may adopt a rate of growth ordinance. As proposed, temporary rate of growth ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the rate of growth ordinance. A permanent rate of growth ordinance may be enacted to apply to a designated growth area only if the ordinance requires that the number of permits issued annually under the rate of growth ordinance be determined according to a formula specified in rules adopted by the Executive Department, State Planning Office. A permanent rate of growth ordinance may be enacted to apply to a designated rural area only if the ordinance is recommended in the municipality's comprehensive plan as a mechanism for guiding growth and the comprehensive plan lays out policies and strategies for accommodating most of the community's future growth in designated growth areas.

Committee Amendment "A" (H-159) proposed to replace the bill. It proposed to add a provision to current law that clarifies that municipalities may enact ordinances that set different limits on the number of building or development permits that will be allowed in their rural areas and growth areas.

Enacted Law Summary

Public Law 2003, chapter 127 adds a provision to current law that clarifies that municipalities may enact ordinances that set different limits on the number of building or development permits that will be allowed in their rural areas and growth areas.

Joint Standing Committee on Natural Resources

LD 552

An Act To Establish Cleaning Stations for Boats Entering Maine

ONTP

Sponsor(s)
BLAIS
RECTOR

Committee Report
ONTP

Amendments Adopted

LD 552 proposed to require that:

1. Informational material regarding the requirements of boaters to purchase a lake and river protection sticker and the reasons for the sticker be handed to boaters driving north on the Maine Turnpike and on informational signs on roads leading into the State;
2. Cleaning equipment be located at invasive aquatic plant inspection stations that are at or near the borders of the State;
3. Inspectors or other agents of the State immediately clean watercraft, watercraft trailers or outboard motors that fail inspection;
4. Inspection stations at or near the borders of the State issue lake and river protection stickers and certificates of inspection for watercraft, watercraft trailers and outboard motors that pass inspection; and
5. Proceeds of the Invasive Aquatic Plant and Nuisance Species Fund be used to establish cleaning stations before being spent on other elements of the program to prevent infestation of and to control invasive aquatic plants.

LD 564

**An Act To Clarify the Responsibilities of the Department of
Environmental Protection**

PUBLIC 131

Sponsor(s)
HUTTON

Committee Report
OTP-AM

Amendments Adopted
H-144

LD 564 proposed to require the Department of Environmental Protection to request and consider comments from the Maine Land Use Regulation Commission on projects that are partially within the commission's jurisdiction but will not require a permit from the commission under the Maine Revised Statutes, Title 12, section 685-B, subsection 1-A, paragraph B. The bill also proposed to clarify that the department must protect outstanding river segments and protect against erosion and sedimentation, regardless of whether the project is located within organized or unorganized areas.

Committee Amendment "A" (H-144) proposed to replace the bill. The amendment proposed to clarify that, in processing applications for permits for transmission lines and pipelines under the natural resources protection laws, an outstanding river segment will receive the same level of protection regardless of whether the outstanding river segment is located within the organized or unorganized territories.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 131 clarifies that, in processing applications for permits for transmission lines and pipelines under the natural resources protection laws, an outstanding river segment will receive the same level of protection regardless of whether the outstanding river segment is located within the organized or unorganized territories.

LD 590 **An Act To Regulate the Disposal of Computers and Related Equipment** **ONTP**

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

LD 590 proposed to ban the disposal of cathode ray tubes in landfills and incinerators.

LD 596 **An Act To Improve the Effectiveness of the Maine Coastal and Inland Surface Oil Clean-up Fund** **PUBLIC 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY RICHARDSON J	OTP-AM	S-72

LD 596 proposed to increase funding for the Maine Coastal and Inland Surface Oil Clean-up Fund to provide for research and development.

Committee Amendment "A" (S-72) proposed to replace the bill. It proposed to increase from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also proposed to require researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

Enacted Law Summary

Public Law 2003, chapter 137 increases from \$100,000 to \$250,000 the limit within the Maine Coastal and Inland Surface Oil Clean-up Fund available for research and development. It also requires researchers who receive funds for research and development to use vessels based in the State as platforms when practicable.

Joint Standing Committee on Natural Resources

LD 623 **An Act To Amend Shoreline Zoning** **ONTP**

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 623 proposed to amend the shoreland zoning ordinance guidelines to allow thinning and pruning of vegetation within railroad rights-of-way.

LD 632 **An Act to Establish a Process to Classify Water Bodies as Impaired** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 632 proposed to establish a procedure to classify a body of water as impaired or nonattainment. The bill proposed that the Board of Environmental Protection within the Department of Environmental Protection may so designate a water body if the preponderance of the evidence demonstrates that the water body is not meeting classification criteria, that the designation will not contribute to sprawl and that the designation will not have an unreasonable impact on the local economy.

LD 633 **An Act To Provide for Local Approval of Existing or Former Hydropower Projects To Enable Prioritization of Renewable Indigenous Energy Generation in Maine** **ONTP**

<u>Sponsor(s)</u> FLETCHER STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 633 proposed to provide municipalities with the authority to override a decision made by the Department of Environmental Protection regarding construction or reconstruction of a hydropower project.

LD 645 **An Act to Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth** **PUBLIC 129 EMERGENCY**

<u>Sponsor(s)</u> CARR STANLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-166
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LD 645 proposed to authorize the Finance Authority of Maine to provide interest-free loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-166) proposed to replace the bill. Like the bill, it proposed to authorize the Finance Authority of Maine to provide loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth. The amendment also proposed to allow money in the loan fund to be used for attorney's fees incurred for the preparation of restrictive covenants for properties within the institutional control zone in order to implement the institutional controls. The amendment also proposed to provide that applications for loans must be submitted to the Finance Authority of Maine within 90 days after the effective date of the bill, as amended. Finally, the amendment proposed to delete the requirement for the Finance Authority of Maine to establish a registry of all persons who are eligible for loans.

Enacted Law Summary

Public Law 2003, chapter 129 authorizes the Finance Authority of Maine to provide loans to potentially responsible parties for the cost of implementing institutional controls at the federally designated Superfund site at Hows Corner in Plymouth. It also allows money in the loan fund to be used for attorney's fees incurred for the preparation of restrictive covenants for properties within the institutional control zone in order to implement the institutional controls. Applications for loans must be submitted to the Finance Authority of Maine within 90 days after the effective date of chapter 129. Finally, it deletes the requirement for the Finance Authority of Maine to establish a registry of all persons who are eligible for loans.

Public Law 2003, chapter 129 was enacted as an emergency measure effective May 13, 2003.

LD 651 **An Act To Address Reporting of Certain Low-quantity Oil Releases** **ONTP**

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

LD 651 proposed to provide requirements for oil discharges of 50 gallons or less.

LD 670 **An Act Regarding the Disposal of Sludge** **ONTP**

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

LD 670 proposed to allow a municipality to enact stricter standards than the standards adopted by the Department of Environmental Protection for the storage and use of sludge, septage and composted sludge, provided the governing body of the municipality adopted the stricter standards after a public hearing was held. As proposed, the authority to adopt stricter standards would not apply to compost, manure or residuals. The bill also proposed to require a property owner to record information with the register of deeds if sludge, septage or composted sludge is spread on the owner's land.

Joint Standing Committee on Natural Resources

LD 693

An Act To Ensure the Safety of Children Touring Incinerator Facilities

PUBLIC 441

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TWOMEY	OTP-AM A	H-492
MARTIN	ONTP B	
	RE-REF C	

LD 693 proposed to require resource recovery facilities that burn municipal solid waste to provide safety glasses, a hard hat and a dust mask or single-use respirator to every person 18 years of age or younger who tours that facility. The bill proposed to require respirators to be of a type approved by National Institute of Occupational Safety and Health to protect the user against any particulates, dust or mists that may be encountered within that facility. The bill also proposed to require facilities to provide the safety glasses, hard hat and dust mask or respirator at no cost and to instruct the user on the proper use of the respirator.

Committee Amendment "A" (H-492) was the majority report of the committee. The amendment proposed to replace the bill. It proposed to require resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility. It also proposed to require that the list be forwarded to the parent of any student touring the facility. The amendment also proposed to prohibit resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

House Amendment "A" to Committee Amendment "A" (H-501) proposed to remove the provisions of Committee Amendment "A" that proposed to prohibit resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 441 requires resource recovery facilities that burn municipal solid waste to send a list of Occupational Safety and Health Administration air quality violations to a school prior to allowing students to enter the facility for the purpose of touring the facility; the list must be forwarded to the parent of any student touring the facility. It also prohibits resource recovery facilities that burn municipal solid waste from permitting students who have not yet entered 7th grade to enter the facility for the purpose of touring the facility.

LD 695

An Act To Amend the Laws Governing Minimum Lot Size

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCNEIL	OTP-AM	H-349
SAVAGE		

LD 695 proposed to repeal the minimum lot size requirements for development using on-site subsurface wastewater disposal. It also proposed to fix cross-references.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-349) proposed to replace the original bill. The amendment proposed to authorize local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. The amendment also proposed to authorize the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

Enacted Law Summary

Public Law 2003, chapter 308 authorizes local plumbing inspectors in municipalities and unorganized territories to approve the installation of subsurface waste disposal systems on lots that are less than 20,000 square feet if certain criteria are met. If the criteria are not met, the Department of Human Services is the reviewing authority. Chapter 308 also authorizes the Department of Human Services or the municipality or unorganized territory to charge a review fee not to exceed \$50 per review.

LD 696

An Act Concerning the Adoption of Coastal Sand Dune Rules

**PUBLIC 130
EMERGENCY**

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-167

LD 696 proposed to prohibit seawall construction and enlargement; prohibit reconstruction of buildings in the sand dune system damaged by more than 50% by a storm; prohibit construction of new buildings in the frontal dune; and authorize the Board of Environmental Protection to grant variances from sand supply standards.

Committee Amendment "A" (H-167) proposed to replace the bill. The amendment proposed to provide that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

Enacted Law Summary

Public Law 2003, chapter 130 provides that rules adopted by the Board of Environmental Protection regarding development in coastal sand dune systems are major substantive rules.

Public Law 2003, chapter 130 was enacted as an emergency measure effective May 13, 2003.

LD 697

An Act To Require the Installation of Dental Amalgam Separator Systems in Dental Offices

PUBLIC 301

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-274

LD 697 proposed to require the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. It proposed to require those systems to comply with the standards of the International

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Organization for Standardization, ISO 11143:1999. It proposed to require dentists to notify the Department of Environmental Protection of their installations and to also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. It proposed that dentists must comply with these requirements beginning December 31, 2004.

Committee Amendment "A" (H-274) proposed to amend the definition of "amalgam separator system" to include a device that removes dental amalgam from the waste stream prior to its discharge to a private septic system located at a dental facility. The amendment also proposed to require dental amalgam separators to meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. The amendment proposed to require dentists to maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained.

Enacted Law Summary

Public Law 2003, chapter 301 requires the installation of amalgam separator systems in dental offices that add, remove or modify dental amalgam. Dental amalgam separators must meet a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003 as determined through testing in accordance with standards of the International Organization for Standardization in effect on the date the system is installed. Dentists must notify the Department of Environmental Protection of their installations and must also notify the director or chief engineer of a publicly owned treatment works if their wastewater is discharged into a publicly owned treatment works. Dentists must maintain, for a period of 3 years, all shipping records for replacement filters and written documentation to demonstrate that the amalgam separator system has been properly inspected and maintained. Dentists need not comply with these requirements until December 31, 2004.

LD 707

An Act Regarding the Development and Implementation of an Eradication Plan for Invasive Aquatic Plants

PUBLIC 136

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

LD 707 proposed to require the Department of Environmental Protection to develop and implement a comprehensive plan for the eradication of invasive aquatic plants. The bill also proposed to require the department to attempt eradication of invasive aquatic plants prior to the completion of the comprehensive plan.

Committee Amendment "A" (S-75) proposed to replace the bill. The amendment proposed to authorize the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. Under the proposal, if the department determines that the plan is feasible, the department may implement the plan. The amendment also proposed to authorize the department to seek funding from private sources to support the development and implementation of the plan.

Enacted Law Summary

Public Law 2003, chapter 136 authorizes the Department of Environmental Protection to study and develop a plan that includes the use of water level drawdown for the eradication of invasive aquatic plants. If the

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department determines that the plan is feasible, the department may implement the plan. Chapter 136 also authorizes the department to seek funding from private sources to support the development and implementation of the plan.

LD 709

An Act To Require Public Meetings prior to Dam Removal

PUBLIC 134

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON FLETCHER	OTP-AM	S-64

LD 709 proposed to require the Department of Environmental Protection to hold a public hearing before a dam is removed.

Committee Amendment "A" (S-64) proposed to replace the bill. The amendment proposed to require a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

Enacted Law Summary

Public Law 2003, chapter 134 requires a person who intends to file an application for a permit to remove an existing dam to attend a preapplication meeting with the Department of Environmental Protection and to hold a public informational meeting prior to filing the application. The meetings must be held in accordance with the department's rules on the processing of applications.

LD 743

An Act To Develop a Plan for Cathode Ray Tube Disposal

PUBLIC 150

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MARTIN	OTP-AM	H-185

LD 743 proposed to require producers of electronic equipment to implement a program for ensuring the environmentally sound collection, treatment, recovery and final disposition of discarded and obsolete electronic equipment.

Committee Amendment "A" (H-185) proposed to replace the bill. The amendment proposed to ban the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities beginning January 1, 2006. The amendment also proposed to require the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. Under the amendment, the department would submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The amendment proposed to authorize the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature.

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Enacted Law Summary

Public Law 2003, chapter 150 bans the disposal of cathode ray tubes, that are not already prohibited from disposal under the hazardous waste rules, in solid waste disposal facilities, beginning January 1, 2006. It also requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan, utilizing the concept of shared responsibility among manufacturers, distributors, retailers, consumers and other parties, for the collection and recycling of cathode ray tubes. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by January 30, 2004. The Joint Standing Committee on Natural Resources may report out legislation during the Second Regular Session of the 121st Legislature.

LD 745 **An Act To Allow Municipalities To Assess a Surcharge on New Construction That Is Not in a Designated Growth Area** **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 745 proposed to authorize a municipality to impose a surcharge on new construction located outside its designated growth area.

LD 803 **An Act To Ensure the Rights of Host Communities Regarding the Construction and Operation of State-owned Solid Waste Disposal Facilities** **ONTP**

<u>Sponsor(s)</u> HATCH PH HATCH PR	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 803 proposed to do the following:

1. It proposed to require that host community agreements between municipalities and solid waste facility operators be monitored for good faith by a neutral arbitrator;
2. It proposed to require that host community agreements provide for tipping fees to be paid to the municipality into a trust fund to help pay for monitoring, testing and administrative costs of solid waste facilities and in case of accidents or failures with the facility;
3. It proposed to require the Executive Department, State Planning Office to report to the Legislature when there is only one facility in the State to handle the required disposal demand or when the available capacity will be used up within 4 years; and
4. It proposed to require the State Planning Office to conduct a search and report on other suitable disposal sites in the State.

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Committee Amendment "A" (S-150) was the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to add an appropriation section. This amendment was not adopted.

LD 817 **An Act To Amend the Laws Governing Sand and Salt Sheds** **ONTP**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 817 proposed to continue to require Priority 1 and Priority 2 sand and salt storage projects to be completed pursuant to the schedule established in law and proposed to exempt Priority 3, Priority 4 and Priority 5 projects from being completed if these projects have not been completed as of October 15, 2003.

LD 829 **An Act To Strengthen the State's Air Toxics Laws** **ONTP**

<u>Sponsor(s)</u> TWOMEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 829 proposed to require the Board of Environmental Protection to adopt or amend its air emission standards to establish air toxics control standards that are at least as stringent as the air toxics control regulations adopted by the City of Biddeford. The bill proposed that the rules establishing these air toxics control standards are major substantive rules that must be submitted to the Joint Standing Committee on Natural Resources for its consideration during the Second Regular Session of the 121st Legislature.

LD 845 **An Act To Provide Leadership in Addressing the Threat of Climate Change** **PUBLIC 237**

<u>Sponsor(s)</u> KOFFMAN TREAT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-262
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LD 845 proposed to require new sources of greenhouse gases to be reported to the Department of Environmental Protection. It also proposed to require the department to create an inventory of greenhouse gas emissions associated with state-owned facilities and state-funded programs and to create a plan for reducing those emissions. The bill also proposed to require the department to enter into carbon emission reduction agreements with nonprofit organizations and businesses. Finally, the bill proposed to require the department to develop a long-term climate action plan for the State.

Committee Amendment "A" (H-262) was the report of a majority of the committee. The amendment proposed to replace the bill. The amendment proposed to direct the Department of Environmental Protection to create a greenhouse gas emissions inventory for state-owned facilities and state-funded programs; to seek to establish carbon emission reduction agreements with businesses and nonprofit organizations; to participate in a regional greenhouse gas registry; and to create an annual statewide greenhouse gas emissions inventory. The amendment also proposed to set state short-term, medium-term and long-term goals for the reduction of greenhouse gas emissions within the State. The amendment proposed to direct the Department of Environmental Protection to adopt a state climate action plan by July 1, 2004 and to direct the Department of Environmental Protection to

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evaluate, every 2 years, the State's progress toward meeting the reduction goals and to amend the action plan as necessary to ensure that the State can meet the reduction goals. The amendment also proposed that, beginning no earlier than 2008, the Department of Environmental Protection may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals be increased or decreased.

Enacted Law Summary

Public Law 2003, chapter 237 directs the Department of Environmental Protection to create a greenhouse gas emissions inventory for state-owned facilities and state-funded programs; to seek to establish carbon emission reduction agreements with businesses and nonprofit organizations; to participate in a regional greenhouse gas registry; and to create an annual statewide greenhouse gas emissions inventory. It also sets state short-term, medium-term and long-term goals for the reduction of greenhouse gas emissions within the State. It directs the Department of Environmental Protection to adopt a state climate action plan by July 1, 2004 and directs the Department of Environmental Protection to evaluate, every 2 years, the State's progress toward meeting the reduction goals and to amend the action plan as necessary to ensure that the State can meet the reduction goals. Beginning no earlier than 2008, the Department of Environmental Protection may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals be increased or decreased.

LD 851 **An Act To Test for and Reduce Mercury Emissions from Resource Recovery Facilities** **ONTP**

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

LD 851 proposed to specifically require that the presence of mercury be tested for in the emissions of resource recovery facilities burning municipal waste. The bill also proposed to establish limits on mercury emission rates for a resource recovery facility that has the capacity to burn 100 tons per day or more of municipal waste and proposed to require facilities that burn more than 100 tons but less than 350 tons per day of municipal waste to be licensed.

LD 853 **An Act To Promote Livable, Affordable Neighborhoods** **ONTP**

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

LD 853 proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and to establish standards for affordable neighborhood developments.

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LD 927 **An Act To Require an Impact Statement on Legislation Relating to the Department of Environmental Protection and the Executive Department, State Planning Office** **ONTP**

<u>Sponsor(s)</u> CARR STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 927 was a concept draft pursuant to Joint Rule 208. It proposed to require the Department of Environmental Protection and the Executive Department, State Planning Office to prepare statements pertaining to the impact that proposed legislation, agency rules or agency action concerning each respective agency has upon municipalities, private ownership, property rights or agency resources, including the costs that the agency would bear. The statements would be furnished to the appropriate joint standing committee of the Legislature for the information of its members and for inclusion in bills that receive an "ought to pass" report when reported by the committee. A statement would not be required for legislation that has no impact upon the respective agency.

LD 948 **An Act To Ensure Clean Air in Communities Affected by Privately Owned Incinerator Facilities** **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 948 proposed to amend the statutes concerning incinerators to strengthen the regulation of air emissions from privately owned incinerator facilities to ensure that the public health of the surrounding communities is not negatively affected.

LD 1011 **An Act To Establish Minimum Environmental Compliance Standards for Subsidized Employers** **ONTP**

<u>Sponsor(s)</u> THOMPSON EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1011 proposed to provide that an employer that has not corrected a violation of environmental laws is ineligible to receive benefits under a taxpayer incentive program such as the business equipment tax reimbursement program, the Maine Employment Tax Increment Financing Act and the shipbuilding facility credit.

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LD 1016 **Resolve, Directing Certain State Agencies To Renegotiate an Agreement Regarding Dams on the Sebasticook River** **ONTP**

<u>Sponsor(s)</u> FLETCHER GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1016 proposed to require the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the State Planning Office within the Executive Department to renegotiate the 1998 Kennebec Hydro Developers Group Agreement to require fish passage at the Fort Halifax, Benton Falls and Burnham projects no sooner than May 1, 2005 in order that a comprehensive assessment may be made of the anadromous restoration plan for the Sebasticook River system.

LD 1034 **An Act To Require Certain Agencies To Track Votes of Board and Commission Members** **ONTP**

<u>Sponsor(s)</u> DAIGLE MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1034 proposed to require the Commissioner of Environmental Protection to track the votes of each member of the Board of Environmental Protection and the Director of the Maine Land Use Regulation Commission to track the votes of each member of the commission. The bill also proposed to require that the commissioner and the director make these voting records available to the public.

LD 1045 **Resolve, Directing the Community Preservation Advisory Committee To Study the State Planning Office's Review of Municipal Comprehensive Plans and Growth Management Programs** **RESOLVE 34**

<u>Sponsor(s)</u> COLLINS GILMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-284
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LD 1045 proposed to provide that rules adopted by the Executive Department, State Planning Office regarding review of municipal growth management programs, comprehensive plans and municipal ordinances for consistency with the goals of the growth management laws are major substantive rules. The bill also proposed to require the State Planning Office to make its findings of a growth management program or comprehensive plan's consistency or inconsistency with the growth management laws within the time frames already established in law.

Committee Amendment "A" (H-284) proposed to replace the bill. The amendment proposed to direct the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The amendment proposed to require the Community Preservation Advisory Committee to submit a report to the Joint Standing Committee on Natural Resources by December 1, 2003. As proposed, the Joint Standing

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Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 34 directs the Community Preservation Advisory Committee to study the Executive Department, State Planning Office's review of municipal comprehensive plans, growth management programs and local ordinances for consistency with state goals. The Community Preservation Advisory Committee shall submit a report to the Joint Standing Committee on Natural Resources by December 1, 2003. The Joint Standing Committee on Natural Resources may report out legislation relating to the study during the Second Regular Session of the 121st Legislature.

LD 1059

**Resolve, Directing the Department of Environmental Protection
To Recognize the Distinction between Water Storage Reservoirs
and Natural Lakes**

RESOLVE 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-283

LD 1059 proposed to clarify that, in determining whether the habitat characteristics and aquatic life criteria are met in water storage reservoirs, the fact that there is different habitat and aquatic life in a water storage reservoir than in a natural great pond must be recognized. The bill also proposed that the Legislature recognize that many water storage reservoirs were authorized by legislative charter for the express purpose of storing and releasing water for instream purposes and downstream uses and that water storage reservoirs are artificial and not natural. The bill therefore proposed to clarify that in determining whether the structure and function of the resident biological community is maintained in water storage reservoirs the "resident biological community" to be evaluated is the aquatic life expected to exist within the impounded waters of water storage reservoirs with drawdowns of similar magnitude.

Committee Amendment "A" (H-283) proposed to replace the bill with a resolve. The amendment proposed to require the Department of Environmental Protection, Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. The amendment also proposed to require the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. The amendment proposed to provide that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. The amendment also proposed to define "water storage reservoir."

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Enacted Law Summary

Resolve 2003, chapter 37 requires the Board of Environmental Protection, when adopting rules relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs, to recognize that water storage reservoirs are artificial and are not natural water bodies and to recognize and protect existing uses. It also requires the Department of Environmental Protection, when issuing licenses, permits and certifications prior to final adoption of the rules, to recognize that water storage reservoirs are artificial and are not natural water bodies and to ensure that the existing uses of water storage reservoirs are maintained and protected. It also provides that the goal of the rules or any license, permit or certification must be that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. It also defines "water storage reservoir."

LD 1067

An Act To Abolish the State Planning Office

ONTP

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

LD 1067 proposed to require that a regional economic development organization must relocate every 5 years to a municipality that is physically located at least 30 miles from the current location in order to be eligible for state funding. It also proposed to abolish the State Planning Office within the Executive Department.

Committee Amendment "A" (H-261) was the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to delete from the bill the requirement that a regional economic development organization must relocate every 5 years to a municipality that is physically located at least 30 miles from the current location in order to be eligible for state funding. This amendment was not adopted.

LD 1084

An Act To Provide Incentives for Affordable Neighborhood Developments

ONTP

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

LD 1084 proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority under which a municipality may voluntarily agree to the creation of an affordable neighborhood development. The bill also proposed to establish standards for affordable neighborhood developments and establish incentives for municipalities to participate. The bill also proposed to create the Affordable Neighborhood Development Fund.

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LD 1137

An Act Regarding Riverine Impoundments

PUBLIC 257

<u>Sponsor(s)</u> PINEAU WOODCOCK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-350
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LD 1137 proposed to create a new classification for riverine impoundments that thermally stratify during some portion of the year. The proposed bill would not apply to impoundments classified as GPA.

The bill also proposed to establish a de minimis level for total phosphorus discharges. The de minimis level would have been based on the minimum detectable total phosphorus concentration using low detection limit analyses and clean sampling techniques.

The bill also proposed to repeal and replace the existing definition of "indigenous" by specifying that introduced species are not indigenous to waters of the State. A new definition of thermal stratification was also proposed.

Committee Amendment "A" (H-350) proposed to replace the bill. It proposed to establish requirements related to measurement of dissolved oxygen within riverine impoundments. The amendment proposed that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within .5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the Department of Environmental Protection as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.

Enacted Law Summary

Public Law 2003, chapter 257 establishes requirements related to measurement of dissolved oxygen within riverine impoundments. It provides that compliance with dissolved oxygen criteria in riverine impoundments may not be measured within .5 meters of the bottom of the riverine impoundment. Where mixing is inhibited due to thermal stratification, compliance with numeric dissolved oxygen criteria may not be measured below the higher of the point of thermal stratification or the point proposed by the Department of Environmental Protection as an alternative depth based on all factors that would be included in a use attainability analysis and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency. Where mixing is inhibited due to natural topographical features in a riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within the portion that is isolated.

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LD 1158

An Act To Protect Maine's Coastal Water

CARRIED OVER

Sponsor(s)
BRENNAN

Committee Report

Amendments Adopted

LD 1158 proposes to establish commercial passenger vessel environmental compliance standards to provide for the terms and conditions of vessel discharges and monitoring and supervision of discharges from commercial passenger vessels through a registration system. LD 1158 was carried over to the Second Regular Session.

LD 1159

An Act To Reduce Mercury Use in Measuring Devices and Switches

PUBLIC 221

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-250

LD 1159 proposed to ban the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. As proposed, the ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment or in other equipment or machinery in which the switch or relay is integrated with other components. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition.

The bill also proposed to clarify the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

Committee Amendment "A" (H-250) proposed to provide that the ban on the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments does not apply if the use of the product is a federal requirement. The amendment also proposed to add another method of receiving an exemption from the sales ban: an exemption may be granted if the exemption is requested because the mercury-added product is required to meet specific advanced technology product specifications. The amendment proposed to authorize the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain records and submit reports. The amendment also proposed to require the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. As proposed, the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 221 bans the sale of mercury switches, mercury relays and certain mercury-added measuring devices and instruments effective July 1, 2006. The ban does not apply to the sale of mercury switches or mercury relays used as replacement parts in existing manufacturing equipment, in other equipment or machinery in which the switch or relay is integrated with other components or if the use of the product is a federal requirement. Manufacturers and users of the targeted mercury-added products may apply to the Commissioner of Environmental Protection for an exemption from the sales prohibition. Chapter 221 authorizes the Commissioner of Environmental Protection to require individuals who receive an exemption to maintain

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records and submit reports. It also requires the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a plan to improve the collection of mercury-added thermostats. The Joint Standing Committee on Natural Resources is authorized to report out legislation relating to the collection of mercury-added thermostats during the Second Regular Session of the 121st Legislature. Chapter 221 also clarifies the scope of the prohibition on the sale of mercury-added thermostats enacted by Public Law 2001, chapter 620, section 1.

LD 1234 **Resolve, To Protect High and Moderate Value Waterfowl and Wading Bird Habitats** **RESOLVE 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH MARTIN	OTP-AM	H-372 H-506 DUNLAP H-539 KOFFMAN

LD 1234 proposed to clarify the application of rules adopted by the Department of Environmental Protection governing the guidelines for municipal shoreland zoning ordinances, and to extend currently existing protections of shoreland zoning to certain candidates for designation as high-value and moderate-value waterfowl and wading bird habitats.

Under current law, the Board of Environmental Protection is directed in the Maine Revised Statutes, Title 38, section 438-A, subsection 1 to adopt and update guidelines for municipal zoning and land use controls, including the establishment of resource protection zones. In department rules governing municipal shoreland zoning ordinances, "resource protection district" is defined as "areas within 250 feet of...wetlands...which are rated 'moderate' or 'high' value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973. (emphasis added)" This bill proposed to codify language following that rule that suggests that, as significant wildlife habitat continues to be "mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances." It proposed to expand the definition of "significant wildlife habitat" to include the more than 100 candidates proposed by the staff of the Department of Inland Fisheries and Wildlife for designation as high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, that have a completed Department of Inland Fisheries and Wildlife field survey under the ecoregional survey for water birds. The bill also proposed to exclude those habitats and areas from the requirement that maps of such areas be adopted by rule by the Department of Inland Fisheries and Wildlife and instead proposed to deem those areas to be mapped by the department.

Committee Amendment "A" (H-372) proposed to replace the bill and make it a resolve. The amendment proposed to direct the Department of Inland Fisheries and Wildlife, through rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. The amendment also proposed to direct the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

House Amendment "A" to Committee Amendment "A" (H-506) proposed to require the Commissioner of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife as well as the Joint Standing Committee on Natural Resources.

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House Amendment "B" to Committee Amendment "A" (H-539) proposed to clarify that the rules adopted by the Department of Inland Fisheries and Wildlife to define, identify and map high and moderate value waterfowl and wading bird habitats are routine technical rules.

House Amendment "C" to Committee Amendment "A" (H-543) proposed to clarify that the rules adopted by the Department of Inland Fisheries and Wildlife to define, identify and map high and moderate value waterfowl and wading bird habitats are major substantive rules. This amendment was not adopted.

Enacted Law Summary

Resolve 2003, chapter 82 directs the Department of Inland Fisheries and Wildlife, through routine technical rulemaking, to define, identify and map all high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas, subject to a General Fund appropriation. It also directs the Commissioner of Inland Fisheries and Wildlife to submit a report to the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife that contains a schedule for the mapping and a projected cost to map all high and moderate value waterfowl and wading bird habitats.

LD 1253 An Act to Ensure Playground Safety CARRIED OVER

<u>Sponsor(s)</u> TRAHAN HALL	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1253 proposes to establish a Playground Safety and Tire Recycling Fund to provide matching grants to public schools and institutions and state parks and recreation areas to purchase and install playground surfacing material made from waste tire material. The intent of this bill is to improve playground safety while also promoting the reuse of tires. The bill proposes to establish the fund within the State Planning Office and directs that office to adopt rules to administer the fund. The bill also proposes to impose a fee of 25¢ per tire to provide the funding for the grant program. LD 1253 was carried over to the Second Regular Session.

**LD 1271 Resolve, To Study the Implementation of a Plan To Prohibit the RESOLVE 79
Discharge of Certain Wastewater into Coastal Waters EMERGENCY**

<u>Sponsor(s)</u> ADAMS MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-207
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LD 1271 proposed to require the Department of Environmental Protection to define boundaries of certain waters in Casco Bay, including Portland Harbor and the Fore River estuary, as no-discharge zones for the purposes of application under the federal Clean Water Act and to adopt rules prohibiting the discharge of gray water from vessels in those zones.

Committee Amendment "A" (H-207) proposed to replace the resolve. The amendment proposed to require the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The amendment proposed to require the department to submit the recommended plan to the Joint Standing

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Committee on Natural Resources by November 1, 2003. The amendment also proposed to add an emergency preamble and an emergency clause.

Enacted Law Summary

Resolve 2003, chapter 79 requires the Department of Environmental Protection to convene a stakeholder group and to develop a recommended plan for prohibiting or regulating the discharge of sewage and gray water from vessels into the coastal waters of the State. The department must submit the recommended plan to the Joint Standing Committee on Natural Resources by November 1, 2003.

Resolve 2003, chapter 79 was passed as an emergency measure effective June 18, 2003.

LD 1276 An Act To Amend the Sand Dune Laws

ONTP

<u>Sponsor(s)</u> LEMOINE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1276 proposed to amend the laws regulating construction on sand dunes.

LD 1297 An Act To Amend the Subdivision Laws

PUBLIC 226

<u>Sponsor(s)</u> SAVIELLO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-330
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LD 1297 proposed to exclude from the definition of subdivision under the Department of Environmental Protection's site location of development laws an unauthorized subdivision lot in existence for at least 20 years that was not the subject of a denial of approval or an enforcement action within 20 years of the unauthorized subdivision's existence.

Committee Amendment "A" (H-330) proposed to replace the bill. It proposed to create an exclusion from the requirement to obtain a permit for a subdivision under the Department of Environmental Protection's laws regarding site location of development: a lot is excluded whose sale or lease created a subdivision that required a permit if the permit was not obtained and the subdivision has been in existence for at least 20 years. However, the amendment proposed that a lot is not exempt if the department denied approval of the subdivision or issued a notice of violation or if the lot has been the subject of an enforcement action.

Enacted Law Summary

Public Law 2003, chapter 226 creates an exclusion from the requirement to obtain a permit for a subdivision under the Department of Environmental Protection's laws regarding site location of development: a lot is excluded whose sale or lease created a subdivision that required a permit if the permit was not obtained and the subdivision has been in existence for at least 20 years. However, a lot is not exempt if the department denied approval of the subdivision or issued a notice of violation or if the lot has been the subject of an enforcement action.

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LD 1309

An Act To Protect Public Health by Reducing Human Exposure to Arsenic

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-490
BRENNAN	OTP-AM MIN	

LD 1309 proposed to require disclosure of the presence of arsenic in the water supply and in outdoor structures made with arsenic-treated wood when residential real property is sold. The bill proposed to ban the sale or distribution of arsenic-treated wood except for salt water or fresh water uses. The bill proposed to restrict the disposal of arsenic-treated wood to a lined landfill, prohibiting its burning as a fuel or its chipping, mulching or composting. The bill also proposed to require the Department of Human Services, Bureau of Health to report by October 1, 2004 on further actions to reduce human exposure to arsenic and on the need for a comprehensive safe drinking water program for private wells.

Committee Amendment "A" (H-490) was the majority report of the Joint Standing Committee on Natural Resources and proposed to replace the bill. The amendment proposed to require the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. The amendment proposed to prohibit, as of the effective date of the legislation, retail businesses from purchasing arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. The amendment also proposed to prohibit, as of April 1, 2004, the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. The amendment proposed to prohibit the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any wholesaler, retailer or installer of arsenic-treated wood. The amendment proposed to require the Department of Environmental Protection to develop a disposal plan for the safe management of arsenic-treated wood waste. It proposed to require the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It proposed to require the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures. Finally, the amendment proposed to direct the Department of Environmental Protection to submit a report that contains a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation.

Committee Amendment "B" (H-491) was the minority report of the Joint Standing Committee on Natural Resources and proposed to replace the bill. The amendment proposed to require the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. The amendment proposed to require retail establishments that sell arsenic-treated wood to post signs and label products as specified by the enhanced consumer awareness program developed in cooperation with the United States Environmental Protection Agency. The amendment proposed that after December 31, 2003, arsenic-treated lumber may not be manufactured for uses prohibited by the United States Protection Agency and after April 1, 2004, retailers must be in full compliance with the cancellation order issued by the United States Environmental Protection Agency. The amendment proposed to prohibit the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any Maine manufacturer, wholesaler, retailer or installer of arsenic-treated wood. The amendment proposed to require the Department of Environmental Protection to develop a disposal plan for the safe

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management of arsenic-treated wood waste. It proposed to require the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It proposed to require the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures. Finally, the amendment proposed to direct the Department of Environmental Protection to submit a report containing a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-508) proposed to prohibit reference to the arsenic-treated wood products statutes in instructions to a jury. This amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-507) proposed to strike the language from Committee Amendment "B" that requires a retail establishment that sells arsenic-treated wood or wood products to post signs and label products as specified in the enhanced consumer awareness program. The amendment also proposed to prohibit including in instructions to a jury reference to the arsenic-treated wood products statute and to expand the prohibition of admitting into evidence the arsenic-treated wood products statute in a civil trial to include suits against any, not just Maine, manufacturers, distributors, wholesalers, retailers or installers. This amendment was not adopted.

House Amendment "B" to Committee Amendment "A" (H-545) proposed to remove the ban on the purchase of arsenic-treated wood and wood products by retail businesses and to remove the ban on the sale of those products. The amendment also proposed to define arsenic-treated wood. This amendment was not adopted.

Senate Amendment "A" (S-241) proposed to remove the ban on the purchase of arsenic-treated wood and wood products by retail businesses and to remove the ban on the sale of those products. This amendment was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-247) proposed to remove the ban on the purchase of arsenic-treated wood and wood products by retail businesses and to remove the ban on the sale of those products. The amendment also proposed to define arsenic-treated wood. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 457 requires the seller of residential real property to provide to the purchaser information developed by the Department of Human Services on arsenic in private water supplies and treated wood. It prohibits, as of September 13, 2003, retail businesses from purchasing arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. It prohibits, as of April 1, 2004, the sale of arsenic-treated wood or wood products for residential uses that are not included as permitted uses in a notice of cancellation order issued by the United States Environmental Protection Agency. It prohibits the admission of the statute pertaining to arsenic-treated wood into evidence in any private-party civil proceeding against any wholesaler, retailer or installer of arsenic-treated wood. It requires the Department of Environmental Protection to develop a disposal plan for the safe management of arsenic-treated wood waste. It requires the Department of Human Services to submit a report on the need for a comprehensive safe drinking water program for private wells to address arsenic. It requires the Real Estate Commission to submit a report on the efforts within the real estate industry to increase awareness among real estate licensees and buyers and sellers of residential real estate of the hazards of arsenic in water supplies and treated wood, the need to test for arsenic in private water supplies and the need to identify and regularly coat with a sealant arsenic-treated wood structures. Finally, it also directs the

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Department of Environmental Protection to submit a report that contains a market evaluation of the sale and uses of arsenic-treated wood that are not prohibited under this legislation.

LD 1367

An Act To Amend the Laws Regarding Junkyards, Automobile Graveyards and Automobile Recycling Businesses

PUBLIC 312

Sponsor(s)
HUTTON
TURNER

Committee Report
OTP-AM

Amendments Adopted
H-381

LD 1367 proposed to amend the State's junkyard statutes in several ways for the purpose of improving the ability of municipalities to appropriately license junkyards, automobile recycling businesses and automobile graveyards.

The bill proposed to change the standard that defines an automobile graveyard from 3 or more "unserviceable" motor vehicles to 3 or more uninspected or unregistered motor vehicles and to provide exemptions from regulation for automobile hobbyists, areas used for temporary storage and areas used for temporary storage of operational farm tractors.

The bill also proposed to establish basic operational standards for all junkyards, automobile graveyards and automobile recycling businesses to provide minimal environmental protection. The bill proposed to create a 100-foot setback from bodies of water for the placement of junked automobiles that contain fluids and to increase from 100 feet to 300 feet the setback of newly licensed facilities from public or private drinking water supplies.

The bill also proposed to establish a process to notify abutters of the public hearing held prior to the issuance of any new junkyard's, automobile graveyard's or automobile recycling business's first license and to incorporate into statute fencing and screening standards previously located in the Department of Transportation regulations.

The bill also proposed to clarify the ability of municipalities to enforce the provisions of the State's junkyard law and effect the abatement of junkyard nuisances. The bill proposed to specify that a municipality has 3 available methods to recover the costs of prosecuting a junkyard violation: a civil action, a lien on the real estate or a special tax assessment as municipalities are currently authorized to recover the costs of abating a failed septic system.

Committee Amendment "A" (H-381) proposed to add to the areas that are exempt from the definition of "automobile graveyard" and to the definition of "automobile recycling business." In particular, the amendment proposed to exempt from the definitions new vehicle dealers and insurance salvage pools. The amendment also proposed to exempt from the definition of "automobile graveyard" areas that are used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment. The amendment also proposed to specify that, beginning in 2004, permits issued to automobile graveyards or junkyards are valid until October of the following year. The amendment also proposed to limit the ban on new permits for automobile graveyards or junkyards to areas that are located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery.

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Enacted Law Summary

Public Law 2003, chapter 312 amends the State's junkyard statutes in several ways for the purpose of improving the ability of municipalities to appropriately license junkyards, automobile recycling businesses and automobile graveyards.

It changes the standard that defines an automobile graveyard from 3 or more "unserviceable" motor vehicles to 3 or more uninspected or unregistered motor vehicles and provides exemptions from regulation for automobile hobbyists, and certain other areas used for storage.

It also establishes basic operational standards for all junkyards, automobile graveyards and automobile recycling businesses to provide minimal environmental protection. It creates a 100-foot setback from bodies of water for the placement of junked automobiles that contain fluids and increases from 100 feet to 300 feet the setback of newly licensed facilities from public or private drinking water supplies.

It also establishes a process to notify abutters of the public hearing held prior to the issuance of any new junkyard's, automobile graveyard's or automobile recycling business's first license and incorporates into statute fencing and screening standards previously located in the Department of Transportation regulations.

It also clarifies the ability of municipalities to enforce the provisions of the State's junkyard law and effect the abatement of junkyard nuisances. It specifies that a municipality has 3 available methods to recover the costs of prosecuting a junkyard violation: a civil action, a lien on the real estate or a special tax assessment as municipalities are currently authorized to recover the costs of abating a failed septic system.

It also specifies that, beginning in 2004, permits issued to automobile graveyards or junkyards are valid until October of the following year.

It also limits the ban on new permits for automobile graveyards or junkyards to areas that are located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery.

LD 1403

An Act To Amend a Requirement Concerning Dioxin

PUBLIC 165

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM	H-169

LD 1403 proposed to change the date by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and proposed that the demonstration be made annually thereafter.

Committee Amendment "A" (H-169) proposed to change the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. The amendment also proposed to delete the annual requirement for the commissioners to submit progress reports.

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Enacted Law Summary

Public Law 2003, chapter 165 changes the date, from December 31, 2003 to December 31, 2004, by which a bleach kraft pulp mill that fails to meet fish-tissue sampling-result requirements for dioxin must demonstrate that its waste discharge is not the source of elevated dioxin in fish or be subject to potential enforcement action by the Department of Environmental Protection and requires that the demonstration be made annually thereafter. It also changes the date, from May 1, 2003 to February 16, 2004, by which the Commissioner of Environmental Protection and the Commissioner of Human Services must submit a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in the State. It also deletes the requirement for the commissioners to submit annual progress reports.

LD 1472 **An Act To Protect Maine's Water as a Natural Resource** **ONTP**

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

LD 1472 was a concept draft pursuant to Joint Rule 208. It proposed to enact a law to establish a procedure to provide the State with severance fees on water that is extracted from the State. The proposed law would be similar to laws in other states whereby a state that has oil and minerals extracted from its natural resources base receives severance fees.

LD 1485 **Resolve, To Update Water Quality Criteria** **RESOLVE 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-107

LD 1485 proposed to establish requirements related to measurement of dissolved oxygen within riverine impoundments. It proposed to:

1. Amend the bacteria criteria for Class B waters;
2. Amend the dissolved oxygen standard and bacteria standard for Class C waters;
3. Require the Department of Environmental Protection to recommend any needed changes to the dissolved oxygen standard for estuarine and marine waters to the Joint Standing Committee on Natural Resources by January 1, 2004 and authorize the committee to report out related legislation to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-107) proposed to replace the bill. The amendment proposed to direct the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. The amendment also proposed to authorize the Joint Standing

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Committee on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Resolve 2003, chapter 39 directs the Department of Environmental Protection to review and to recommend any needed changes to the bacteria criteria for Class B waters, the bacteria criteria and dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation on these issues to the Second Regular Session of the 121st Legislature.

LD 1493

An Act To Expedite the Removal of Overboard Discharge

PUBLIC 246

<u>Sponsor(s)</u> DAIGLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-260
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LD 1493 proposed to increase the base fee for certain discharges.

The bill proposed to add a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.

The bill proposed to change the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.

The bill proposed to provide grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.

The bill proposed to require that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and proposed to require the installation of that system if possible.

The bill proposed to eliminate obsolete statutory language.

The bill proposed to consolidate the annual license and inspection fees into one fee. The bill also proposed to consolidate several fee reductions based on income into one fee reduction based on income. It also proposed to clarify the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in the Maine Revised Statutes, Title 38, section 414, subsection 3-B. It also proposed to eliminate language prescribing the number of inspections to be conducted by the department.

The bill proposed to eliminate the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. It also proposed to eliminate the fee reduction for owners who hire a service contractor.

The bill proposed to require that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible. The bill also proposed to provide that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.

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The bill proposed to eliminate the conditional permit provision in current law.

The bill proposed to clarify the determination of flow volume and seasonal use and proposed to provide greater flexibility for the homeowner to prove year-round use.

Committee Amendment "A" (H-260) proposed to restrict the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges. The amendment also proposed to delete a section of law that provided for license terms prior to the State's being delegated authority to issue permits under the Federal Water Pollution Control Act. The amendment also proposed to provide that if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.

Enacted Law Summary

Public Law 2003, chapter 246 does the following:

1. It increases the base fee for certain discharges.
2. It consolidates the annual license and inspection fees into one fee.
3. It consolidates several fee reductions based on income into one fee reduction based on income.
4. It adds a definition of "overboard discharge," referencing the existing definition, to the laws governing water protection.
5. It changes the existing grant program from one that determines the amount of grant based on facility use to one that determines the grant based on the applicant's annual income.
6. It provides grant funds, based on the ability to pay, to anyone removing that person's overboard discharge system, not just to a person whose overboard discharge system is targeted for removal by the grant program.
7. It requires that, prior to transfer of any property with an overboard discharge, the property must be evaluated as to whether an alternative system can be installed and requires the installation of that system if possible. Except that, if it has been demonstrated within the past 5 years that there is no alternative to an overboard discharge, the parties to a transfer of the property do not need to determine whether there are any technologically proven alternatives.
8. It clarifies the requirement for maintenance contracts for certain types of overboard discharges previously stipulated in the Maine Revised Statutes, Title 38, section 414, subsection 3-B and it eliminates language prescribing the number of inspections to be conducted by the department.
9. It eliminates the waiver of department inspection and additional requirements and penalties for homeowners that choose to hire a private service contractor to maintain their overboard discharge. The bill also eliminates the fee reduction for owners who hire a service contractor.
10. It requires that, at the time of relicensing, all overboard discharge owners evaluate whether they have an alternative to the overboard discharge and install the alternative when possible.

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11. It provides that grant money to all owners required to remove overboard discharge must be based on their ability to pay and that, if no grant money is available, the installation may be postponed until grant money is available.
12. It eliminates the conditional permit provision in current law.
13. It clarifies the determination of flow volume and seasonal use and provides greater flexibility for the homeowner to prove year-round use.
14. It eliminates obsolete statutory language.
15. It restricts the Department of Environmental Protection's authority to require the installation of holding tanks on seasonal overboard discharges.
16. It deletes a section of law that provided for license terms prior to the State being delegated authority to issue permits under the Federal Water Pollution Control Act.

LD 1515

An Act To Promote and Monitor Competition in the Solid Waste Industry

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN KOFFMAN	OTP-AM	S-163

LD 1515 proposed to impose restrictions on the use of so-called "evergreen" contract clauses in small container commercial trash hauling contracts. The bill proposed that it is the policy of the State to ensure that municipalities and businesses enjoy reasonable, competitive options for the management and disposal of solid waste and proposed to broaden the data collection and reporting responsibilities of the Executive Department, State Planning Office.

Committee Amendment "A" (S-163) proposed to replace the bill. The amendment proposed to require contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. The amendment also proposed to limit the charge for early termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. The amendment also proposed to prohibit these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. The amendment also proposed that these contract restrictions do not apply to current contracts. The amendment also proposed to require the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

Enacted Law Summary

Public Law 2003, chapter 338 requires contractors in the small container commercial trash hauling business to notify a customer with a contract containing an automatic renewal provision between 60 and 90 days prior to the contract termination date that if the customer does not, within 60 days, notify the contractor of the customer's intention to terminate the contract, the contract will be automatically renewed. It also limits the charge for early

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termination of a small container commercial trash hauling contract to a maximum of 3 times the current monthly charge. It also prohibits these contracts from requiring the customer to inform the contractor of the prices or terms offered by competitors. It also provides that these contract restrictions do not apply to current contracts. It also requires the Executive Department, State Planning Office to report on how changes in available disposal capacity have affected or are likely to affect disposal prices.

LD 1529

An Act To Reclassify Certain Waters of the State

PUBLIC 317

<u>Sponsor(s)</u> COLWELL MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-373
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LD 1529 proposed to provide a list of recommendations that the Board of Environmental Protection is making to the Legislature pursuant to the guidance for reclassification of waters provided in the Maine Revised Statutes, Title 38, section 464, subsection 2. This list includes many waters where recent water quality investigations indicate that quality of a higher class has been achieved, as required in Title 38, section 464, subsection 4, paragraph F, subparagraph (4). Additionally, some waters are proposed when the expectation to achieve a higher classification has been found to be desirable and feasible. This bill also proposed the addition of the new designated use of subsistence fishing for certain segments of the Penobscot River. The bill proposed that the Board of Environmental Protection adopt routine technical rules no later than March 1, 2004 that establish water quality criteria protective of human health for toxic pollutants in the segments having subsistence fishing as a designated use.

Committee Amendment "A" (H-373) proposed to remove certain proposed reclassifications from the bill and authorize the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature in connection with those matters. The amendment also proposed to remove the proposal to add a new designated use of subsistence fishing for certain segments of the Penobscot River and proposed to authorize the joint standing committee to report out legislation to the Second Regular Session of the 121st Legislature in connection with that issue. The amendment also proposed to reclassify as Class A certain waters that are currently Class B and were proposed in the bill to be classified as Class AA. The amendment also proposed to provide for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta.

Enacted Law Summary

Public Law 2003, chapter 317 makes changes in the classification of waters of the state. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation to the Second Regular Session of the 121st Legislature on reclassifications that were proposed in LD 1529 but not included in chapter 317 and on defining and identifying subsistence fishing as a designated use for certain waters. It also provides for license limits for total residual chlorine and bacteria for existing discharges of wastewater on a segment of the Kennebec River in Augusta, retroactively to January 1, 2003.

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LD 1547

**An Act To Amend Certain Laws Administered by the Department
of Environmental Protection**

PUBLIC 245

<u>Sponsor(s)</u> KOFFMAN MARTIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-298
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LD 1547 proposed to correct an inadvertent error and inconsistency created last session when the open burning statute was amended.

It proposed to increase the cap on allocations for the Board of Environmental Protection Fund within the Department of Environmental Protection from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.

It proposed to clarify the statute governing the Department of Environmental Protection's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This proposed change in the law makes clear that a department practice consistent with current municipal practices is appropriate.

It proposed to repeal the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.

It proposed to clarify that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.

It proposed to repeal the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.

It proposed to amend the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.

It proposed to amend the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, to specifically add municipalities to the types of organizations that may create a wetland compensation fee program, to delete the mandatory annual reporting requirement for any such program and to delete the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.

It proposed to repeal the requirement of annual reporting to the Legislature on the wetlands compensation fee program.

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It proposed to repeal the provision that repeals the wetland compensation fee program effective October 15, 2003.

It proposed to make the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks through December 31, 2005, at which point fund coverage, also called the fund insurance program, is repealed under current law. This bill proposed to extend the fund insurance program by 5 years to December 31, 2010.

It proposed to incorporate by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

Committee Amendment "A" (H-298) proposed to change a date to correspond to the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities.

Enacted Law Summary

Public Law 2003, chapter 245 does the following:

1. It corrects an inadvertent error and inconsistency created last session when the open burning statute was amended.
2. It increases the cap on allocations for the Board of Environmental Protection Fund within the Department of Environmental Protection from \$250,000 annually to \$325,000 annually to meet rising personnel salary and benefit costs for the next several years, including the filling of the Executive Analyst position in the past biennium, and a rise in operating costs, due to a modest increase in general workload from broader public involvement in the licensing and appeal processes, which has resulted in more frequent meetings of the board. The last increase in the allocation cap was in 1997.
3. It clarifies the statute governing the Department of Environmental Protection's enforcement authority. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. Municipalities consistently have 80K actions commenced by both certified nonlawyer code enforcement officers and town attorneys. The department has historically not had employees who are also licensed active members of the bar file cases on the department's behalf since the rule is ambiguous as to whether such a practice is appropriate. This change in the law makes clear that a department practice consistent with current municipal practices is appropriate.
4. It repeals the enabling language for the requirement of priority studies because the tasks described in the statute have been completed and the project is no longer active.
5. It clarifies that an action in court can not be determined to start at any point prior to compliance with court rules. The Maine Rules of Civil Procedure, Rule 80K allows the department and municipalities to prosecute environmental violations in District Court. There is ambiguity between the Maine Revised Statutes, Title 38, section 347-A and the Maine Rules of Civil Procedure, Rule 3 as to the point in time when an action in District Court should be considered to have been initiated.
6. It repeals the requirement of annual reporting to the Legislature by the Commissioner of Environmental Protection on unavoidable malfunctions.

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7. It amends the statutes to change a hearing and reporting requirement concerning classification standards from once every 3 years to once every 4 years.
8. It amends the statutes to make the creation of a wetland compensation fee program optional rather than mandatory, specifically adds municipalities to the types of organizations that may create a wetland compensation fee program, deletes the mandatory annual reporting requirement for any such program and deletes the requirement that funds from such a program are turned over to the department if the department's authorization of that program is revoked.
9. It repeals the requirement of annual reporting to the Legislature on the wetlands compensation fee program.
10. It repeals the provision that repeals the wetland compensation fee program effective October 15, 2003.
11. It makes the changes necessary to extend the sunset date for coverage of oil spill cleanup costs by the Ground Water Oil Clean-up Fund. The fund covers cleanup costs for spills from aboveground or underground oil tanks. It extends the fund insurance program by 5 years to December 31, 2010.
12. It incorporates by reference the latest version of the federal regulations governing spill prevention and control at aboveground oil storage facilities. The purpose of this change is to ensure state and federal requirements are consistent with each other.

LD 1549

An Act To Fund Municipal Collection of Household Hazardous Waste

P & S 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-494
	OTP-AM B	S-303 CATHCART
	ONTP C	

LD 1549 proposed to generate revenue for the purpose of providing state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. Under the proposal, revenue would be generated by imposing a 20¢ fee on the retail sale of architectural coatings sold in containers of one gallon and on each unit of general use pesticide distributed for retail sale in this State.

Committee Amendment "A" (H-494) was the majority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill. The amendment proposed to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund to provide state cost share support for household hazardous waste collection programs. It proposed to require that principal and interest payments received in the Waste Reduction and Recycling Loan Fund be deposited in the Maine Solid Waste Management Fund within 60 days of receipt. It proposed that beginning January 1, 2005, revenue would be generated by imposing a 20¢ fee on the retail sale of architectural coatings and on general use pesticide distributed for retail sale in the State. The Department of Agriculture, Food and Rural Resources, Board of Pesticides Control would collect the pesticide fee and the Department of Administrative and Financial Services, Bureau of Revenue Services would collect the architectural coatings fee. It also proposed that the Joint Standing Committee on Natural Resources be authorized to report out legislation during the Second Regular Session of the 121st Legislature concerning alternate sources of funding for municipal collection of household hazardous waste. This amendment also proposed to add an appropriation and allocation section to the bill.

Joint Standing Committee on Natural Resources

Committee Amendment "B" (H-495) was a minority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill. The amendment proposed to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund to provide state cost share support for operational costs for household hazardous waste collection programs for 2 years. It proposed to require that principal and interest payments received in the Waste Reduction and Recycling Loan Fund be deposited in the Maine Solid Waste Management Fund within 60 days of receipt. This amendment also proposed to add an appropriation section. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-526) proposed to exempt a container of general use pesticide distributed within this State for use by a commercial agricultural producer or a certified pesticide applicator from the fee on general use pesticides. It also proposed that revenues derived from the fees imposed by the Maine Revised Statutes, Title 36, chapter 721 and Title 22, section 1471-W must be transferred from the Maine Solid Waste Management Fund in accordance with certain provisions of law. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-303) proposed to require the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. This amendment also proposed to require the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimated the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

As proposed, the additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this amendment. The additional costs associated with administering this proposed state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

The amendment also proposed that the Department of Environmental Protection conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also proposed that the Joint Standing Committee on Natural Resources report out legislation during the Second Regular Session concerning ongoing sources of funding.

Enacted Law Summary

Private and Special Law 2003, chapter 30 requires the Finance Authority of Maine to transfer \$438,820 from the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund administered by the Executive Department, State Planning Office and the Department of Environmental Protection by June 30, 2004. It also requires the Finance Authority of Maine to transfer principal and interest repayments received in the Waste Reduction and Recycling Loan Fund to the Maine Solid Waste Management Fund within 60 days of receipt. The Finance Authority of Maine estimates the average annual principal and interest repayments to be approximately \$46,478 per year with the last payment date of the current loans outstanding being November 2017.

The additional revenue is intended to provide state cost share support for the operational costs incurred by municipalities in the management of household hazardous waste. At least 90% of these funds must be allocated

Joint Standing Committee on Natural Resources

to the State Planning Office, 5% may be transferred to the Department of Environmental Protection and 5% may be transferred to the Department of Agriculture, Food and Rural Resources to carry out the purposes of this chapter. The additional costs associated with administering this state cost share program to municipalities can be absorbed by the State Planning Office utilizing existing budgeted resources.

Chapter 30 also requires the Department of Environmental Protection to conduct a study regarding ongoing sources of funding for municipal collection of hazardous waste. It also authorizes the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session of the 121st Legislature concerning ongoing sources of funding.

LD 1570 An Act Concerning Storm Water Management

**PUBLIC 318
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-151

LD 1570 proposed to amend Maine's storm water management law to extend the review period for applicants proposing solely vegetative means to control storm water from 30 to 45 calendar days and the review period for applicants proposing to use structural means from 60 to 90 days.

It proposed to allow the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements.

It proposed that certain discharge limitations do not apply to the discharge of storm water.

It proposed that storm water discharges to Class A waters must be in compliance with state and local requirements.

It proposed to change the allocation of the law prohibiting the placement of materials on the banks of Class A waters in any manner so that the transfer of pollutants into the waters is likely.

The bill also proposed to require the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. As proposed, the report must include recommendations for improving the effectiveness of storm water management in this State and include rules provisionally adopted pursuant to the Maine Revised Statutes, Title 38, sections 413 and 420-D that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The bill proposed to require the department to consult with state and federal agencies and environmental and business interest groups when considering recommendations. As proposed, the Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-151) proposed to change the review period for individual permits for projects using vegetative buffers back to 30 days, which is the review period currently in law. The amendment also proposed to clarify that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely. The amendment also proposed to remove the requirement that the recommendation of the Department of Environmental Protection include provisionally adopted rules and instead proposed that the recommendations may include draft rules.

Joint Standing Committee on Natural Resources

House Amendment "A" to Committee Amendment "A" (H-368) proposed to prohibit a deposit of materials on the banks of Class A waters that makes the negligent transfer of pollutants into the waters imminent. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 318 amends Maine's storm water management law to extend the review period for applicants proposing to meet the standards by using structural means from 60 to 90 days. It allows the discharge of storm water to waters having a drainage area of less than 10 square miles if the discharge is in conformance with state and local requirements. It provides that certain discharge limitations do not apply to the discharge of storm water. It provides that storm water discharges to Class A waters must be in compliance with state and local requirements. It clarifies that material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

Chapter 318 requires the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by February 1, 2004. The report must include recommendations for improving the effectiveness of storm water management in this State and may include draft rules that regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department shall consult with state and federal agencies and environmental and business interest groups when considering recommendations. The Joint Standing Committee on Natural Resources may report out legislation related to storm water management to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 318 was enacted as an emergency measure effective May 27, 2003.

LD 1604

An Act To Expedite the Drilling of Private Drinking Water Wells

PUBLIC 373

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN LUNDEEN	OTP-AM	S-224

LD 1604 proposed to exempt excavators constructing water wells from certain notification requirements of excavation laws when operating on private property away from the location of underground facilities.

Committee Amendment "A" (S-224) proposed to replace the bill. It proposed to allow all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. The amendment also proposed to direct the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.

Joint Standing Committee on Natural Resources

Enacted Law Summary

Public Law 2003, chapter 373 allows all excavators to begin excavation immediately in locations in which all facility owners have indicated to the excavator or to the system that no underground facilities exist. It also directs the Public Utilities Commission to establish by rule notice requirements for excavation associated with drinking water well construction. The rules are major substantive rules and must be submitted to the Joint Standing Committee on Utilities and Energy by February 1, 2004.

LD 1617 **An Act To Improve Subdivision Standards** **CARRIED OVER**

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

LD 1617 proposes to prohibit subdivisions that convert the primary use of the land from timberland to nontimberland use in situations when the land being subdivided has changed ownership in the 5 years preceding the subdivision application and when the subdivision exceeds 100 acres alone or in conjunction with other similar divisions created within 5 years out of the same parcel of land that resulted in conversion of the primary use of those subdivisions from timberland to nontimberland use. The bill would apply to subdivisions reviewed by the Maine Land Use Regulation Commission and to subdivisions reviewed by a municipal reviewing authority. LD 1617 was carried over to the Second Regular Session.

LD 1626 **Resolve, To Authorize the State To Purchase a Landfill in the City of Old Town** **RESOLVE 93**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM MAJ ONTP MIN	H-563 S-312 MARTIN

LD 1626 proposed to authorize the Executive Department, State Planning Office to acquire, own and operate a preexisting, Department of Environmental Protection-approved and generator-owned solid waste disposal facility located in Old Town and to enter into such contracts as the office determines are necessary or appropriate to effect this transaction. The resolve further proposed that municipal regulation of the facility would not be the same as for any other disposal facilities owned by the State. The resolve also proposed that the City of Old Town would be afforded the specified host community benefit, power and responsibility with respect to the facility as currently provided in state law. Finally, the resolve proposed to require the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

Committee Amendment "A" (H-563) proposed to replace the resolve. It proposed to authorize the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. The amendment proposed to authorize the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. The amendment proposed to require that the acquisition agreement provide that the current owner

Joint Standing Committee on Natural Resources

is responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. The amendment proposed to require that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. The amendment proposed to require the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. The amendment proposed to provide that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition agreement. The amendment proposed to provide that the City of Old Town may not regulate the disposal facility. However, the amendment proposed to require the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. The amendment also proposed to require the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

Senate Amendment "A" to Committee Amendment "A" (S-312) proposed to allow the City of Old Town to enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13.

Enacted Law Summary

Resolve 2003, chapter 93 authorizes the Executive Department, State Planning Office to acquire, subject to a possibility of reverter to the seller, own and cause to be operated an existing, Department of Environmental Protection-licensed and generator-owned solid waste disposal facility located in Old Town under terms and conditions that are revenue-neutral to the State. It authorizes the State Planning Office to enter into such contracts as the office determines are necessary or appropriate. It requires that the acquisition agreement provide that the current owner is responsible for environmental liability associated with the operation of the disposal facility prior to acquisition by the office. It requires that the agreement for the operation of the disposal facility be established through competitive bidding and that the operator must indemnify the office for liabilities and costs of the office resulting from the acquisition, development and operation of the disposal facility. It requires the State Planning Office to require persons submitting proposals to submit a nonrefundable deposit to offset the office's costs associated with the transactions and the cost to the City of Old Town and the Town of Alton to establish a joint citizen advisory committee. It provides that the resolve does not abrogate the sovereign immunity of the State with respect to the acquisition. It provides that the City of Old Town may not regulate the disposal facility, except that the City may enact an ordinance that regulates the expansion of the disposal facility as long as the ordinance does not contain stricter standards than certain standards contained in the Maine Revised Statutes, Title 38, chapters 3 and 13. It requires the City of Old Town and the Town of Alton to establish a joint citizen advisory committee with the same host community responsibilities as currently provided in state law. It also requires the State Planning Office to submit a report to the Joint Standing Committee on Natural Resources on the process of acquiring the disposal facility and reviewing the facility's operation.

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
State and Local Government*

July 2003

Members:

*Sen. Margaret Rotundo, Chair
Sen. Lloyd P. LaFountain III
Sen. Carolyn M. Gilman*

*Rep. Janet L. McLaughlin, Chair
Rep. George H. Bunker, Jr.
Rep. Christopher R. Barstow
Rep. Susanne P. Ketterer
Rep. Edward J. Suslovic
Rep. Anita Peavey-Haskell
Rep. Robert H. Crosthwaite
Rep. Stephen Bowen
Rep. Oscar C. Stone
Rep. Gary E. Sukeforth*

Staff:

Lisa M. Baldwin, Legislative Analyst

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13 State House Station
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JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	89	88.1%	5.4%
<i><u>Bills Carried Over</u></i>	<u>11</u>	<u>10.9%</u>	<u>0.7%</u>
Total Bills referred	100	99.0%	6.1%
B. Bills reported out by law or joint order			
	1	1.0%	0.1%
Total Bills considered by Committee	101	100.0%	6.2%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i><u>Orders and Resolutions Carried Over</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	12	13.3%	0.8%
<i>Ought to Pass as Amended</i>	26	28.9%	1.8%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i><u>Ought Not to Pass</u></i>	<u>28</u>	<u>31.1%</u>	<u>1.9%</u>
Total unanimous reports	66	73.3%	4.5%
B. Divided committee reports			
<i>Two-way reports</i>	24	26.7%	1.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<i><u>Four-way reports</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	24	26.7%	1.6%
Total committee reports	90	100.0%	6.1%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	30	29.7%	1.8%
<i>Private and Special Laws</i>	3	3.0%	0.2%
<i>Resolves</i>	12	11.9%	0.7%
<i><u>Constitutional Resolutions</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	45	44.6%	2.8%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	6.7%
<i><u>Rules not authorized by the Legislature</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	1	100.0%	6.7%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i><u>Held by the Governor</u></i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on State and Local Government

SUBJECT INDEX

Capitol Area/Capitol Complex

Enacted

LD 484	An Act To Implement the Recommendations of the State House and Capitol Park Commission Regarding a Living Memorial in Capitol Park	PUBLIC 316 Page 843
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Not Enacted

None

Constitutional Amendments

Enacted

None

Not Enacted

LD 78	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Election of the Secretary of State	ONTP Page 833
LD 310	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005	ONTP Page 837
LD 562	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County	ONTP Page 843
LD 1012	RESOLUTION, Proposing Amendments to the Constitution of Maine To Require the Appointment of County Sheriffs, Judges and Registers of Probate	ONTP Page 851

LD 399	An Act To Increase Civil Process Fees	PUBLIC 86 Page 840
LD 631	An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations	PUBLIC 75 Page 845
LD 984	An Act To Amend the Laws Governing Registers of Deeds	PUBLIC 55 Page 851
LD 1199	An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority	PUBLIC 228 Page 855 EMERGENCY
LD 1357	An Act To Encourage Economic Development in Piscataquis County	PUBLIC 179 Page 860 EMERGENCY
LD 1431	An Act To Update the Requirements of Counties' and Municipalities' Audit Reports	PUBLIC 178 Page 863
LD 1443	An Act To Clarify the Duties Relating to County Taxes and Remove Obsolete References to the Secretary of State	PUBLIC 105 Page 863
LD 1557	An Act To Reapportion the County Commissioner Districts	PUBLIC 43 Page 870
LD 1609	An Act To Codify the County Commissioner Districts as Apportioned by Public Law 2003, Chapter 43	PUBLIC 291 Page 871
 <u>Not Enacted</u>		
LD 103	An Act to Establish the Regional County Corrections Construction Authority	CARRIED OVER Page 834
LD 568	Resolve, To Study the Impact of a Statewide System for the Electronic Filing of Deeds	ONTP Page 844
LD 700	Resolve, To Create the Task Force To Study County Government Efficiency	ONTP Page 846
LD 841	An Act To Increase the Number of County Commissioners in Cumberland County	ONTP Page 848

LD 898	An Act To Amend the Laws Governing Sagadahoc County Commissioner Elections and Budget Hearings	ONTP Page 849
LD 1012	RESOLUTION, Proposing Amendments to the Constitution of Maine To Require the Appointment of County Sheriffs, Judges and Registers of Probate	ONTP Page 851
LD 1140	An Act To Provide for the Appointment of County Treasurers, Registers of Deeds and District Attorneys	ONTP Page 854
LD 1216	An Act To Amend the Laws Regarding County Government	ONTP Page 856
LD 1140	An Act To Provide for the Appointment of County Treasurers, Registers of Deeds and District Attorneys	ONTP Page 854
LD 1216	An Act To Amend the Laws Regarding County Government	ONTP Page 856
LD 1289	An Act Concerning County Treasurers	ONTP Page 858
LD 1328	An Act To Amend the Laws Regarding County Government	ONTP Page 859

Departments and Agencies of State Government

Enacted

LD 333	An Act To Clarify the Laws Regarding Reports to the State Auditor	PUBLIC 82 Page 838
LD 1047	An Act To Ensure Communication about Public Complaints against State Employees	PUBLIC 230 Page 852
LD 1429	An Act To Authorize the Department of Audit To Perform Other Audits and Reviews	PUBLIC 450 Page 862
LD 1448	An Act To Clarify the Administration of State-municipal Revenue Sharing	PUBLIC 174 Page 864

LD 1528 **An Act To Permit Electronic Notification of Rulemaking for Interested Parties** **PUBLIC 207** Page 868
EMERGENCY

Not Enacted

LD 91 **Resolve, to Create the Department of Fisheries and Wildlife** **CARRIED OVER** Page 833

LD 252 **An Act to Require that Agency Rules be Reviewed by the Legislature** **ONTP** Page 835

LD 280 **An Act to Clarify the Jurisdiction of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources** **ONTP** Page 836

LD 283 **An Act To Clarify the Law on County Capital Expenditure Accounts** **ONTP** Page 837

LD 308 **An Act to Streamline Maine's Planning Process** **ONTP** Page 837

LD 962 **An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General** **CARRIED OVER** Page 850

LD 965 **Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families** **CARRIED OVER** Page 850

LD 1189 **An Act To Establish the Commission for the Blind** **ONTP** Page 855

Legislature and Legislative Process

Enacted

LD 51 **An Act to Amend Certain Provisions of the Program Evaluation and Government Accountability Laws** **PUBLIC 463** Page 832

LD 1555 **An Act To Reapportion the House Legislative Districts** **PUBLIC 44** Page 869

LD 1610 **An Act To Codify the House Legislative Districts As Apportioned by Public Law 2003, chapter 44** **PUBLIC 289** Page 871

Not Enacted

LD 210	An Act to Reduce Legislative Salaries and Allowances	ONTP Page 835
LD 252	An Act to Require that Agency Rules be Reviewed by the Legislature	ONTP Page 835
LD 310	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005	ONTP Page 837
LD 562	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County	ONTP Page 843
LD 685	An Act To Require Timely Posting of Roll Call Votes on the Internet	DIED BETWEEN BODIES Page 846
LD 1123	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Duration of the Legislative Session	ONTP Page 854

Miscellaneous

Enacted

LD 40	Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags	RESOLVE 77 EMERGENCY Page 830
LD 1615	An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71	P & S 20 EMERGENCY Page 872

Not Enacted

LD 317	An Act To Prohibit Expenditures To Implement Treaties Not Ratified by the United States Senate	ONTP Page 838
LD 1118	An Act To Study the Consolidation and Regionalization of Programs at All Levels of Government	ONTP Page 853

LD 1126	An Act to Ensure Consistency in the Records and Documents of State and Local Government	ONTP	Page 854
LD 1210	Resolve, To Establish the Intergovernmental Advisory Commission	CARRIED OVER	Page 856
LD 1332	An Act To Recognize the Maine Rural Development Council	CARRIED OVER	Page 859
LD 1556	An Act To Reapportion the Districts for Representatives to the United States Congress	DIED BETWEEN BODIES	Page 870

Municipalities and Quasi-Municipalities

Enacted

LD 37	An Act to Rename the Town of Westport	PUBLIC 62 EMERGENCY	Page 830
LD 66	An Act to Repeal the Mandate to Perambulate the Municipal Boundary Lines when there is No Boundary Dispute	PUBLIC 7	Page 832
LD 86	An Act To Amend the Charter of the Eastport Port Authority	P & S 4	Page 833
LD 139	An Act to Authorize the Town of Medway to Sell Certain Land	P & S 3	Page 834
LD 278	An Act To Eliminate the Restriction on Municipal Investment of Trust Funds	PUBLIC 8	Page 836
LD 793	An Act To Revise the Boundary between the Town of Harrison and the Town of Bridgton	P & S 5 EMERGENCY	Page 847
LD 1063	An Act Concerning Municipal Firearms Discharge Ordinances	PUBLIC 332	Page 852
LD 1226	An Act To Clarify the Division of the Positions of Town Assessor and Selectman	PUBLIC 234	Page 857
LD 1431	An Act To Update the Requirements of Counties' and Municipalities' Audit Reports	PUBLIC 178	Page 863

LD 1448 **An Act To Clarify the Administration of State-municipal Revenue Sharing** PUBLIC 174 Page 864

Not Enacted

LD 267 **An Act Concerning Boards of Assessment Review** ONTP Page 836

LD 389 **An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda** INDEF PP Page 839

LD 419 **An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates** CARRIED OVER Page 842

LD 719 **An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State** DIED IN CONCURRENCE Page 847

LD 812 **An Act To Provide Equity in Residential Requirements for Public Employees** ONTP Page 848

LD 1128 **An Act To Amend the Town Line between Yarmouth and Cumberland** ONTP Page 854

LD 1304 **An Act To Provide a Municipal Process for an Initiative To Impose a Property Tax Cap** ONTP Page 859

HP 726 **JOINT STUDY ORDER – To Establish the Task Force To Study the Functional Efficiencies in the Legislative Process** REFERRED TO RULES COMMITTEE Page 873

State Contracts and Fiscal Procedures

Enacted

LD 19 **Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementation of the State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a Major Substantive Rule of the Department of Administrative and Financial Services** RESOLVE 6 EMERGENCY Page 829

LD 46 **An Act To Allow Free Clinics To Purchase Medications and Supplies through State Contracts** PUBLIC 79 Page 831

LD 465 **An Act To Make Transportation More Affordable for Low-income Families** PUBLIC 37 Page 842

LD 606	An Act To Improve State Accounting Procedures	PUBLIC 83	Page 844
		EMERGENCY	
LD 1206	An Act To Encourage Responsible Employment Practices	PUBLIC 501	Page 855
LD 1285	An Act To Promote and Protect Private Enterprise	PUBLIC 238	Page 857
LD 1448	An Act To Clarify the Administration of State-municipal Revenue Sharing	PUBLIC 174	Page 864

Not Enacted

LD 110	An Act to Clarify Rights of Retainage in Public Construction Contracts	ONTP	Page 834
LD 608	An Act to Support Domestic Businesses in Publicly Funded Construction Projects	CARRIED OVER	Page 845
LD 972	An Act To Provide a Preference for State Residents in the Awarding of Government Contracts	ONTP	Page 850
LD 1504	An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding	CARRIED OVER	Page 867

State Government-General

Enacted

LD 909	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review for the Regulation of Spoken Language Interpreters	RESOLVE 49	Page 849
LD 1429	An Act To Authorize the Department of Audit To Perform Other Audits and Reviews	PUBLIC 450	Page 862
LD 1466	An Act To Relocate the Prohibition of Use of State Government Computer Systems for Political Purposes to the Election Laws	PUBLIC 176	Page 866
LD 1468	An Act To Amend the Civil Service Law with Respect to Classified Employees Who Accept Appointment to the Unclassified Service	PUBLIC 177	Page 866

LD 1561 **An Act To Clarify the InforME Public Information Access Act** **PUBLIC 406** Page 871

Not Enacted

LD 27 **Resolve, Directing the Maine Historic Preservation Commission to Develop a Database of Historic or At-risk Areas and Sites in the State** **ONTP** Page 830

LD 24 **An Act to Create the State Government Information Clearinghouse** **ONTP** Page 829

LD 456 **Resolve, Directing the Department of Administrative and Financial Services to Examine the Potential Cost Savings of Offering State Employees Early Retirement** **ONTP** Page 842

LD 683 **An Act To Require the State To Assume All Costs for Corrections Currently Paid by Local Taxpayers** **ONTP** Page 846

LD 942 **An Act To Create Guidelines To Promote Good Science in Rulemaking** **CARRIED OVER** Page 849

LD 1074 **An Act To Prohibit Disbursement of Funds by the State, Municipalities and Counties to Certain Nonprofits and Require the Secretary of State To Develop a System of Registration** **ONTP** Page 853

LD 1210 **Resolve, To Establish the Intergovernmental Advisory Commission** **CARRIED OVER** Page 856

LD 1327 **Resolve, To Establish a Commission To Determine Why Young People Are Leaving Maine** **ONTP** Page 859

LD 1393 **An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act** **CARRIED OVER** Page 861

State Property

Enacted

LD 1076 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey Land to Baron and Janet Wormser** **RESOLVE 16** Page 853

LD 1377	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Release the State's Interests in an Easement Benefiting the Maine Criminal Justice Academy in Vassalboro	RESOLVE 31 Page 860
LD 1412	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years	RESOLVE 53 Page 861
LD 1445	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street	RESOLVE 32 Page 864
LD 1464	Resolve, Amending the Commissioner of Administrative and Financial Services' Authorization To Convey a Portion of the Kennebec Arsenal in Augusta Pursuant to Resolve 1999, Chapter 56	RESOLVE 91 Page 865
LD 1465	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Hallowell and To Enter into Lease-purchase Agreements for School Bus Acquisition	RESOLVE 92 Page 865
LD 1512	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland	RESOLVE 90 Page 867
LD 1541	Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington	RESOLVE 59 Page 868
LD 1550	Resolve, Authorizing the Transfer of Land from the State to Maine School Administrative District No. 16	RESOLVE 51 Page 869

Not Enacted

LD 489	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Certain Real Estate Lands of the Long Creek Youth Development Center in South Portland	ONTP Page 843
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LD 1446 **Resolve, Authorizing the Commissioner of
Administrative and Financial Services To Sell or
Lease the Interests of the State in Certain Real Estate
Located in Ludlow, Maine** **ONTP Page 864**

Unorganized Territories

Enacted

LD 1290 **An Act To Provide Requirements for Towns To
Deorganize** **PUBLIC 297 Page 858**

LD 1624 **An Act To Authorize the Deorganization of the Town
of Centerville** **P & S 32 Page 872**

Not Enacted

LD 742 **An Act To Establish a System of Self-governance for
Unorganized Areas** **ONTP Page 847**

Joint Standing Committee on State and Local Government

LD 19

Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementation of the State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a Major Substantive Rule of the Department of Administrative and Financial Services

**RESOLVE 6
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-50
	OTP-AM MIN	

LD 19 proposed to provide for legislative review of portions of Chapter 130: Implementation of State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a major substantive rule of the Department of Administrative and Financial Services.

Committee Amendment "A" (H-50), which was the majority report, proposed to require the addition (at the end of the Bidding Procedures section) of a sentence indicating that names and addresses of suppliers at point of assembly may be kept confidential and not open for public inspection if the State Purchasing Agent determines the bidder has a program of monitoring that certifies its suppliers comply with the state purchasing code of conduct.

Committee Amendment "B" (H-51), which is the minority report, proposed that the rule not be authorized.

Enacted Law Summary

Resolve 2003, chapter 6 provides for legislative review of portions of Chapter 130: Implementation of State Purchasing Code of Conduct for Suppliers of Apparel, Footwear and Textiles, a major substantive rule of the Department of Administrative and Financial Services. The law requires the rules to be amended to include a sentence at the end of the bidding procedures section indicating that the names and addresses of suppliers at point of assembly may be kept confidential and not open for public inspection if the State Purchasing Agent determines the bidder has a program of monitoring that certifies its suppliers comply with the state purchasing code of conduct.

Resolve 2003, chapter 6 was finally passed as an emergency measure effective April 25, 2003.

LD 24

An Act to Create the State Government Information Clearinghouse

ONTP

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

LD 24 proposed to establish the State Government Information Clearinghouse to assist members of the public in accessing the resources of State Government. Under the proposed bill, each state agency would designate a person to assist members of the public and would report this designation to the Commissioner of Administrative and Financial Services or the commissioner's designee. The bill also proposed that the Commissioner of Administrative and Financial Services or the commissioner's designee would maintain a central telephone number that members of the public could call for assistance in accessing the resources of State Government.

Joint Standing Committee on State and Local Government

LD 27 **Resolve, Directing the Maine Historic Preservation Commission to Develop a Database of Historic or At-risk Areas and Sites in the State** **ONTP**

<u>Sponsor(s)</u> DUNLAP MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 27 proposed to require the Maine Historic Preservation Commission to develop a database of historic or at-risk areas and sites in the State.

LD 37 **An Act to Rename the Town of Westport** **PUBLIC 62
EMERGENCY**

<u>Sponsor(s)</u> HALL GROSE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-18
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LD 37 proposed to change the name of the Town of Westport to "Town of Westport Island." This bill was introduced in anticipation of a referendum to change the town name that was scheduled to be held before January 1, 2004 for approval by the residents of Westport.

Committee Amendment "A" (S-18) proposed to add an emergency preamble and emergency clause to the bill. The amendment also proposed to make this law effective date retroactive to March 24, 2003.

Enacted Law Summary

Public Law 2003, chapter 62 authorizes the Town of Westport to change its name to "Town of Westport Island." A referendum to change the name was scheduled to be held on March 29, 2003 for approval by the residents of Westport.

Public Law 2003, chapter 62 was enacted as an emergency measure effective March 24, 2003.

LD 40 **Resolve, to Extend the Reporting Deadline of the Commission to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags** **RESOLVE 77
EMERGENCY**

<u>Sponsor(s)</u> GAGNON CLARK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-266 GAGNON S-4
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LD 40 proposed to extend the due date of the final report of the commission to recognize veterans of World War II and the Korean War in the State House Hall of Flags to November 1, 2003. The resolve also proposed to increase from 4 to 8 the number of meetings the commission may hold.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (S-4) proposed to add an appropriation section to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-266) proposed to strike the appropriation section and replace it with language indicating that it is the Legislature's intent that the costs of the study be funded through the Legislature's study budget.

Enacted Law Summary

Resolve 2003, chapter 77 extends the due date of the final report of the commission to recognize veterans of World War II and the Korean War in the State House Hall of Flags to November 1, 2003. It also increases from 4 to 8 the number of meetings the commission may hold.

Resolve 2003, chapter 77 was finally passed as an emergency measure effective June 17, 2003.

LD 46

An Act To Allow Free Clinics To Purchase Medications and Supplies through State Contracts

PUBLIC 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERRIERE-BOUC BRYANT	OTP-AM	H-73

LD 46 proposed to allow health care facilities that are federally qualified health centers, federally qualified look-alikes or rural health centers that provide primary and preventive care services to purchase through state agencies or state contracts prescription drugs and medical supplies for patients to whom they provide free care. The bill also proposed to require rulemaking by January 1, 2004 to implement the directive.

Committee Amendment "A" (H-73) proposed to place the purchasing program from the original bill in the Maine Revised Statutes, Title 5, chapter 155, which governs state purchases. The amendment also proposed to replace "health care facility licensed under this Title as a federally qualified health center, federally qualified look-alike or rural health clinic" from the bill with "nonprofit free health care clinic."

Enacted Law Summary

Public Law 2003, chapter 79 expands the state's cooperative purchasing program to include nonprofit free health clinics that provide free primary or preventative services for the purpose of allowing these clinics to purchase medications and supplies through the Bureau of General Services.

Joint Standing Committee on State and Local Government

LD 51

**An Act to Amend Certain Provisions of the Program Evaluation
and Government Accountability Laws**

PUBLIC 463

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

LD 51 proposed to change the annual reporting date of the Office of Program Evaluation and Government Accountability to ensure that the Legislature has adequate time during a regular session to review the contents of the report.

Committee Amendment "A" (H-361) proposed to require all financial audits and post-audits to be performed by the Department of Audit. If the department is unable to conduct the audit within the time frame established by the joint legislative committee established to oversee program evaluation and government accountability matters, a qualified auditor must perform the financial audit or post-audit. The amendment also proposed to require the committee to develop a mission statement by January 1, 2005.

House Amendment "A" (H-558) proposed to ensure that the Director of the Office of Program Evaluation and Government Accountability is selected on the basis of ability and without consideration of political party affiliation. This amendment was not adopted.

Enacted Law Summary

Public Law 2003, chapter 463 changes the annual reporting date of the Office of Program Evaluation and Government Accountability to ensure that the Legislature has adequate time during a regular session to review the contents of the report. It requires all financial audits and post-audits to be performed by the Department of Audit. If the department is unable to conduct the audit within the time frame established by the joint legislative committee established to oversee program evaluation and government accountability matters, a qualified auditor must perform the financial audit or post-audit. It also requires the committee to develop a mission statement by January 1, 2005.

LD 66

**An Act to Repeal the Mandate to Perambulate the Municipal
Boundary Lines when there is No Boundary Dispute**

PUBLIC 7

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

LD 66 proposed to repeal the requirement that boundary lines between municipalities be perambulated once every 5 years. The bill also proposed to require a municipality to perambulate the municipal boundaries only if there is a dispute concerning the municipal boundary line. Perambulation is not necessary to resolve the dispute if the boundary lines are well marked and a survey of the boundaries is recorded in the registry of deeds.

Joint Standing Committee on State and Local Government

develop and submit to the Legislature by November 1, 2003 legislation that reorganizes the 3 agencies into a new Department of Fisheries and Wildlife.

LD 103 **An Act to Establish the Regional County Corrections Construction Authority** **CARRIED OVER**

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

LD 103 is a concept draft pursuant to Joint Rule 208. It proposes to establish the Regional County Corrections Construction Authority, a state entity that would be authorized to issue bonds for the construction of regional county corrections facilities. It would be governed by a board of directors consisting of county, state and municipal representatives appointed by the Governor. The board would be required to establish financial incentives to counties that demonstrate a need for new correctional facilities and that also demonstrate that they have made full use of nonincarceration alternatives such as electronic monitoring and other community-based programs.

LD 110 **An Act to Clarify Rights of Retainage in Public Construction Contracts** **ONTP**

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

LD 110 proposed to amend the law governing public construction contracts, providing definitions of the terms "designer," "punch list" and "substantial completion." The bill also proposed to clarify rights of retainage in public construction contracts; the designer's role in resolving questions pertaining to the time when retained funds are due; and the contractor's remedy when an owner retains funds for more than 30 days after final completion of the contract.

LD 139 **An Act to Authorize the Town of Medway to Sell Certain Land** **P & S 3**

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

LD 139 proposed to allow the Town of Medway to sell certain land.

Enacted Law Summary

Private and Special Law 2003, chapter 3 allows the Town of Medway to sell certain land. It also establishes a sunset date for this law of January 1, 2013.

Joint Standing Committee on State and Local Government

LD 210

An Act to Reduce Legislative Salaries and Allowances

ONTP

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

LD 210 proposed to reduce the salaries, mileage and meal allowances for Legislators by 10%, beginning with the 122nd Legislature. Currently, salaries for Legislators are adjusted annually for inflation. This bill proposed to eliminate that adjustment.

LD 211

An Act To Modify the County Budget Procedures for Sagadahoc County

ONTP

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

LD 211 proposed to amend the procedures for adopting a budget for Sagadahoc County. Under current law, the county commissioners submit a budget estimate to an advisory committee that makes recommendations back to the commissioners; but the budget is adopted by a majority vote of the county commissioners. Under the proposed bill, the county commissioners would submit a budget estimate to a budget committee that would conduct at least one public hearing in each of the 3 commissioner districts. The budget committee would be responsible for final adoption of the county budget and any later amendments to it. The bill proposed to retain the same make up of the advisory committee for the budget committee: 2 elected municipal officials and one public member (from each commissioner district). The bill also proposed to provide that members currently serving on the advisory committee would serve on the budget committee until the terms for which they were elected expire.

LD 252

An Act to Require that Agency Rules be Reviewed by the Legislature

ONTP

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

LD 252 proposed to make all new rules authorized and adopted after January 1, 2004 major substantive rules. Under the proposed bill, all rules authorized prior to January 1, 2004 would retain their status established in statute as either routine technical or major substantive rules.

Committee Amendment "A" (H-216) was the minority report and incorporated a fiscal note. This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 267

An Act Concerning Boards of Assessment Review

ONTP

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

LD 267 proposed to prohibit the establishment of a board of assessment review in those municipalities in which the municipal officers also serve as assessors.

Committee Amendment "A" (S-12) was the minority report. This amendment proposed to authorize the members of a board of assessment review to be either appointed by the municipal officers or elected by the legislative body. Under the proposed amendment, the legislative body would elect members of the board if the municipal officers also serve as assessors.

LD 278

An Act To Eliminate the Restriction on Municipal Investment of Trust Funds

PUBLIC 8

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

LD 278 proposed to allow a municipality that holds funds of a nonprofit trust to invest more than 5% of the assets of that trust in a single mutual fund.

Enacted Law Summary

Public Law 2003, chapter 8 allows a municipality that holds funds of a nonprofit trust to invest more than 5% of the assets of that trust in a single mutual fund.

LD 280

An Act to Clarify the Jurisdiction of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources

ONTP

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

LD 280 proposed to clarify the jurisdictions of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources.

Joint Standing Committee on State and Local Government

LD 283 **An Act To Clarify the Law on County Capital Expenditure Accounts** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN BROMLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 283 proposed to clarify that county commissioners may by a simple majority vote to allow the unexpended balance of any capital expenditure account to lapse.

LD 308 **An Act to Streamline Maine's Planning Process** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 308 proposed to dissolve the State Planning Office effective July 1, 2004 and require the joint standing committee of the Legislature having jurisdiction over state and local government matters to establish a legislative task force to reallocate State Planning Office functions to other appropriate state or local authorities for those functions not duplicated at the local level.

LD 310 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Beginning in 2005** **ONTP**

<u>Sponsor(s)</u> RICHARDSON M DAVIS P		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 310 proposed a constitutional amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. Under the proposed bill, the redistricting would have been done in 2004 during the Second Regular Session of the 121st Legislature and the reduction in the size of each legislative body would have taken effect in 2005.

Committee Amendment "A" (H-223) was the minority report and incorporated a fiscal note. This amendment was not adopted.

House Amendment "A" (H-272) proposed to reduce the size of the Maine Senate to 23 Senators to reflect the proportionate reduction of the House of Representatives proposed in the original resolution. This amendment was not adopted.

Joint Standing Committee on State and Local Government

LD 317 **An Act To Prohibit Expenditures To Implement Treaties Not Ratified by the United States Senate** **ONTP**

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

LD 317 proposed to prohibit a state department or agency from expending or awarding funds to implement an international treaty that has not been ratified by the United States Senate.

LD 325 **An Act To Clarify the Laws Pertaining to the Surcharge for Records Preservation for the Registry of Deeds** **PUBLIC 294**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
YOUNGBLOOD MCLAUGHLIN	OTP-AM	S-115

LD 325 proposed to clarify that the types of restoration used for the preservation of documents and paid for by a special nonlapsing account includes preservation by creation of a digital image stored on magnetic or optical media. The bill also proposed to amend the repeal date for this section from January 1, 2005 to January 1, 2008.

Committee Amendment "A" (S-115) proposed to repeal the sunset clause for the records preservation surcharge and require the register of deeds of each county to report annually to the joint standing committee having jurisdiction over state and local government matters on the amount of surcharge funds raised and expended and the use of those funds.

Enacted Law Summary

Public Law 2003, chapter 294 clarifies that the types of restoration used for the preservation of documents and paid for by a special nonlapsing account includes preservation by creation of a digital image stored on magnetic or optical media. It repeals the sunset clause for the records preservation surcharge and requires the register of deeds of each county to report annually to the joint standing committee having jurisdiction over state and local government matters on the amount of surcharge funds raised and expended and the use of those funds.

LD 333 **An Act To Clarify the Laws Regarding Reports to the State Auditor** **PUBLIC 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS FINCH	OTP-AM	S-26

LD 333 proposed to direct the Department of Audit to provide a hotline for the reporting of fraud, waste and abuse of state and local government funds and property. The hotline must be in place by January 1, 2004.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (S-26) proposed to replace the resolve with a bill. The amendment proposed to require any bureau or division head of a public entity to report improper or illegal transactions to the State Auditor.

Enacted Law Summary

Public Law 2003, chapter 82 requires any bureau or division head of a public entity to report improper or illegal transactions to the state auditor. This reporting requirement already exists for department and agency heads.

LD 389

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUSLOVIC	OTP-AM MAJ	H-354
DAGGETT	ONTP MIN	

LD 389 proposed to prohibit municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing, revoking or modifying any building permit, land use approval or other action having the effect of permitting development if that permit or approval was issued or that action was taken prior to enactment of the ordinance or bylaw.

Committee Amendment "A" (H-354), which was the majority report, proposed to replace the bill. The amendment required that if a municipality has an established approval process that includes at least one advertised public hearing, a municipal ordinance or bylaw enacted by citizen initiative or referendum may not invalidate, repeal, revoke or modify any building permit, zoning permit, land use approval, subdivision approval or site plan approval if the final municipal approval or issuance of the permit was taken prior to the enactment of the ordinance. The amendment also proposed to exempt sludge and septage ordinances from this limitation.

House Amendment "A" to Committee Amendment "A" (H-380) which was not adopted, proposed to remove the exemption of sludge and septage ordinances specified in Committee Amendment "A" from the limitation. This amendment also proposed to clarify the language in Committee Amendment "A" and specify that the applicant for municipal approval or issuance of a permit shall reimburse to the municipality the costs of advertising and mailing for the hearing or hearings conducted.

House Amendment "B" to Committee Amendment "A" (H-401), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if, not more than 3 weeks after that approval, notice is given to the municipality that a citizen initiative or referendum is being initiated.

House Amendment "C" to Committee Amendment "A" (H-549), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply to a permit issued pursuant to a contract zone as long as the citizen petition to repeal or modify the contract zone is filed within 30 days after the contract zone is approved.

House Amendment "D" to Committee Amendment "A" (H-595), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 3 weeks after final approval or the issuance of the permit.

Joint Standing Committee on State and Local Government

Senate Amendment "B" to Committee Amendment "A" (S-272), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 90 days after final approval or the issuance of the permit.

Senate Amendment "C" to Committee Amendment "A" (S-282), which was not adopted, which is identical to House Amendment "D", proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 3 weeks after final approval or the issuance of the permit.

Senate Amendment "D" to Committee Amendment "A" (S-304), which was not adopted, proposed to provide that the limitation on the ability of a citizen initiative or referendum to retroactively alter final municipal approval does not apply if the petition for a citizen initiative or referendum is filed with the municipality, along with the requisite number of signatures, not more than 30 days after final approval or the issuance of the permit.

Senate Amendment "E" to Committee Amendment "A" (S-313), which was not adopted, proposed to remove the exemption of sludge and septage ordinances specified in Committee Amendment "A" from the limitation.

LD 399

An Act To Increase Civil Process Fees

PUBLIC 86

<u>Sponsor(s)</u> SAVAGE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-17
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LD 399 proposed to authorize the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5.

Committee Amendment "A" (S-17) proposed to add that collected fees may only be increased by \$1 for any state agency or department.

Enacted Law Summary

Public Law 2003, chapter 86 authorizes the county commissioners of each county to increase the fee collected for service of civil processes, disclosure subpoenas, complaints for divorce, attachments of personal property, writs of replevin, tax summonses and warrants, sales or use tax warrants, income tax warrants and search for persons to serve from \$1 to \$5, except that the fee paid by any state agency or department may only be increased by \$1.

Joint Standing Committee on State and Local Government

LD 416

An Act To Amend the County Contingent Fund

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ ONTP MIN	H-237

LD 416 proposed to permit counties to establish contingent accounts, not to exceed the lesser of 4% of the county budget or \$1,000,000, which may be used for emergency purposes only.

Committee Amendment "A" (H-237), which was the majority report, proposed to change the cap on the contingent fund from \$50,000 to the greater of 1.5% of the annual county budget or \$100,000. The amendment proposed to retain the exception to this cap for Sagadahoc County, which remains 4% of the annual budget.

Enacted Law Summary

Public Law 2003, chapter 241 changes the cap on the contingent fund from \$50,000 to the greater of 1.5% of the annual county budget or \$100,000. It retains the exception to this cap for Sagadahoc County, which remains 4% of the annual budget.

LD 417

An Act To Provide Cumberland County Budget Advisory Committee with Final Budget Approval Authority

ONTP

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

LD 417 proposed to give final authority for approving the Cumberland County budget to the Cumberland County Budget Advisory Committee.

LD 418

An Act To Limit the Undesignated Surplus of Counties to 15% of the Annual Operating Budget

ONTP

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

LD 418 proposed to limit the amount of surplus funds a county may retain for purposes other than reducing the amount of tax levy in a fiscal year to 15% of the annual operating budget.

Joint Standing Committee on State and Local Government

LD 419 **An Act To Repeal Outdated and Unfunded Municipal and Educational Mandates** **CARRIED OVER**

<u>Sponsor(s)</u> MILLETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 419 is a concept draft pursuant to Joint Rule 208. It proposes to repeal outdated and unfunded mandates located in the Maine Revised Statutes, Title 5, Title 20-A and Title 30-A that pertain to municipalities or school systems, the cost of which are now borne by local property taxes.

LD 456 **Resolve, Directing the Department of Administrative and Financial Services to Examine the Potential Cost Savings of Offering State Employees Early Retirement** **ONTP**

<u>Sponsor(s)</u> LERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 456 proposed to direct the Commissioner of Administrative and Financial Services, with the assistance of the Maine State Retirement System, to examine the potential cost savings of offering state employees early retirement.

LD 465 **An Act To Make Transportation More Affordable for Low-income Families** **PUBLIC 37**

<u>Sponsor(s)</u> MCGLOCKLIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-22
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LD 465 proposed to allow nonprofit organizations that contract with the Department of Human Services to help make transportation available to low-income families who need transportation for work, education or training to participate in the private purchase of surplus state vehicles. The purpose of the bill was to help participating nonprofits make vehicles more affordable for families.

Committee Amendment "A" (H-22) proposed to clarify that vehicles made available under the Maine Revised Statutes, Title 5, section 1813, subsection 6 to low-income families who need transportation for work, education or training may only be passenger vehicles or light trucks. The amendment also proposed to add a fiscal note.

Enacted Law Summary

Public Law 2003, chapter 37 allows nonprofit organizations that contract with the Department of Human Services to help make transportation available to low-income families who need transportation for work, education or training to participate in the private purchase of state surplus passenger vehicles or light trucks. The purpose of this law is to help participating nonprofits make vehicles more affordable for families.

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LD 484

An Act To Implement the Recommendations of the State House and Capitol Park Commission Regarding a Living Memorial in Capitol Park

PUBLIC 316

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-308

LD 484 was submitted by the State House and Capitol Commission as a result of its study pursuant to Resolve 2001, chapter 110. The bill proposed to add to the duties of the commission the responsibility, subject to available funding, of providing for the development and maintenance of a living memorial garden in Capitol Park. Under the proposed bill, the commission may use public and private funds for that purpose. The bill also proposed to make a technical cross-reference correction.

Committee Amendment "A" (H-308) proposed to add an appropriations section to the bill.

Enacted Law Summary

Public Law 2003, chapter 316 is submitted by the State House and Capitol Commission as a result of its study pursuant to Resolve 2001, chapter 110. It adds to the duties of the commission the responsibility, subject to available funding, of providing for the development and maintenance of a living memorial garden in Capitol Park. The commission may use public and private funds for that purpose.

LD 489

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Certain Real Estate Lands of the Long Creek Youth Development Center in South Portland

ONTP

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

LD 489 proposed to require the Commissioner of Administrative and Financial Services to sell a portion of the Long Creek Youth Development Center in South Portland.

Committee Amendment "A" (H-289), which was not adopted, was the minority report of the committee and proposed to incorporate a fiscal note.

LD 562

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Elect 2 Senators from Each County

ONTP

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

LD 562 proposed a constitutional amendment to reduce the size of the Senate from no more than 35 members to 32 members, 2 Senators from each county. Under the proposed bill, the redrawing of district lines would have

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occurred during the regularly scheduled redistricting following the decennial census. The bill proposed that the redistricting be completed in 2004.

Committee Amendment "A" (H-225), which was the minority report of the committee, proposed to incorporate a fiscal note. This amendment was not adopted.

LD 568 **Resolve, To Study the Impact of a Statewide System for the** **ONTP**
Electronic Filing of Deeds

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

LD 568, which was a concept draft pursuant to Joint Rule 208, proposed to establish a study to conduct and evaluate the short-term and long-term impact of a statewide system for electronic filing of deeds, considering factors such as immediate costs to the State and to communities, and the long-term costs or savings.

LD 606 **An Act To Improve State Accounting Procedures** **PUBLIC 83**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS FISCHER	OTP-AM MAJ ONTP MIN	S-27

LD 606 proposed to require the Department of Audit to:

1. Beginning July 31, 2003, report annually to the Legislature the amount of cash on hand at the end of each fiscal year for each department of State Government;
2. Account for federal grants at the end of each fiscal year to the Legislature and explain the reimbursement of state officers for any items paid out of the General Fund;
3. Revise and update on a regular basis the accounting manual maintained by the Department of Audit;
4. Provide training to appropriate personnel across department lines to establish systemwide uniform financial practices;
5. Require all audits performed by the Department of Audit over \$1,000,000 to be performed by a certified public accountant; and
6. Establish an audit practice review board of volunteers from the private sector to give advice to the State on best practices and accounting updates.

Committee Amendment "A" (S-27), which was the majority report of the committee, proposed to replace the original bill. The amendment proposed to require the Commissioner of Administrative and Financial Services and the State Controller to develop a financial management and accounting practices manual for state agencies,

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develop and implement a training program for state agencies on uniform financial management and accounting practices and report to the Joint Standing Committee on State and Local Government by January 1, 2004 on the progress of these initiatives.

Enacted Law Summary

Public Law 2003, chapter 83 requires the Commissioner of Department of Administrative and Financial Services and the State Controller to develop a financial management and accounting practices manual for state agencies, develop and implement a training program for state agencies on uniform financial management and accounting practices and report to the state and local government committee by January 1, 2004 on the progress of these initiatives.

Public Law 2003, chapter 83 was enacted as an emergency measure effective April 25, 2003.

LD 608 An Act to Support Domestic Businesses in Publicly Funded Construction Projects CARRIED OVER

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

LD 608 proposes to allow the Department of Administrative and Financial Services in awarding public improvement construction project contracts to give preference to domestic suppliers whose bids are within 15% of a bid of a foreign supplier. This preference applies only to the extent permitted under federal law and international treaties signed by the United States.

LD 631 An Act Concerning the Status of the Maine County Commissioners' Association and the Maine Sheriffs' Association as County Advisory Organizations PUBLIC 75

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN PENDLETON	OTP-AM	H-95

LD 631 proposed to allow counties to expend funds in order to obtain the services of the Maine County Commissioners' Association and the Maine Sheriffs' Association as nonprofit advisory organizations and designates these associations as instrumentalities of their member counties. The bill proposed that, upon dissolution, the assets of these organizations would be delivered to the Secretary of State to be held in custody for the counties of the State. This is the same recognition that Maine law gives the Maine Municipal Association and the Maine School Management Association in the Maine Revised Statutes, Title 30-A, sections 5722 and 5724.

Committee Amendment "A" (H-95) proposed to replace the Secretary of State with the Treasurer of State as the entity designated to hold the assets upon dissolution of the Maine County Commissioners' Association and the Maine Sheriffs' Association. The amendment also proposed to replace the Secretary of State with the Treasurer of State as the entity designated to hold the assets for the Maine Municipal Association, the Maine

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LD 719 **An Act To Protect and Encourage Firearms Shooting Ranges Throughout the State** **DIED IN CONCURRENCE**

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

LD 719 proposed to expand the protection offered to grandfathered sport shooting ranges in existing law to all sport shooting ranges that have been constructed since that law was enacted and to all ranges that are constructed in the future.

LD 742 **An Act To Establish a System of Self-governance for Unorganized Areas** **ONTP**

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

LD 742 proposed to establish a new chapter in the Maine Revised Statutes, Title 30-A that provides a method for unorganized areas to develop a system of self-governance. The bill proposed to delineate the requirements that must be met for a town to be created in the unorganized areas. The bill also proposed to outline the powers, duties and responsibilities of the new town's government. Finally, the bill proposed to require the Department of Administrative Services, Maine Revenue Services to develop a fair system of reimbursement for tree growth to towns established under this chapter.

LD 774 **An Act To Require the Washington County Legislative Delegation to Review the Final Washington County Budget Estimates** **ONTP**

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

LD 774 proposed to change the membership of the Washington County Budget Advisory Committee by adding a public member. The bill also proposed to require the Washington County legislative delegation to review the final budget estimates submitted to the budget advisory committee by the Washington County commissioners.

LD 793 **An Act To Revise the Boundary between the Town of Harrison and the Town of Bridgton** **P & S 5 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R SYKES	OTP-AM	S-16

LD 793 proposed to reestablish the boundary line between the Town of Bridgton and the Town of Harrison along Long Lake.

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Committee Amendment "A" (S-16) proposed to add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 5 reestablishes the boundary line between the Town of Bridgton and the Town of Harrison along Long Lake.

Private and Special Law 2003, chapter 5 was enacted as an emergency measure effective April 17, 2003.

LD 812 **An Act To Provide Equity in Residential Requirements for Public Employees** **ONTP**

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

LD 812 proposed to include department and division heads in the definition of employee for the purposes of municipal employment residency requirements.

LD 830 **An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds** **INDEF PP**

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

LD 830 proposed to remove the exception for Androscoggin County in the law on use of county surplus funds.

LD 841 **An Act To Increase the Number of County Commissioners in Cumberland County** **ONTP**

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

LD 841 proposed to increase the number of Cumberland County commissioners from 3 to 7 with staggered 3-year terms.

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LD 898

**An Act To Amend the Laws Governing Sagadahoc County
Commissioner Elections and Budget Hearings**

ONTP

<u>Sponsor(s)</u> MAYO PERCY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 898 proposed to increase the number of county commissioners in Sagadahoc County from 3 to 5 and require that 2 of the 5 commissioners be elected at large with staggered terms. The bill also proposed to require that public hearings on the Sagadahoc County budget be held in each of the 3 commissioner districts.

LD 909

**Resolve, Directing the Department of Professional and Financial
Regulation To Conduct a Sunrise Review for the Regulation of
Spoken Language Interpreters**

RESOLVE 49

<u>Sponsor(s)</u> EDMONDS LAVERRIERE-BOUC	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-119
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LD 909 proposed to establish the Committee to Investigate the Feasibility of and Need for Regulation of Spoken Language Interpreters.

Committee Amendment "A" (S-119) proposed to replace the resolve. The amendment proposed to require the Department of Professional and Financial Regulation to conduct a sunrise review in the form of an independent assessment for the regulation of spoken language interpreters. The amendment also proposed to require the department to report its findings to the Joint Standing Committee on Business, Research and Economic Development by January 15, 2004.

Enacted Law Summary

Resolve 2003, chapter 49 requires the Department of Professional and Financial Regulation to conduct a sunrise review in the form of an independent assessment for the regulation of spoken language interpreters. It also requires the department to report its findings to the Joint Standing Committee on Business, Research and Economic Development by January 15, 2004.

LD 942

**An Act To Create Guidelines To Promote Good Science in
Rulemaking**

CARRIED OVER

<u>Sponsor(s)</u> SAVIELLO WOODCOCK	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 942 proposes to require state agencies to establish standards of objectivity, utility and integrity for information used and relied upon in conducting rule-making proceedings under the Maine Administrative Procedure Act.

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LD 962 An Act to Consolidate the Advocacies of the Various State Agencies into an Executive Department and Establish the Office of Inspector General CARRIED OVER

<u>Sponsor(s)</u> BUNKER DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 962, which is a concept draft pursuant to Joint Rule 208, proposes to consolidate the advocacies of the various state agencies into an executive department. The executive department would assume any public advocacy responsibilities currently assigned to other agencies of State Government. The bill also proposes to establish the Office of Inspector General to investigate governmental abuse of funds, written policy and procedures and violation of the law within the various state departments. The executive advocacy department would oversee the operations and personnel of the Office of the Inspector General.

LD 965 Resolve, to Create a Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families CARRIED OVER

<u>Sponsor(s)</u> O'BRIEN J	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 965 proposes to create the Task Force to Implement the 1991 Report of the President's and Speaker's Blue Ribbon Commission on Children and Families. The task force's membership would consist of the Speaker of the House, the President of the Senate and the House and Senate majority and minority leaders. The resolve proposes to require the task force to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by November 3, 2003.

LD 972 An Act To Provide a Preference for State Residents in the Awarding of Government Contracts ONTP

<u>Sponsor(s)</u> WOODCOCK	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 972 proposed to provide that certain governmental entities, in the awarding of contracts for services, give preference to workers and to bidders for such contracts who are residents of this State, provided the bids submitted by such resident bidders are equally favorable with bids submitted by nonresident bidders. The bill also proposed to provide that these entities, when they award a contract for services that is not subject to competitive bidding shall consider awarding that contract to a person who is a resident of this State and shall award that contract to such a person if the contract with such a person is equally favorable with a contract with persons not located in the State.

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LD 984

An Act To Amend the Laws Governing Registers of Deeds

PUBLIC 55

<u>Sponsor(s)</u> YOUNGBLOOD		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 984 proposed to set uniform standards for registers of deeds with regard to the documents submitted to registries for recording. The bill also proposed to clarify the recording methods that may be used by registries.

Enacted Law Summary

Public Law 2003, chapter 55 sets uniform standards for registers of deeds with regard to the documents submitted to registries for recording. Specifically, it:

1. Changes the requirement that public records can only be kept on paper;
2. Allows registries to make computer notes to the index when necessary;
3. Ensures that computer image copies have the same legal effect as paper copies;
4. Allows registries to charge \$2.00 to create an additional page to provide room for including recording information;
5. Expands language that requires recording only on linen cloth to include digital imaging;
6. Increases the fee for each name indexed after the fourth from 25 cents to \$1, which is more in-line with the costs of indexing; and
7. Allows registers to charge an \$8 fee to compensate them for the time required when marginal notations are required in multiple records.

LD 1012

**RESOLUTION, Proposing Amendments to the Constitution of
Maine To Require the Appointment of County Sheriffs, Judges
and Registers of Probate**

ONTP

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1012 proposed to allow for the appointment of judges of probate, registers of probate and sheriffs by the county commissioners of their respective counties.

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LD 1047

**An Act To Ensure Communication about Public Complaints
against State Employees**

PUBLIC 230

<u>Sponsor(s)</u> LAVERRIERE-BOUC	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-279
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LD 1047 proposed to establish a procedure whereby a member of the public will be kept informed about a complaint made against a state employee. Under the proposed bill, the Department of Administrative and Financial Services, Bureau of Human Resources would be the liaison between the public and the agency in which the state employee works.

Committee Amendment "A" (H-279) proposed to replace the bill. Whereas the proposed bill would establish a liaison for public complaints for all state employees, the amendment proposed to ensure that each state agency establishes a policy that makes certain that complaints by the public against state employees are addressed by that agency. The amendment proposed to prohibit the release of confidential information that may not otherwise be released to the public.

Enacted Law Summary

Public Law 2003, chapter 230 requires each state agency to establish a policy to ensure that complaints by the public against state employees are addressed by that agency. It prohibits the release of confidential information that may not otherwise be released to the public.

LD 1063

An Act Concerning Municipal Firearms Discharge Ordinances

PUBLIC 332

<u>Sponsor(s)</u> DUNLAP BRYANT	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-321
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LD 1063 proposed to require a municipality to consult with the Department of Inland Fisheries and Wildlife throughout the process of consideration of the adoption or amendment of a firearm discharge ordinance. The bill proposed to require that the area in which the discharge of firearms is prohibited be described in the ordinance using clearly defined physical boundaries. The bill also proposed to require that a municipality that adopts a firearm discharge ordinance prepare a wildlife management plan to prevent overpopulation of game animals in the area in which the discharge of firearms is prohibited by the firearm discharge ordinance.

Committee Amendment "A" (H-321) proposed to clarify the role of the Department of Inland Fisheries and Wildlife in a municipality's adoption of a firearm discharge ordinance. The amendment also proposed to remove the requirement that a municipality prepare a wildlife management plan.

Enacted Law Summary

Public Law 2003, chapter 332 requires a municipality to consult with the Department of Inland Fisheries and Wildlife during the process of consideration of the adoption or amendment of a firearm discharge ordinance. It also requires that the area in which the discharge of firearms is prohibited must be described in the ordinance using clearly defined physical boundaries as points of reference.

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LD 1074 **An Act To Prohibit Disbursement of Funds by the State,
Municipalities and Counties to Certain Nonprofits and Require
the Secretary of State To Develop a System of Registration** **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1074 proposed to prohibit the State, municipalities and counties from disbursing funds to certain nonprofit corporations. The bill also proposed to require the Secretary of State to develop a system of classification and registration for all nonprofit corporations in the State and a method to facilitate reporting of information regarding the collections of funds.

LD 1076 **Resolve, Authorizing the Commissioner of Administrative and
Financial Services To Convey Land to Baron and Janet Wormser** **RESOLVE 16**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-204
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LD 1076 proposed to authorize the Commissioner of Administrative and Financial Services to sell the State's interest in a parcel of land located in Hallowell to Baron C. Wormser and Janet G. Wormser.

Committee Amendment "A" (H-204) proposed to require Baron and Janet Wormser to pay for the appraisal on the parcel of land proposed for sale by the State to the Wormsers.

Enacted Law Summary

Resolve 2003, chapter 16 authorizes the Commissioner of Administrative and Financial Services to sell the State's interest in a parcel of land located in Hallowell to Baron C. Wormser and Janet G. Wormser. It also requires the Wormsers to pay for the appraisal on the parcel of land.

LD 1118 **An Act To Study the Consolidation and Regionalization of
Programs at All Levels of Government** **ONTP**

<u>Sponsor(s)</u> BULL EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1118, which was a concept draft pursuant to Joint Rule 208, proposed a study to assess all levels of government within the State to determine the feasibility and advantages of consolidating and streamlining many government functions. The study would have focused on providing greater efficiency and offering more services to the people in the State. The study would have examined the incentives to reorganization and consolidation and would have also considered any necessary changes to the laws, rules and regulations that may facilitate efforts to reorganize or consolidate.

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LD 1123 RESOLUTION, Proposing an Amendment to the Constitution of ONTP
Maine To Change the Duration of the Legislative Session

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

LD 1123 proposed to amend the Constitution of Maine to eliminate the requirement that the Legislature meet every year. The resolution proposed that the Legislature meet for a maximum of 2 months once every 2 years. As proposed, this resolution would not affect the ability of the Legislature to call itself in at other times if needed.

Committee Amendment "A" (H-226), which was the minority report of the committee, proposed to incorporate a fiscal note. This amendment was not adopted.

LD 1126 An Act to Ensure Consistency in the Records and Documents of ONTP
State and Local Government

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

LD 1126 proposed to designate English as the language of public records and documents, unless specifically exempted. The bill proposed to ensure consistency in the records and documents of state and local government.

LD 1128 An Act To Amend the Town Line between Yarmouth and ONTP
Cumberland

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

LD 1128 proposed to separate a 33-acre parcel of property from the Town of Yarmouth and annex it to the Town of Cumberland.

LD 1140 An Act To Provide for the Appointment of County Treasurers, ONTP
Registers of Deeds and District Attorneys

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

LD 1140 proposed to abolish the positions of elected county treasurer, elected register of deeds and elected district attorney and require that county commissioners appoint a county treasurer, a register of deeds or district

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attorney at the completion of the elected treasurer's, elected register of deeds's or the elected district attorney's term of office.

LD 1189 **An Act To Establish the Commission for the Blind** **ONTP**

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

LD 1189 proposed to establish the Commission for the Blind to report directly to the Governor. Under the proposed bill, the commission would be the successor to the Department of Labor, Bureau of Rehabilitation Services, Division for the Blind and Visually Impaired, which is repealed in this bill. This commission would have assisted the Governor in the formulation, coordination and management of policy regarding services and issues having an impact on those who are blind or visually impaired or are family members of persons who are blind or visually impaired and would have worked to ensure coordination of public and private agencies dealing with issues of blindness and visual impairment.

Committee Amendment "A" (S-63), which was the minority report, proposed to add an appropriation section to the bill. This amendment was not adopted.

LD 1199 **An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority** **PUBLIC 228
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO	OTP-AM	S-103
WATSON		

LD 1199 proposed to establish the Lincoln and Sagadahoc Multicounty Jail Authority.

Committee Amendment "A" (S-103) proposed to make technical and formatting changes to the bill.

Enacted Law Summary

Public Law 2003, chapter 228 establishes the Lincoln and Sagadahoc Multicounty Jail Authority.

Public Law 2003, chapter 228 was enacted as an emergency measure effective May 21, 2003.

LD 1206 **An Act To Encourage Responsible Employment Practices** **PUBLIC 501**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM MAJ	H-353
EDMONDS	ONTP MIN	

LD 1206 proposed to require the State Purchasing Agent to adopt rules to establish a fair basis for bid price comparison among businesses that provide health and retirement benefits and those that do not provide these

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benefits. It proposed to require that, before a state agency or department may contract personal services out to a private contractor, it must establish an equivalent basis for cost comparison for businesses that do not provide health insurance or retirement benefits. Under the proposed bill, personal services contracting would not be permitted unless a private contractor provides the best value.

Committee Amendment "A" (H-353), which is the majority report, proposed to limit the applicability of the rules to establish a fair basis for bid and cost comparison to personal services.

Enacted Law Summary

Public Law 2003, chapter 501 requires the State Purchasing Agent to adopt rules to establish a fair basis for bid price comparison among businesses that provide health and retirement benefits and those that do not provide these benefits. The applicability of the rules is limited to personal services. It also requires that, before a state agency or department may contract personal services out to a private contractor, it must establish an equivalent basis for cost comparison for businesses that do not provide health insurance or retirement benefits. Personal services contracting is not permitted unless a private contractor provides the best value.

LD 1210 **Resolve, To Establish the Intergovernmental Advisory Commission** **CARRIED OVER**

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

LD 1210 proposes to establish the Intergovernmental Advisory Commission to study ways to reduce duplication among all 3 levels of government in the State as well as within each level of government; promote communications, cooperation and efficient delivery of services; and develop a mechanism to establish a permanent statewide intergovernmental advisory commission.

LD 1216 **An Act To Amend the Laws Regarding County Government** **ONTP**

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

LD 1216 proposed to require all counties that have not adopted a county charter to adopt a charter by January 1, 2006. The bill also proposed to set residency requirements for the register of probate and the register of deeds and minimum qualifications for the county treasurer. The bill also proposed to require that district attorneys be appointed.

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LD 1226

An Act To Clarify the Division of the Positions of Town Assessor and Selectman

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	OTP-AM	H-280

LD 1226 proposed to clarify that a selectman who resigns the position of local tax assessor may continue to serve as a selectman and concurrently as a member of the State Legislature.

Committee Amendment "A" (H-280) proposed to clarify that a person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. It also clarifies that if a person who is serving in the State Legislature or in another office incompatible with the position of an assessor resigns the position of assessor before performing any duties as an assessor, that person may not be deemed to have vacated the position of State legislator or other office that is incompatible with the office of assessor.

Enacted Law Summary

Public Law 2003, chapter 234 clarifies that a person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. It also clarifies that if a person who is serving in the State Legislature or in another office incompatible with the position of an assessor resigns the position of assessor before performing any duties as an assessor, that person may not be deemed to have vacated the position of State legislator or other office that is incompatible with the office of assessor.

LD 1285

An Act To Promote and Protect Private Enterprise

PUBLIC 238

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL TARDY	OTP-AM	S-100

LD 1285 proposed to require that, before a state agency may provide goods or services to the public, the matter must be reviewed and approved by the Advisory Committee on Fair Competition with Private Enterprise.

Committee Amendment "A" (S-100) proposed to clarify that the prohibition on sales by a state agency does not apply if the sale of the goods or services by the state agency is specifically authorized by law. The amendment also proposed to permit state agencies to sell goods or services immediately in the case of an emergency. The amendment also proposed to clarify that this legislation applies only when a state agency sells new or additional goods or services as of January 15, 2004.

Enacted Law Summary

Public Law 2003, chapter 238 requires that, before a state agency may provide goods or services to the public, it must comply with certain provisions of law including the review and approval by the Advisory Committee on Fair Competition with Private Enterprise of providing these goods or services. The restriction on sales by a state agency does not apply if the sale of the goods or services is specifically authorized by law. It also permits state agencies to sell goods or services immediately in the case of an emergency. This provision in law only applies when a state agency sells new or additional goods or services as of January 15, 2004.

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LD 1289 **An Act Concerning County Treasurers**

ONTP

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

LD 1289 proposed to allow the county commissioners to decide to replace the elected county treasurer position with an appointed county treasurer. Under current law, the position of elected county treasurer may be abolished with the approval of the voters and replaced with an appointed county treasurer.

LD 1290 **An Act To Provide Requirements for Towns To Deorganize**

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	S-121

LD 1290 proposed to provide a set of requirements that a municipality must meet in order to be eligible to deorganize. The bill also proposed to expand voter eligibility on final approval of the deorganization to all registered voters of the county in which the municipality is located.

Committee Amendment "A" (S-121) proposed to clarify that all debt incurred by a municipality prior to deorganization will be the responsibility of the residents of the community and not the entire population of the unorganized territory. The amendment proposed to direct the deorganizing community to conduct a fiscal impact analysis. The amendment also proposed to authorize the county commissioners in the county where the municipality considering deorganization is located to hold an advisory referendum on the deorganization. Finally, the amendment proposed to require a municipality that has rejected the deorganization to wait 3 years before reinitiating the process.

Enacted Law Summary

Public Law 2003, chapter 297 clarifies that all debt incurred by a municipality prior to deorganization is the responsibility of the residents of the community and not the entire population of the unorganized territory. It directs the deorganizing community to conduct a fiscal impact analysis. It also authorizes the county commissioners in the county where the municipality considering deorganization is located to hold an advisory referendum on the deorganization. Finally, it requires a municipality that has rejected the deorganization to wait 3 years before reinitiating the process.

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LD 1304 **An Act To Provide a Municipal Process for an Initiative To
Impose a Property Tax Cap** **ONTP**

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

LD 1304 proposed to provide a process for a municipal initiative by voters of a municipality to impose a limit on property taxes in that municipality. The proposed bill would not have applied to a municipality that has a provision for an initiative by voters in that municipality in the laws of the municipality.

Committee Amendment "A" (H-352), which was not adopted, proposed to add a mandate preamble.

LD 1327 **Resolve, To Establish a Commission To Determine Why Young
People Are Leaving Maine** **ONTP**

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

LD 1327 proposed to establish the Commission to Determine Why Young People Are Leaving Maine.

LD 1328 **An Act To Amend the Laws Regarding County Government** **ONTP**

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

LD 1328 proposed to define the term "county official" for the Maine Revised Statutes, Title 30-A, Part 1. The bill proposed to repeal certain provisions of law relating to the county budget process and the provision of law that gives county commissioners the power to borrow in anticipation of taxes. The bill also proposed to correct cross-references to these repealed provisions of law. Finally, the bill proposed to permit a county to recover for expenditures for the removal of certain discharges from the person responsible for those discharges.

LD 1332 **An Act To Recognize the Maine Rural Development Council** **CARRIED OVER**

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

LD 1332 proposes to establish the Maine Rural Development Council in statute and designate it as the entity authorized to participate in the National Rural Development Partnership.

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LD 1357

An Act To Encourage Economic Development in Piscataquis County

**PUBLIC 179
EMERGENCY**

<u>Sponsor(s)</u> DAVIS P ANNIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-59
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LD 1357 proposed to authorize the county commissioners of Piscataquis County to raise, appropriate, borrow and spend money for the purposes of economic development in Piscataquis County.

Committee Amendment "A" (S-59) proposed to clarify that the definition of what activities constitute "county economic development" in Piscataquis County includes activities in unorganized territories. The amendment also proposed to clarify that, in order for the election results to be valid, the total number of votes cast must be equal to at least 50% of the total number of votes cast in Piscataquis County in the most recent gubernatorial election.

Enacted Law Summary

Public Law 2003, chapter 179 authorizes the county commissioners of Piscataquis County to raise, appropriate, borrow and spend money for the purposes of economic development in Piscataquis County.

Public Law 2003, chapter 179 was enacted as an emergency measure effective May 6, 2003.

LD 1377

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Release the State's Interests in an Easement Benefiting the Maine Criminal Justice Academy in Vassalboro

RESOLVE 31

<u>Sponsor(s)</u> MCLAUGHLIN ROTUNDO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-252
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LD 1377 proposed to authorize the Commissioner of Administrative and Financial Services to release an abandoned well and water line easement that formerly served the former Oak Grove School, currently owned by the State and occupied by the Maine Criminal Justice Academy.

Committee Amendment "A" (H-252) proposed to require the Commissioner of Administrative and Financial Services to conduct at the State's expense an appraisal of the Realewood Estates North subdivision with the easement and without the easement on the property. The amendment also proposed to require the commissioner to determine, based on the value of the property without the easement, the terms under which the State may release the easement.

Enacted Law Summary

Resolve 2003, chapter 31 authorizes the Commissioner of Administrative and Financial Services to release an abandoned well and water line easement that formerly served the former Oak Grove School, currently owned by the State and occupied by the Maine Criminal Justice Academy. It requires the Commissioner of Administrative and Financial Services to conduct at the State's expense an appraisal of the Realewood Estates North subdivision

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with the easement and without the easement on the property. It also requires the commissioner to determine, based on the value of the property without the easement, the terms under which the State may release the easement.

LD 1393 An Act To Provide for Meaningful Public Input in the Maine Administrative Procedure Act CARRIED OVER

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

LD 1393 proposes to amend the rule-making process to clarify the intent of the Legislature to require agencies to consider the full impact of the rules, both substantively and financially, on the State, agencies, providers of services through state contracts and consumers of those services. This bill also proposes to require a detailed analysis prior to consideration and adoption of any proposed rule.

LD 1412 Resolve, Authorizing the Commissioner of Administrative and Financial Services To Increase the Ground Lease Term at the Long Creek Youth Development Center from 50 to 90 Years RESOLVE 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN BROMLEY	OTP-AM MAJ ONTP MIN	H-387

LD 1412 proposed to extend the ground lease term from 50 to 90 years for property leased by the State at the Long Creek Youth Development Center in the City of South Portland.

Committee Amendment "A" (H-387), which was the majority report, proposed to require the lessee of the leased property at the Long Creek Youth Development Center to take responsibility for the administration building. The proposed amendment requires the lessee to make every effort to redevelop the administration building and, if redevelopment is not viable, demolish the building at the lessee's expense. The proposed amendment requires the lessee to make the decision to redevelop or demolish the administration building within 7 years after signing the lease.

House Amendment "A" to Committee Amendment "A" (H-405) proposed to define affordable housing as having the same meaning as in the Maine Revised Statutes, Title 30-A, section 4301, subsection 1. The amendment also proposed to make the execution of the lease for 90 years contingent upon there being affordable housing in place. This amendment also proposed to correct a punctuation error. This amendment was not adopted.

Enacted Law Summary

Resolve 2003, chapter 53 extends the ground lease term from 50 to 90 years for property leased by the State at the Long Creek Youth Development Center in the City of South Portland. It requires the lessee of the leased property at the Long Creek Youth Development Center to take responsibility for the administration building. The lessee must make every effort to redevelop the administration building. If redevelopment is not viable, the

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building must be demolished at the lessee's expense. The decision to redevelop or demolish the administration building must be made within 7 years after signing the lease.

LD 1429 **An Act To Authorize the Department of Audit To Perform Other Audits and Reviews** **PUBLIC 450**

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-369 S-246 ROTUNDO
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LD 1429 proposed to do the following:

1. Eliminate outdated language referring to county estimates;
2. Change the duties of the Department of Audit by requiring the department to conduct inquiries, management analysis, inspections of operations of state programs or other research; and
3. Clarify that the State Auditor does not perform accounting functions for the State and the type of improper accounting actions that must be reported to the Governor and Legislature by the State Auditor.

Committee Amendment "A" (H-369) proposed to remove language from the bill that authorizes the Department of Audit to conduct inquiries, management analyses and inspections of operations and other research and replaces it with language authorizing the Department of Audit to conduct reviews. The amendment also proposed to add a sunset clause set for January 30, 2006.

Senate Amendment "A" (S-234), which was not adopted, proposed to require the State Auditor to report any significant discrepancy found in the financial records of a state department or agency, within 60 days of the finding, to the joint standing committee of the Legislature that has jurisdiction over that department or agency.

Senate Amendment "B" (S-246) proposed to require the State Auditor to report any significant discrepancy found in the financial records of a state department or agency, within 60 days of the finding, to the joint standing committee of the Legislature that has jurisdiction over that department or agency and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters.

This amendment also proposed to require the State Auditor to meet annually with various joint standing committees of the Legislature for the purpose of presenting certain findings and recommendations included in the most recently completed annual state audit. Under the proposed amendment, the State Auditor would be required to schedule the meetings by September 15th of each year.

Enacted Law Summary

Public Law 2003, chapter 450:

1. Eliminates outdated language referring to county estimates;
2. Changes the duties of the Department of Audit by requiring the department to conduct reviews of state programs or other research;

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3. Clarifies that the State Auditor does not perform accounting functions for the State and the type of improper accounting actions that must be reported to the Governor and Legislature by the State Auditor. This section is scheduled to be repealed on January 30, 2006;
4. Requires the State Auditor to report any significant discrepancy found in the financial records of a state department or agency, within 60 days of the finding, to the joint standing committee of the Legislature that has jurisdiction over that department or agency and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters; and
5. Requires the State Auditor to meet annually with various joint standing committees of the Legislature for the purpose of presenting certain findings and recommendations included in the most recently completed annual state audit. The State Auditor is required to schedule the meetings by September 15th of each year.

**LD 1431 An Act To Update the Requirements of Counties' and
Municipalities' Audit Reports**

PUBLIC 178

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-211
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LD 1431 proposed to replace outdated language regarding the contents and requirements of county and municipal audit reports.

Committee Amendment "A" (H-211) proposed to clarify that counties and municipalities must include in their audit reports, in addition to financial statements, all other information required by governmental accounting and financial reporting standards.

Enacted Law Summary

Public Law 2003, chapter 178 replaces outdated language regarding the contents and requirements of county and municipal audit reports with more current, flexible language that allows for possible future changes in audit reporting requirements.

**LD 1443 An Act To Clarify the Duties Relating to County Taxes and
Remove Obsolete References to the Secretary of State**

PUBLIC 105

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1443 proposed to remove obsolete references to filing county budget estimates with the Secretary of State on forms provided by the Secretary of State. These duties fall within the scope of the State Auditor's responsibilities.

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Enacted Law Summary

Public Law 2003, chapter 105 removes obsolete references to filing county budget estimates with the Secretary of State on forms provided by the Secretary of State. County budget estimates, which fall within the scope of the State Auditor's responsibilities, must be sent to the State Auditor.

LD 1445 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Enter into a Boundary Line Agreement between the State of Maine Parking Garage at the Corner of Sewall and Capitol Streets and the Parcel East of the Garage Bounded by Chamberlain Street** **RESOLVE 32**

<u>Sponsor(s)</u> MCLAUGHLIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1445 proposed to authorize the Commissioner of Administrative and Financial Services to resolve an uncertain boundary line between the State's parking garage and the adjacent property at 77 Capitol Street and to receive a right of first refusal to purchase the property.

Enacted Law Summary

Resolve 2003, chapter 32 authorizes the Commissioner of Administrative and Financial Services to resolve an uncertain boundary line between the State's parking garage and the adjacent property at 77 Capitol Street and to receive a right of first refusal to purchase the property.

LD 1446 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Estate Located in Ludlow, Maine** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1446 proposed to authorize the Commissioner of Administrative and Financial Services to release the State's interest in state property formerly used for school purposes in the Town of Ludlow.

LD 1448 **An Act To Clarify the Administration of State-municipal Revenue Sharing** **PUBLIC 174**

<u>Sponsor(s)</u> PINEAU		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-205
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LD 1448 proposed to clarify that administrative costs of state-municipal revenue sharing are paid by the Local Government Fund.

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Committee Amendment "A" (H-224), which is the majority report, proposed to incorporate a fiscal note.

Senate Amendment "A" (S-311) proposed to authorize the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. This would be to replace 43 buses that must be removed from service for safety reasons. The amendment proposed that financing may not exceed 7 years in duration and \$2,500,000 in principal costs, and interest rates may not exceed 6%.

Enacted Law Summary

Resolve 2003, chapter 92 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in certain property located in Hallowell. It also authorizes the Commissioner of Administrative and Financial Services, on behalf of the Department of Education, to enter into lease-purchase contracts or other financing arrangements in fiscal years 2003-04 and 2004-05 for acquisition of school buses. Financing may not exceed 7 years in duration and \$2,500,000 in principal costs. Interest rates may not exceed 6%.

LD 1466 **An Act To Relocate the Prohibition of Use of State Government
Computer Systems for Political Purposes to the Election Laws** **PUBLIC 176**

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1466 proposed to change the statutory location of the prohibition on use of state government computer systems for political purposes from the Maine Revised Statutes, Title 5, chapter 163, which involves the Office of the Chief Information Officer within the Department of Administrative and Financial Services, to Title 21-A, which involves election law.

Enacted Law Summary

Public Law 2003, chapter 176 changes the statutory location of the prohibition on use of state government computer systems for political purposes from the Maine Revised Statutes, Title 5, chapter 163, which involves the Office of the Chief Information Officer within the Department of Administrative and Financial Services, to Title 21-A, which involves election law.

LD 1468 **An Act To Amend the Civil Service Law with Respect to
Classified Employees Who Accept Appointment to the
Unclassified Service** **PUBLIC 177**

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1468 proposed to permit a classified state employee who leaves the classified service to serve in an appointive position to retain promotion, transfer and demotion rights in the civil service for the duration of that employee's appointment in the unclassified service. The proposed bill would not have an impact on unclassified

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employees who were appointed from outside of State Government. Under the proposed bill, greater incentives would be provided for classified state employees to serve in long-term appointments to the unclassified service.

The 12-month restoration right provided to a classified employee in the Maine Revised Statutes, Title 5, section 931, subsection 2, paragraph C would not be affected.

Enacted Law Summary

Public Law 2003, chapter 177 permits a classified state employee who leaves the classified service to serve in an appointive position to retain promotion, transfer and demotion rights in the civil service for the duration of that employee's appointment in the unclassified service. It does not have an impact on unclassified employees who were appointed from outside of State Government. In addition, it provides greater incentives for classified state employees to serve in long-term appointments to the unclassified service. This law has no effect on the 12-month restoration right provided to a classified employee in the Maine Revised Statutes, Title 5, section 931, subsection 2, paragraph C.

LD 1504 **An Act To Clarify the Work Center Purchases Committee Requirements for Work Centers and Competitive Bidding** **CARRIED OVER**

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

LD 1504 proposes to clarify the Work Center Purchases Committee requirements for work centers and competitive bidding.

LD 1512 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Up to 15 Acres of Land and Other Interests of the State at the Long Creek Youth Development Center, in South Portland** **RESOLVE 90**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN BROMLEY	OTP-AM MAJ ONTP MIN	H-370

LD 1512 proposed to authorize the Commissioner of Administrative and Financial Services to sell up to 15 acres of unimproved land at the Long Creek Youth Development Center in South Portland for affordable or workforce housing.

Committee Amendment "A" (H-370) proposed to require the transfer of the 15 acres of land and other interests of the State at the Long Creek Youth Development Center in South Portland to be subject to local zoning ordinances.

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Enacted Law Summary

Resolve 2003, chapter 90 authorizes the Commissioner of Administrative and Financial Services to sell up to 15 acres of unimproved land at the Long Creek Youth Development Center in South Portland for affordable or workforce housing.

LD 1528

An Act To Permit Electronic Notification of Rulemaking for Interested Parties

**PUBLIC 207
EMERGENCY**

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

LD 1528 proposed to permit required rule-making notice to be given to recipients via electronic mail, so long as those recipients have agreed in advance that such a manner of notice is acceptable. Under the bill, it would be permissible to distribute copies of proposed rules in the same manner by agencies. As a result, the bill would provide agencies with another medium by which to distribute rule-making information and conserves paper resources.

Under current law, the written notice required in the agency rule-making process must be made by delivery or mail to statutorily specified recipients.

Enacted Law Summary

Public Law 2003, chapter 207 permits required notice to be given to recipients via electronic mail, provided that those recipients have agreed in advance that such a manner of notice is acceptable. It also permits copies of proposed rules to be distributed in the same manner by agencies. As a result, agencies are provided with another medium by which to distribute rule-making information that also conserves paper resources. Prior to passage of this law, the written notice required in the agency rule-making process was required to be made by delivery or mail to statutorily specified recipients.

Public Law 2003, chapter 207 was enacted as an emergency measure effective May 16, 2003.

LD 1541

Resolve, Conveying The State's Interest in a Parcel of Property Located in Orrington

RESOLVE 59

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN	OTP-AM	H-431

LD 1541 proposed to authorize the conveyance of certain property on the Johnson Mill Road in Orrington by the Director of the Bureau of Parks and Lands within the Department of Conservation to Mrs. Lillian King.

Committee Amendment "A" (H-431) proposed to incorporate a fiscal note.

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Enacted Law Summary

Resolve 2003, chapter 59 authorizes the conveyance of certain property on the Johnson Mill Road in Orrington by the Director of the Bureau of Parks and Lands within the Department of Conservation to Mrs. Lillian King.

LD 1550 **Resolve, Authorizing the Transfer of Land from the State to** **RESOLVE 51**
Maine School Administrative District No. 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-388

LD 1550 proposed to authorize the transfer of state-owned property, commonly known as "community gardens," located on Winthrop Street in Hallowell, to Maine School Administrative District No. 16.

Committee Amendment "A" (H-388) proposed to require that if the State transfers the property known as the "community gardens" located in Hallowell to Maine School Administrative District No. 16, it must sell or lease that property. The amendment proposed to allow the State to transfer all or part of that property to School Administrative District No. 16. The amendment also proposed to authorize the State to enter into a 3-year option agreement with the board of directors of Maine School Administrative District No. 16 to sell or lease that property.

Enacted Law Summary

Resolve 2003, chapter 51 authorizes the transfer of state-owned property, commonly known as "community gardens," located on Winthrop Street in Hallowell, to Maine School Administrative District No. 16. It requires that if the State transfers the property known as the "community gardens" located in Hallowell to Maine School Administrative District No. 16, it must sell or lease that property at fair market value. The State is permitted to transfer all or part of that property to School Administrative District No. 16. It also authorizes the State to enter into a 3-year option agreement with the board of directors of Maine School Administrative District No. 16 to sell or lease that property.

LD 1555 **An Act To Reapportion the House Legislative Districts** **PUBLIC 44**

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

LD 1555 proposed to repeal the current statutory Maine House of Representatives districts and enact the districts for the Maine House of Representatives as described in the unanimous report submitted by the apportionment commission to the Clerk of the House.

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Enacted Law Summary

Public Law 2003, chapter 44 repeals the current statutory Maine House of Representatives districts and enacts the districts for the Maine House of Representatives as described in the unanimous report submitted by the apportionment commission to the Clerk of the House.

LD 1556 **An Act To Reapportion the Districts for Representatives to the United States Congress** **DIED BETWEEN BODIES**

Sponsor(s) | Committee Report | Amendments Adopted

LD 1556 proposed to repeal the current statutory congressional districts and enact the districts to the United States Congress as described in the report submitted by a majority of the apportionment commission to the Clerk of the House.

House Amendment "A" (H-108) proposed to repeal the current statutory congressional districts and enact the districts to the United States Congress as described in the report submitted by a minority of the apportionment commission to the Clerk of the House.

Senate Amendment "A" (S-38), which is the same as House Amendment "A", proposed to repeal the current statutory congressional districts and enact the districts to the United States Congress as described in the report submitted by a minority of the apportionment commission to the Clerk of the House.

Senate Amendment "B" (S-47) proposed to specify that it is only the nonseverability provision and the internally inconsistent deadline in the statutes governing reapportionment that are being "notwithstanding"; all of the other requirements remain applicable.

None of the amendments were adopted.

LD 1557 **An Act To Reapportion the County Commissioner Districts** **PUBLIC 43**

Sponsor(s) | Committee Report | Amendments Adopted

LD 1557 proposed to repeal the current statutory county commissioner districts and enact the districts for the county commissioners as described in the unanimous report submitted by the apportionment commission to the Clerk of the House.

Enacted Law Summary

Public Law 2003, chapter 43 repeals the current statutory county commissioner districts and enacts the districts for the county commissioners as described in the unanimous report submitted by the apportionment commission to the Clerk of the House.

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LD 1561 **An Act To Clarify the InforME Public Information Access Act** **PUBLIC 406**

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-172
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LD 1561 proposed to clarify various definitions to accurately represent the electronic services provided by InforME and the services available to those who pay the subscriber fee. Under the proposed bill, the manner in which funds are collected and distributed by InforME to data custodians or agencies would be clarified.

Committee Amendment "A" (S-172) proposed to require that InforME follow certain requirements regarding the depositing of state funds.

Enacted Law Summary

Public Law 2003, chapter 406 clarifies various definitions to accurately represent the electronic services provided by InforME and the services available to those who pay the subscriber fee. It also clarifies the manner in which funds are collected and distributed by InforME to data custodians or agencies. In addition, InforME must follow certain requirements regarding the depositing of state funds as established by the Treasurer of State.

LD 1609 **An Act To Codify the County Commissioner Districts as Apportioned by Public Law 2003, Chapter 43** **PUBLIC 291**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1609 proposed to carry out the legislative intent of Public Law 2003, chapter 43 by specifying, per United States Census designations, those areas that are located in each county commissioner district as reapportioned by the apportionment commission and submitted to the Clerk of the House April 3, 2003.

Enacted Law Summary

Public Law 2003, chapter 291 carries out the legislative intent of Public Law 2003, chapter 43 by specifying, per United States Census designations, those areas that are located in each county commissioner district as reapportioned by the apportionment commission and submitted to the Clerk of the House April 3, 2003.

LD 1610 **An Act To Codify the House Legislative Districts As Apportioned by Public Law 2003, chapter 44** **PUBLIC 289**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1610 proposed to carry out the intent of Public Law 2003, chapter 44, which provides for the apportionment of the legislative districts for the Maine House of Representatives. This bill proposed to establish the legislative districts based upon reference to United States Census civil divisions designations.

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Enacted Law Summary

Public Law 2003, chapter 289 carries out the intent of Public Law 2003, chapter 44, which provides for the apportionment of the legislative districts for the Maine House of Representatives. It establishes the legislative districts based upon reference to United States Census civil divisions designations.

LD 1615 **An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 71** **P & S 20 EMERGENCY**

<u>Sponsor(s)</u> MURPHY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1615 proposed to validate a school construction referendum conducted by School Administrative District No. 71 on October 1, 2002 and to authorize the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum would eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

This bill was enacted without reference to committee.

Enacted Law Summary

Private & Special Law, chapter 20 validates a school construction referendum conducted by Maine School Administrative District No. 71 on October 1, 2002 and authorizes the district to enter into contracts and issue bonds or notes of the district for the project. The validation is necessary because copies of the warrants that were delivered to the towns and posted were not attested. Validation of the referendum will eliminate a legal technicality that could affect the marketability of the bonds or notes to be issued by the district for the project.

Private & Special Law, chapter 20 was enacted as an emergency measure effective May 19, 2003.

LD 1624 **An Act To Authorize the Deorganization of the Town of Centerville** **P & S 32**

<u>Sponsor(s)</u> BUNKER SHOREY		<u>Committee Report</u>		<u>Amendments Adopted</u> H-540 BRANNIGAN
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LD 1624 proposed to authorize the deorganization of the Town of Centerville if, in accordance with the Maine Revised Statutes, Title 30-A, section 7207, a majority of the voters in the town approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the deorganization is approved by the voters of the town at the next statewide election to be held in November.

House Amendment "A" (H-540) proposed to incorporate a fiscal note.

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Enacted Law Summary

Private and Special Law 2003, chapter 32 authorizes the deorganization of the Town of Centerville if, in accordance with the Maine Revised Statutes, Title 30-A, section 7207, a majority of the voters in the town approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the deorganization is approved by the voters of the town at the next statewide election to be held in November.

HP 726

**JOINT STUDY ORDER – To Establish the Task Force To Study
the Functional Efficiencies in the Legislative Process**

**REFERRED TO
RULES
COMMITTEE**

Sponsor(s)
SHIELDS

Committee Report

Amendments Adopted

HP 726 is a Joint Study Order to Establish the Task Force To Study the Functional Efficiencies in the Legislative Process. This Joint Order proposes to establish a Legislative Study Committee to assess and identify inefficiencies and redundancies in the legislative process and determine solutions to correct inefficiencies in the legislative process. This joint order was referred to the Rules Committee and final disposition of this joint order is awaiting recommendation from that Committee.

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Taxation*

July 2003

Members:

*Sen. Stephen S. Stanley, Chair
Sen. Ethan Strimling
Sen. Richard A. Nass*

*Rep. David G. Lemoine, Chair
Rep. Joseph C. Perry
Rep. Bernard E. McGowan
Rep. Deborah L. Simpson
Rep. Arthur L. Lerman
Rep. Edward J. Suslovic
Rep. Harold A. Clough
Rep. Jonathan T. E. Courtney
Rep. Earle L. McCormick
Rep. Joshua A. Tardy*

Staff:

Julie S. Jones, Legislative Analyst

*Office of Fiscal and Program Review
5 State House Station
Augusta, ME 04333-0005
(207) 287-1635*

**JOINT STANDING COMMITTEE ON
TAXATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	151	93.8%	9.2%
<i>Bills Carried Over</i>	<u>10</u>	<u>6.2%</u>	<u>0.6%</u>
Total Bills referred	161	100.0%	9.8%
B. Bills reported out by law or joint order			
	0	0.0%	0.0%
Total Bills considered by Committee	161	100.0%	9.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	1	100.0%	20.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	1	100.0%	20.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	3	2.0%	0.2%
<i>Ought to Pass as Amended</i>	17	11.2%	1.2%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>126</u>	<u>82.9%</u>	<u>8.6%</u>
Total unanimous reports	146	96.1%	10.0%
B. Divided committee reports			
<i>Two-way reports</i>	6	3.9%	0.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	6	3.9%	0.4%
Total committee reports	152	100.0%	10.4%
III. CONFIRMATION HEARINGS	0	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	14	8.7%	0.9%
<i>Private and Special Laws</i>	2	1.2%	0.1%
<i>Resolves</i>	3	1.9%	0.2%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	19	11.8%	1.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Taxation

SUBJECT INDEX

Administration of Tax Laws

Enacted

LD 451	An Act To Clarify Tax Appeal Procedures	PUBLIC 242 Page 902
LD 1433	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04	P&S 22 Page 938 EMERGENCY
LD 1460	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 30 Page 939
LD 1470	An Act To Make Minor Substantive Changes to the Tax Laws	PUBLIC 391 Page 939
LD 1571	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 390 Page 943

Not Enacted

LD 467	Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices	INDEF PP Page 902
LD 504	An Act To Strengthen the Taxpayer Bill of Rights	ONTP Page 903
LD 601	An Act To Encourage Earlier Tax Refunds	ONTP Page 910
LD 966	An Act To Encourage the Payment of Delinquent Taxes	ONTP Page 920
LD 1019	Resolve, To Create the Industrial Property Assessing Methods Group	ONTP Page 922
LD 1060	An Act To Allow the State To Claim a Setoff against a Convicted Person's Tax Refund for Purposes of Paying Restitution	DIED ON Page 923 ADJOURNMENT
LD 1209	An Act To Conform the State Compromise of Tax Liability Procedure with Federal Procedures	ONTP Page 930

LD 1217 An Act To Enhance the Collection of Tax Arrearages ONTP Page 931

Income Tax - General

Enacted

LD 502 An Act To Expand the Education Tax Credit PUBLIC 473 Page 902

LD 1462 An Act To Conform the Maine Tax Laws for 2002 PUBLIC 255 Page 939
with the United States Internal Revenue Code EMERGENCY

LD 1523 An Act To Change the Tax Laws as They Apply to PUBLIC 287 Page 943
Combat Troops

LD 1633 An Act Regarding Conformity with the Federal Jobs PUBLIC 479 Page 952
and Growth Tax Relief Reconciliation Act of 2003

Not Enacted

LD 146 An Act to Establish a Tax Credit for Parents who ONTP Page 892
Homeschool Their Children

LD 216 An Act to Provide an Income Tax Deduction for a ONTP Page 895
Qualified State-sponsored 529 Plan for Higher
Education Expenses

LD 246 An Act To Promote and Facilitate Personal ONTP Page 896
Retirement Saving in Maine

LD 256 An Act to Establish and Permit Medical Savings ONTP Page 897
Accounts

LD 289 An Act to Create the Family Technology Assistance ONTP Page 898
Tax Credit

LD 378 An Act to Enhance the Maine Earned Income Tax ONTP Page 900
Credit

LD 445 An Act To Facilitate Farmer Participation in the ONTP Page 901
Land for Maine's Future Program

LD 514 An Act To Increase the Personal Income Tax ONTP Page 904
Exemption

LD 654 An Act To Establish a Flat Tax Rate for the Maine ONTP Page 911
Income Tax

LD 706	An Act To Create an Income Tax Credit for Premiums Paid for Health Insurance	ONTP Page 911
LD 721	An Act to Encourage More Dentists to Practice in the State	ONTP Page 912
LD 756	An Act To Provide an Income Tax Credit for Tuition Paid to Private Schools	ONTP Page 913
LD 868	An Act To Immediately Eliminate the Marriage Penalty under the Income Tax Laws	ONTP Page 917
LD 950	An Act Authorizing the Creation of Individual Medical Savings Accounts	ONTP Page 919
LD 1135	An Act To Provide a Tax Credit to Employers Who Contribute to Employee Health Care Benefits	ONTP Page 926
LD 1151	An Act Relating to Tax Credits for Historic Preservation	ONTP Page 928
LD 1204	An Act To Provide for Fairer Income Taxation	ONTP Page 929
LD 1249	An Act To Amend the Laws Governing the Quality Child Care Tax Credit	CARRIED OVER Page 932
LD 1258	An Act To Ensure Appropriate Education for Health Care Workers	ONTP Page 932
LD 1492	An Act To Protect Maine's Water as a Natural Resource	CARRIED OVER Page 942
LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness	CARRIED OVER Page 951

Income Tax - Pensions

Enacted

None

Not Enacted

LD 16	An Act to Increase the Income Tax Deduction on Private, Public and Military Pensions from \$6,000 to \$10,000	ONTP Page 889
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LD 403	An Act To Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax	ONTP Page 901
LD 545	An Act To Provide Federal Civil Service Retirees the Same State Income Tax Protection as Federal Military Service Retirees	ONTP Page 905
LD 555	An Act To Increase the Maine Income Tax Deduction for Benefits Received Under the Maine State Retirement System	ONTP Page 906
LD 583	An Act To Amend the Laws Governing the Deduction of Pensions, Retirement Benefits and other Income from State Income Tax	DIED ON Page 908 ADJOURNMENT
LD 681	An Act To Amend the Law Pertaining to Tax Exemptions for Public and Private Pensions	ONTP Page 911
LD 1010	An Act To Exempt Military Pensions from State Income Tax	ONTP Page 922

Miscellaneous Taxes

Enacted

LD 1587	An Act Regarding Distribution of Tobacco Products	PUBLIC 439 Page 951
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Not Enacted

LD 99	An Act to Repeal the Tax Incentive for Certain Shipbuilding Facilities	ONTP Page 890
LD 141	An Act to Increase Revenue Sharing to a Municipality by 5% of its Allocation if it Shares Fire, Police and Recreation Services with Adjoining Municipalities	ONTP Page 891
LD 198	An Act to Fund the Fund for a Healthy Maine From an Increase in Liquor Taxes	ONTP Page 894
LD 204	An Act To Require That the Excise Tax on Vehicles Be Based on the Purchase Price	ONTP Page 894
LD 209	An Act to Increase the Tax on All Tobacco Products	ONTP Page 895
LD 320	An Act Concerning Counties' Share of the Real Estate Transfer Tax	ONTP Page 899

LD 345	An Act To Reinstate a Milk Handling Fee	CARRIED OVER Page 899
LD 436	An Act To Create a Minimal Excise Tax for Farm Trucks	ONTP Page 901
LD 505	An Act To Promote Maine Farm and Dairy Products in Place of Soft Drinks in Public Schools and To Create a Maine Residency Program for New Dentists	ONTP Page 903
LD 526	An Act To Ensure Domestic Tranquility	ONTP Page 904
LD 530	An Act To Bring Equity to the Vehicle Excise Tax	ONTP Page 905
LD 698	An Act To Increase the Amount Transferred through State-municipal Revenue Sharing	ONTP Page 911
LD 801	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax	ONTP Page 915
LD 914	An Act To Provide Certain Veterans an Excise Tax Deduction in Lieu of the Homestead Exemption	ONTP Page 918
LD 920	An Act To Establish a Penalty on Gains from the Sale or Exchange of Land from Which Timber Has Been Harvested	ONTP Page 918
LD 1044	An Act Regarding Taxation inside the Passamaquoddy Indian Territory	ONTP Page 923
LD 1147	An Act To Shift Tax Burdens from Wages to Nonrenewable Power Sources	ONTP Page 927
LD 1270	An Act To Increase the Viability of the Dairy Farming Industry	ONTP Page 932
LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness	CARRIED OVER Page 951

Property Tax - General

Enacted

LD 138	Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland	RESOLVE 88 Page 891 EMERGENCY
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LD 184	An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans	PUBLIC 30 Page 893
LD 305	An Act To Amend the Lien Procedures for Time-share Estates	PUBLIC 229 Page 898
LD 542	Resolve, To Reduce the State Valuation for the Town of Hermon	RESOLVE 81 Page 905
LD 551	An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes	PUBLIC 72 Page 906 EMERGENCY
LD 858	An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program	PUBLIC 426 Page 916
LD 1575	An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket	P&S 8 Page 950 EMERGENCY

Not Enacted

LD 1	An Act to Increase the Property Tax Exemption for Veterans	ONTP Page 889
LD 38	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Commercial Fishing Industry	ONTP Page 890
LD 109	An Act to Exempt from Tax State-mandated Fish Passage Facilities	ONTP Page 891
LD 202	An Act To Make Certain Housing an Acceptable Use of Tax Increment Financing	ONTP Page 894
LD 261	An Act To Require Disclosure Statements Regarding Proration of Property Taxes When Real Estate is Sold	ONTP Page 897
LD 347	An Act to Amend School Administrative District Cost-sharing and County Tax Apportionments to Recognize the Value of Property in Municipal Tax Increment Financing Districts	ONTP Page 900
LD 559	An Act To Increase the Value of a Parsonage That is Exempt from the Property Tax	ONTP Page 907
LD 567	An Act To Prohibit Government-subsidized Competition with Lodging Establishments	ONTP Page 907

LD 579	An Act To Provide a Property Tax Exemption for Parents Whose Children Attend a Private Elementary or Secondary School	ONTP Page 908
LD 600	An Act To Change the Filing Dates on Real Estate Liens	ONTP Page 909
LD 643	An Act To Provide a Property Tax Exemption to All Veterans of the United States Armed Forces	ONTP Page 910
LD 761	An Act To Create an Agricultural Property Tax Reimbursement Program	ONTP Page 913
LD 855	An Act To Establish Minimum Standards of Eligibility for the Property Tax Exemption for Benevolent and Charitable Institutions	ONTP Page 915
LD 872	Resolve, To Require That the State Conduct a New Valuation of Private Properties in the Unorganized Territories of Aroostook County	ONTP Page 917
LD 937	An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner	ONTP Page 918
LD 938	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership	CARRIED OVER Page 919
LD 951	An Act To Establish the Maine Land Bank and Community Preservation Program	CARRIED OVER Page 920
LD 1019	Resolve, To Create the Industrial Property Assessing Methods Group	ONTP Page 922
LD 1080	An Act To Impose a Municipal Services Fee on Tax-exempt Property	ONTP Page 924
LD 1100	An Act To Amend the Foreclosure Process	ONTP Page 925
LD 1172	An Act To Assist American Mills with Tree Growth Management Plan Products	ONTP Page 929

Property Tax - Homestead Property

Enacted

LD 521 **An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process** **PUBLIC 13 Page 904**

Not Enacted

LD 17 **An Act to Increase the Homestead Property Tax Exemption From \$7,000 to \$20,000** **ONTP Page 889**

LD 107 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Municipalities to Limit Property Taxes for Elderly Residents** **ONTP Page 890**

LD 218 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Stabilize Real Estate Valuation and Protect Ancestral Homes** **ONTP Page 895**

LD 259 **An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property** **ONTP Page 897**

LD 266 **An Act To Provide Meaningful Property Tax Relief** **ONTP Page 897**

LD 573 **An Act To Provide Property Tax Relief to Elderly Maine Citizens** **ONTP Page 908**

LD 784 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Establish a Different Property Tax Rate for Secondary Residential Property for Purposes of Education Funding and To Protect State Funding of Education** **ONTP Page 915**

LD 916 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Present-home Property Taxes** **ONTP Page 918**

LD 940 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Taxes of Homes That Have Been in the Same Family for 4 Generations** **ONTP Page 919**

LD 1124	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Property Tax Reductions for Seniors	ONTP Page 925
LD 1171	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Municipalities To Assess 2nd Homes at up to Twice the Valuation	ONTP Page 928
LD 1178	An Act To Create a Local Property Tax Rebate Program for the Elderly	ONTP Page 929
LD 1208	An Act To Provide Property Tax Relief to Maine Citizens Who Meet Certain Guidelines	ONTP Page 930
LD 1330	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief for Maine Seniors	ONTP Page 933
LD 1331	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Real Estate To Be Valued Differently Based on the Residence of the Owner	ONTP Page 934
LD 1333	An Act To Allow Municipalities To Provide Property Tax Relief through a Local Option Sales Tax	ONTP Page 934
LD 1421	An Act To Reduce Property Taxes	ONTP Page 938

Property Tax - BETR; Personal Property

Enacted

LD 1575	An Act To Assist Brascan, the Successor to Great Northern Paper, in Paying the Property Taxes Due to the Towns of Millinocket and East Millinocket	P&S 8 Page 950 EMERGENCY
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Not Enacted

LD 208	RESOLUTION, Proposing an Amendment to the Constitution of Maine Related to the Taxation of Personal Property	CARRIED OVER Page 895
LD 781	An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment	ONTP Page 914
LD 783	An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment	ONTP Page 914
LD 874	An Act To Connect the BETR Program with Job Retention	ONTP Page 917

LD 975	An Act To Improve the Business Equipment Tax Reimbursement Program	CARRIED OVER Page 921
LD 983	An Act To Phase Out the Tax on Business Equipment	ONTP Page 921
LD 1169	An Act To Phase Out the Business Equipment Tax Reimbursement	ONTP Page 928
LD 1337	An Act To Stabilize the Maine Dairy Industry, Protect Consumers against Price Gouging on Milk and Eliminate the BETR/TIF Double Dip	ONTP Page 934
LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness	CARRIED OVER Page 947

Property Tax - Circuit Breaker

Enacted

None

Not Enacted

LD 206	An Act to Expand the Maine Residents Property Tax Program	ONTP Page 894
LD 219	An Act to Expand the Maine Residents Property Tax Program, the so-called "Circuit Breaker Program"	ONTP Page 896
LD 266	An Act To Provide Meaningful Property Tax Relief	ONTP Page 897
LD 382	An Act to Enhance the Maine the Maine Residents Property Tax Program	ONTP Page 900
LD 588	An Act To Expand Eligibility for the "Circuit Breaker" Program	ONTP Page 909
LD 753	An Act To Facilitate the Application Process for the Maine Residents Property Tax Program	ONTP Page 913
LD 977	An Act To Adjust Qualifications for the So-called "Circuit Breaker Program"	ONTP Page 921
LD 997	An Act Allowing Municipalities To Create Property Tax Circuit Breaker Programs	ONTP Page 922

LD 1235	An Act To Provide Property Tax Relief to Maine Resident Homeowners	ONTP Page 931
LD 1394	An Act To Modernize the State's Tax System	CARRIED OVER Page 936
LD 1395	An Act for Comprehensive Reform of Maine's Tax Structure	ONTP Page 937
LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness	CARRIED OVER Page 951

Sales Tax

Enacted

None

Not Enacted

LD 62	An Act to Promote Equity Among Health Care Clinics	ONTP Page 890
LD 109	An Act to Exempt from Tax State-mandated Fish Passage Facilities	ONTP Page 891
LD 154	An Act to Provide a Sales Tax Exemption for Nonprofit Organizations That Provide Food and Lodging for Family Members of Patients in Hospitals	ONTP Page 892
LD 187	An Act To Fairly Assess Sales Tax on Vehicles	ONTP Page 893
LD 191	An Act to Amend the Definition of "Commercial Agricultural Production"	ONTP Page 893
LD 269	An Act To Exempt Special Mobile Equipment from Sales Tax	ONTP Page 898
LD 447	An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible	ONTP Page 901
LD 574	An Act To Clarify the Definition of Commercial Agricultural Production	ONTP Page 908
LD 587	An Act To Repeal the Sales Tax on All Over-the-counter Medications	ONTP Page 909

LD 613	An Act To Allow Vendors to Retain a Portion of Sales Tax They Collect to Cover Costs	ONTP Page 910
LD 726	An Act to Eliminate the Maine Sales Tax on United States Flags	ONTP Page 912
LD 746	An Act To Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes	CARRIED OVER Page 912
LD 911	An Act To Exempt All Casual Sales from Taxation	ONTP Page 917
LD 996	An Act Allowing Municipalities To Retain a Percentage of Any Increase in the Sales and Use Tax	ONTP Page 922
LD 1031	An Act To Impose a Fee on Nonresidents Who Participate in Recreational Activities in the State	ONTP Page 923
LD 1071	An Act To Encourage the Use of Clean Fuel Vehicles	ONTP Page 924
LD 1094	An Act To Replace the Sales Tax with a Gross Receipts Tax	ONTP Page 924
LD 1207	An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries	ONTP Page 929
LD 1247	An Act To Lower the Tax on Prepared Food from 7% to 5	ONTP Page 931
LD 1299	An Act To Fully Fund Local Education with Sales Tax Revenues	ONTP Page 933
LD 1333	An Act To Allow Municipalities To Provide Property Tax Relief through a Local Option Sales Tax	ONTP Page 934
LD 1394	An Act To Modernize the State's Tax System	CARRIED OVER Page 936
LD 1395	An Act for Comprehensive Reform of Maine's Tax Structure	ONTP Page 937
LD 1418	An Act To Make Changes in Maine's Tax Laws	ONTP Page 938
LD 1421	An Act To Reduce Property Taxes	ONTP Page 938

Tax Reform

Enacted

None

Not Enacted

LD 22	An Act To Make Changes in Maine's Tax Laws	ONTP Page 889
LD 174	An Act to Restructure the Maine Income Tax Law	ONTP Page 892
LD 179	An Act to Restructure the Tax System and Make the Restructured System Subject to Referendum	ONTP Page 892
LD 773	An Act To Expand the Revenue-generating Authority of Municipalities	ONTP Page 914
LD 784	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Establish a Different Property Tax Rate for Secondary Residential Property for Purposes of Education Funding and To Protect State Funding of Education	ONTP Page 915
LD 801	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a Vote of 2/3 of Each House of the Legislature To Enact or Increase a Tax	ONTP Page 915
LD 938	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership	CARRIED OVER Page 919
LD 951	An Act To Establish the Maine Land Bank and Community Preservation Program	CARRIED OVER Page 920
LD 1094	An Act To Replace the Sales Tax with a Gross Receipts Tax	ONTP Page 924
LD 1141	An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform	CARRIED OVER Page 926
LD 1145	An Act To Create the Maine Community Preservation Fund	ONTP Page 926
LD 1299	An Act To Fully Fund Local Education with Sales Tax Revenues	ONTP Page 933
LD 1338	An Act To Reform the Tax Laws	ONTP Page 935
LD 1372	An Act To Enact the School Finance Act of 2003	INDEP PP Page 935
LD 1394	An Act To Modernize the State's Tax System	ONTP Page 936

LD 1395	An Act for Comprehensive Reform of Maine's Tax Structure	ONTP Page 937
LD 1421	An Act To Reduce Property Taxes	ONTP Page 938
LD 1629	RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness	CARRIED OVER Page 951

Joint Standing Committee On Taxation

LD 38 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Protect the Commercial Fishing Industry** **ONTP**

<u>Sponsor(s)</u> BRENNAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 38 was a constitutional resolution that proposed to allow the Legislature to provide for the assessment of land and structures used primarily for commercial fishing purposes based on the current use of that property.

LD 62 **An Act to Promote Equity Among Health Care Clinics** **ONTP**

<u>Sponsor(s)</u> KANE PENDLETON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 62 proposed to provide the same sales and use tax exemption to all incorporated nonprofit health centers that is currently available to rural community health centers.

LD 99 **An Act to Repeal the Tax Incentive for Certain Shipbuilding
Facilities** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 99 proposed to repeal the shipbuilding facility credit.

LD 107 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Allow Municipalities to Limit Property Taxes for Elderly
Residents** **ONTP**

<u>Sponsor(s)</u> USHER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 107 was a constitutional resolution that proposed to amend the Constitution of Maine to allow the Legislature to enact a law allowing municipalities to reduce or limit property taxes on property owned by a person who is elderly or disabled.

Joint Standing Committee On Taxation

LD 109 **An Act to Exempt from Tax State-mandated Fish Passage Facilities** **ONTP**

<u>Sponsor(s)</u> TARDY MITCHELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 109 proposed to provide a property tax exemption for certain fish passage facilities and a sales tax exemption for materials used in the maintenance of such facilities.

LD 138 **Resolve, Directing the State Tax Assessor to Adjust the State Valuation for the Town of Ashland** **RESOLVE 88
EMERGENCY**

<u>Sponsor(s)</u> MARTIN CHURCHILL, J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-170
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LD 138 proposed to direct the State Tax Assessor to reduce the state valuation for the Town of Ashland by approximately 12% to \$66,950,000.

Committee Amendment "A" (S-170) proposed to establish the mechanism for adjustment of general purpose aid for local schools for the Town of Ashland to provide for the adjustment in the 2003 state valuation required by the resolve.

Enacted Law Summary

Resolve 2003, chapter 88 reduces the 2003 state valuation for the Town of Ashland to \$66,950,000 and establishes a mechanism for adjustment of general purpose aid for local schools for the Town of Ashland to provide for the adjustment in the 2003 state valuation required by the resolve. The Commissioner of Education is directed to provide the required additional funds to the Town from savings in the General Purpose Aid for Local Schools account and requires the proration of funding if insufficient savings are available to fund adjustments for all municipalities for which adjustments are enacted.

Resolve 2003, chapter 8 was enacted as an emergency measure effective June 23, 2003.

LD 141 **An Act to Increase Revenue Sharing to a Municipality by 5% of its Allocation if it Shares Fire, Police and Recreation Services with Adjoining Municipalities** **ONTP**

<u>Sponsor(s)</u> MARTIN MCGOWAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 141 proposed that municipalities that share police and fire protection and recreation services with one or more adjoining municipalities would be entitled to receive an additional 5% of their allocation from the Local Government Fund.

Joint Standing Committee On Taxation

LD 146 **An Act to Establish a Tax Credit for Parents who Homeschool Their Children** **ONTP**

<u>Sponsor(s)</u> NASS GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 146 proposed to provide a nonrefundable income tax credit of \$1,000 to taxpayers who provide approved homeschooling for their dependents.

LD 154 **An Act to Provide a Sales Tax Exemption for Nonprofit Organizations That Provide Food and Lodging for Family Members of Patients in Hospitals** **ONTP**

<u>Sponsor(s)</u> DAVIS, P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 154 proposed to expand the sales tax exemption for nonprofit organizations providing temporary residential accommodations to critically ill pediatric patients and adult patients with cancer, and their families to include organizations that provide food or lodging to hospital patients or their families. See LD 583. The provisions of this bill were included in Part AA of the Part II budget. See LD 1614 summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

LD 174 **An Act to Restructure the Maine Income Tax Law** **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 174 was a concept draft that proposed to restructure the Maine Income Tax Law.

LD 179 **An Act to Restructure the Tax System and Make the Restructured System Subject to Referendum** **ONTP**

<u>Sponsor(s)</u> LEMOINE STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 179 was a concept draft that proposed to restructure the system of taxation in Maine. The restructured system would have needed to be approved at a statewide referendum prior to implementation.

Joint Standing Committee On Taxation

LD 184

An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans

PUBLIC 30

Sponsor(s)
JODREY

Committee Report
OTP-AM

Amendments Adopted
H-20

LD 184 proposed to restrict access by the local assessor and the Director of the Bureau of Forestry to a copy of a forest management and harvest plan for land taxed pursuant to the Maine Tree Growth Tax Law by providing that the plan must be available only for view.

Committee Amendment "A" (H-20) proposed to permit a tax assessor or the Director of the Bureau of Forestry to review a forest management plan. The review would permit the assessor or the director to see or possess the plan for a reasonable period of time to verify compliance with a forest management plan under the Maine Tree Growth Tax Law. Upon completion of the review, the plan would be returned to the owner or the owner's agent.

Enacted Law Summary

Public Law 2003, chapter 30 permits a tax assessor or the Director of the Bureau of Forestry to see or possess a forest management plan for a reasonable period of time to verify compliance with a forest management plan under the Maine Tree Growth Tax Law. Upon completion of the review, the plan would be returned to the owner or the owner's agent.

LD 187

An Act To Fairly Assess Sales Tax on Vehicles

ONTP

Sponsor(s)
TOBIN, J
DAVIS, P

Committee Report
ONTP

Amendments Adopted

LD 187 proposed a sales tax exemption for casual sales of certain vehicles when sold to a corporation, partnership, limited liability company or limited liability partnership when the seller is the owner of common stock of the corporation or has an ownership interest in the partnership, limited liability company or limited liability partnership or when the seller is the spouse of such an owner. The bill proposed to apply this change retroactively to January 1, 2003.

LD 191

An Act to Amend the Definition of "Commercial Agricultural Production"

ONTP

Sponsor(s)
TRAHAN
HALL

Committee Report
ONTP

Amendments Adopted

LD 191 proposed to create one definition of "commercial agricultural production" to apply to the sales tax exemption for products used in agricultural production and to the refund or exemption for machinery and equipment used in commercial agricultural production. The proposed change both expands and restricts the items that would be exempt from sales tax.

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LD 198 **An Act to Fund the Fund for a Healthy Maine From an Increase in Liquor Taxes** **ONTP**

<u>Sponsor(s)</u> SUSLOVIC STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 198 proposed to increase the tax imposed on spirits, malt liquor, low-alcohol spirits, fortified wine and hard cider by 25%. Ten percent of the tax imposed on those products would be dedicated to the Fund for a Healthy Maine.

LD 202 **An Act To Make Certain Housing an Acceptable Use of Tax Increment Financing** **ONTP**

<u>Sponsor(s)</u> SUSLOVIC STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 202 proposed to permit affordable housing development costs approved by the Maine State Housing Authority to be included in municipal development district project costs for purposes of tax increment financing. See also LD 858.

LD 204 **An Act To Require That the Excise Tax on Vehicles Be Based on the Purchase Price** **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 204 proposed to require that the excise tax for all motor vehicles and campers be based upon the purchase price of the vehicle rather than the "maker's list price." Either the original bill of sale or the state sales tax document could be used to certify the purchase price. See also LD 530.

LD 206 **An Act to Expand the Maine Residents Property Tax Program** **ONTP**

<u>Sponsor(s)</u> MILLS, P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 206 proposed to expand the Maine Residents Property Tax Program to provide benefits equal to 80% of the property taxes for a homestead that exceed 4% of the taxpayer's income. The amount of rent constituting property taxes accrued for nonelderly households would have increased from 18% to 20%. The income eligibility

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requirements would be repealed. The cost of expanding the Maine Residents Property Tax Program would be compensated for by decreasing the Maine resident homestead property tax exemption from \$7,000 to \$3,000.

**LD 208 RESOLUTION, Proposing an Amendment to the Constitution of CARRIED OVER
Maine Related to the Taxation of Personal Property**

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

LD 208 proposes an amendment to the Constitution of Maine to exempt business personal property from property tax as a general rule, but would permit municipalities to tax business personal property on the basis of just value or another basis authorized by the Legislature.

LD 209 An Act to Increase the Tax on All Tobacco Products ONTP

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

LD 209 proposed to increase the tax on cigarettes and other tobacco products by 25% effective October 1, 2003.

**LD 216 An Act to Provide an Income Tax Deduction for a Qualified State- ONTP
sponsored 529 Plan for Higher Education Expenses**

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

LD 216 proposed an income tax deduction of up to \$10,000 per account for contributions made to any qualified state tuition program, including the Maine College Savings Program, that was eligible for preferred tax treatment under federal law.

**LD 218 RESOLUTION, Proposing an Amendment to the Constitution of ONTP
Maine to Stabilize Real Estate Valuation and Protect Ancestral
Homes**

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

LD 218 was a concept draft that proposed to amend the Constitution of Maine to limit the ability of municipalities to increase the valuation of homes. The limitation would be achieved by establishing a baseline for property

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values using the value of the home in 1985. Unless there were major renovations to the home or the home was sold, the valuation would stay at the 1985 level. If a home remained in a family through inheritance, the town could adjust the value from generation to generation.

LD 219 **An Act to Expand the Maine Residents Property Tax Program, the so-called "Circuit Breaker Program"** **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 219 proposed to double the income limitation for benefits under the Maine Residents Property Tax Program to \$51,400 for single-member households and \$80,000 for households with 2 or more members. This bill would also raise the maximum allowable rebate from \$1,000 to \$3,000.

LD 246 **An Act To Promote and Facilitate Personal Retirement Saving in Maine** **ONTP**

<u>Sponsor(s)</u> WOODBURY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 246 proposed a one-time income tax credit for certain federally qualified retirement savings contributions. The credit would range from 10% to 50% of up to \$500 of contributions that qualify for a federal credit. The percentage allowed would be the same as that allowed under the federal credit and decreases as the taxpayer's federal adjusted gross income increases. The credit would expire after 4 years.

LD 251 **An Act Concerning Tax-acquired Property** **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 251 proposed to reduce the amount of residential property acquired by municipalities for nonpayment of taxes by establishing procedures for the development of payment plans both before and after residential property is acquired by a municipality if the person who is delinquent in payment of taxes or that person's surviving spouse continues to reside on the property. Municipalities would be required to establish procedures for payment plans and to notify persons who are delinquent of those procedures and the availability of property tax relief programs. The municipality would be permitted to set off against delinquent taxes amounts owed by the municipality to the person who is delinquent. A former owner or the former owner's surviving spouse would be permitted to buy back the property by payment of delinquent taxes, interest and costs at any time before the property is sold to a 3rd party. A municipality that sells a tax-acquired property would be required to pay the funds received in excess of delinquent taxes, interest and costs to the former owner or the former owner's surviving spouse or heirs. See also LD 937.

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LD 256 **An Act to Establish and Permit Medical Savings Accounts** **ONTP**

<u>Sponsor(s)</u> CRESSEY MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 256 proposed to allow residents of the State to establish medical savings accounts for payment of eligible medical expenses, including the payment of health insurance premiums and deductibles. Contributions to, interest earned on and qualified withdrawals from medical savings accounts would be exempt from Maine state income tax. See also LD 950.

LD 259 **An Act To Amend the Laws Governing the Assessment of Property Taxes in the Event of a Change of Ownership of the Property** **ONTP**

<u>Sponsor(s)</u> BROMLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 259 proposed to exempt the previous owner of property from liability for any taxes billed after the change in ownership as long as the previous owner provides certain information, such as a copy of the executed deed, to the assessor. See also LDs 261 and 600.

LD 261 **An Act To Require Disclosure Statements Regarding Proration of Property Taxes When Real Estate is Sold** **ONTP**

<u>Sponsor(s)</u> KNEELAND FISCHER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 261 proposed to require a person selling real estate to provide to the purchaser a disclosure statement at the time of sale clearly defining the terms of an agreement for proration of property taxes and the respective property tax obligations of the purchaser and seller in order to completely fulfill the property tax obligation, unless all of the funds necessary to fulfill the proration agreement were secured at the time of sale in an escrow account. See also LDs 259 and 600.

LD 266 **An Act To Provide Meaningful Property Tax Relief** **ONTP**

<u>Sponsor(s)</u> BROMLEY BLISS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 266 proposed to do the following:

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1. Repeal the Maine resident homestead property tax exemption and instead expand the Maine Residents Property Tax Program, commonly known as the "circuit breaker" program;
2. Increase the benefits for renters under the Maine Residents Property Tax Program by increasing the percentage of rent constituting property taxes from 18% to 20% of rent paid;
3. Expand the circuit breaker program by reducing the income tax thresholds from 4% and 8% to 3% and 6%, respectively, and by increasing the maximum benefit payment from \$1,000 to \$3,000; and
4. Expand the circuit breaker program by increasing the income thresholds from \$25,700 for singles and \$40,000 for joint filers to \$40,000 and \$60,000, respectively.

LD 269 **An Act To Exempt Special Mobile Equipment from Sales Tax** **ONTP**

<u>Sponsor(s)</u> WOODCOCK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 269 proposed to include special mobile equipment among the vehicles that can be purchased by a nonresident and exempted from the Maine sales tax if removed immediately from the State.

LD 289 **An Act to Create the Family Technology Assistance Tax Credit** **ONTP**

<u>Sponsor(s)</u> BLISS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 289 proposed to provide an income tax credit of up to \$1,000 for the purchase a home computer system for a taxpayer with dependent children. A taxpayer could claim this credit once every 5 years.

LD 305 **An Act To Amend the Lien Procedures for Time-share Estates** **PUBLIC 229**

<u>Sponsor(s)</u> COLLINS STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-233
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LD 305 proposed to permit a municipality to place a lien on property owned by an association of time-share unit owners if the managing entity is required by local ordinance to collect property taxes on the time-shares and the managing entity fails to pay all property taxes due.

Committee Amendment "A" (H-233) proposed to permit a municipality with a time-share tax ordinance to require the managing entity of a time-share project to pay the property taxes due with respect to the time-share estates that are a part of the project regardless of whether sufficient amounts were collected by the managing

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entity from time-share unit owners. The municipality could also opt to enforce the collection of taxes through the standard property tax lien procedure.

Enacted Law Summary

Public Law 2003, chapter 229 permits a municipality with a time-share tax ordinance to require the managing entity of a time-share project to pay the property taxes due with respect to the time-share estates that are a part of the project regardless of whether sufficient amounts were collected by the managing entity from time-share unit owners. The municipality could also opt to enforce the collection of taxes through the standard property tax lien procedure.

LD 314 **Resolve, To Study the Property Valuation Process** **ONTP**

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

LD 314 was a concept draft that proposed to review the process of property valuation that is in place to effectuate the constitutional requirement that property taxes be apportioned and assessed equally and according to just value to ensure that the process of property valuation is carried out equitably and efficiently, and to propose changes to improve the functioning of the process.

LD 320 **An Act Concerning Counties' Share of the Real Estate Transfer Tax** **ONTP**

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

LD 320 proposed to increase the portion of the real estate transfer tax that is retained by the county by 1% in 2004, 2% in 2005, 3% in 2006, 4% in 2007 and 5% in 2008, to a maximum of 25% from the current level of 10%.

LD 345 **An Act To Reinstate a Milk Handling Fee** **CARRIED OVER**

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

LD 345 proposes to reinstitute the milk handling tax, which was in effect in 1995 and 1996, at the rate of 8¢ per quart on all milk handled for retail sale in Maine. The tax would be paid on a monthly basis by the wholesale handler or, if there was none, by the retail handler. Proceeds of the tax would be paid to the State's General Fund for general purposes of State Government and would not be dedicated to any particular purpose. The bill also proposed to repeal the tax on January 1, 2005.

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LD 345 was carried over the Second Regular Session to permit time to assess the effectiveness of other measures to assist the dairy industry.

LD 347 **An Act to Amend School Administrative District Cost-sharing and County Tax Apportionments to Recognize the Value of Property in Municipal Tax Increment Financing Districts** **ONTP**

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

LD 347 proposed to require that the assessed value of any sheltered property in a municipal tax increment financing district be included in the state valuation when determining a municipality's share of the school administrative district's total education expenditures and county tax assessment.

LD 378 **An Act to Enhance the Maine Earned Income Tax Credit** **ONTP**

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

LD 378 proposed to expand the Maine earned income tax credit by increasing it to 30% of the federal credit and by making it refundable. See also LDs 1394 and 1395 and LD 1319 summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

LD 382 **An Act to Enhance the Maine the Maine Residents Property Tax Program** **ONTP**

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

LD 382 proposed to expand eligibility and benefits under the Maine Residents Property Tax Program. "Rent constituting property taxes accrued for a nonelderly household" would be increased from 18% to 25% of gross rent. Income eligibility limitations would be increased to \$39,000 for single-member households and \$60,000 for multiple-member households. Reimbursement would be made available for 50% of property taxes between 3% and 6% of income and 100% of property taxes over 6% of income. The maximum benefit would increase from \$1,000 to \$6,000.

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LD 403 **An Act To Amend the Laws Governing the Deduction of Pension and Retirement Benefits from State Income Tax** **ONTP**

<u>Sponsor(s)</u> GAGNON SIMPSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 403 proposed to increase the deduction to \$8,000 beginning January 1, 2004 and \$1,000 each subsequent year until the amount of the deduction is \$17,000 in 2013. In 2014 and after the deduction would have increased to \$20,000.

LD 436 **An Act To Create a Minimal Excise Tax for Farm Trucks** **ONTP**

<u>Sponsor(s)</u> KNEELAND WOTTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 436 was a concept draft that proposed to create a minimal excise tax for farm trucks that are at least 5 years old and are used solely for seasonal agricultural purposes

LD 445 **An Act To Facilitate Farmer Participation in the Land for Maine's Future Program** **ONTP**

<u>Sponsor(s)</u> SMITH, M KNEELAND	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 445 proposed to allow a farmer to reduce the farmer's adjusted gross income for income tax purposes by the amount received for sale of development rights under the Land for Maine's Future program.

LD 447 **An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible** **ONTP**

<u>Sponsor(s)</u> TWOMEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 447 proposed to exempt from sales tax the sales of adaptive equipment to a disabled person or a disabled person's family member for installation in or on a motor vehicle to make the vehicle accessible by a disabled person. Under current law, adaptive equipment installed on a motor vehicle owned by a disabled person to make the vehicle operable or accessible by a disabled person is exempt from the excise tax.

Joint Standing Committee On Taxation

LD 451

An Act To Clarify Tax Appeal Procedures

PUBLIC 242

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-310
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LD 451 proposed to permit a taxpayer appeal to Superior Court of a reconsideration decision of the State Tax Assessor to raise facts, arguments or issues that were not raised during the reconsideration proceeding.

Committee Amendment "A" (H-310) proposed that, on appeal to Superior Court of a reconsideration decision of the State Tax Assessor, either the taxpayer or the assessor may raise facts, arguments or issues that relate to the assessor's decision on reconsideration provided that the facts, arguments or issues were not barred by any other provision of law.

Enacted Law Summary

Public Law 2003, chapter 242 provides that, on appeal to Superior Court of a reconsideration decision of the State Tax Assessor, either the taxpayer or the assessor may raise facts, arguments or issues that relate to the assessor's decision on reconsideration provided that the facts, arguments or issues were not barred by any other provision of law.

LD 467

Resolve, To Study the Policies of the Department of Administrative and Financial Services, Bureau of Revenue Services Regarding Tax Collection Practices

INDEF PP

<u>Sponsor(s)</u> PERRY, J LEMONT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-235
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LD 467 proposed to establish the Commission to Study the Policies of the Bureau of Revenue Services Regarding Tax Collection.

Committee Amendment "A" (H-235) proposed to change the staff office for the study and clarify the timing of report submission. This bill was not funded off the Study Table.

LD 502

An Act To Expand the Education Tax Credit

PUBLIC 473

<u>Sponsor(s)</u> COLWELL BRENNAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-286
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LD 502 proposed to expand income tax credits for contributions to promote higher educational attainment by extending coverage to contributions to higher educational endowments that have a policy of awarding no less than 4% of the value of the scholarship fund during a calendar year.

Joint Standing Committee On Taxation

Committee Amendment “A” (H-286) proposed to allow a need-based scholarship granting organization possessing endowments with a value at least \$1,000,000 to be designated as a qualified scholarship organization for purposes of certain tax credits if the organization demonstrates that the it awards an amount equal to 100% of the amount of funds eligible for the tax credit received during the preceding calendar year and that administrative expenses for the endowments do not exceed 2% of the value of the endowments. The amendment also proposed to remove the requirement that a recipient sign a pledge indicating an intent to return to Maine and instead requires the qualified scholarship organization to either require such a pledge or to demonstrate that it offers outreach activities designed to encourage scholarship recipients to reside in Maine following graduation.

Enacted Law Summary

Public Law 2003, chapter 473 allows a need-based scholarship granting organization possessing endowments with a value at least \$1,000,000 to be designated as a qualified scholarship organization for purposes of certain tax credits if the organization demonstrates that the it awards an amount equal to 100% of the amount of funds eligible for the tax credit received during the preceding calendar year and that administrative expenses for the endowments do not exceed 2% of the value of the endowments. This chapter also removes the requirement that a recipient sign a pledge indicating an intent to return to Maine and instead requires the qualified scholarship organization to either require such a pledge or to demonstrate that it offers outreach activities designed to encourage scholarship recipients to reside in Maine following graduation.

LD 504

An Act To Strengthen the Taxpayer Bill of Rights

ONTP

Sponsor(s)
CRESSEY
YOUNGBLOOD

Committee Report
ONTP

Amendments Adopted

LD 504 proposed to ensure that the Department of Administrative and Financial Services, Bureau of Revenue Services abides by the Taxpayer Bill of Rights statement issued under the Maine Revised Statutes, Title 36, section 112, subsection 7-A, and not engage in coercive or abusive practices in its dealings with taxpayers. The bill would permit a taxpayer to complain about treatment to the director of the appellate division of the Bureau of Revenue Services and, subsequently, to the Superior Court, if necessary. Among the remedies provided for failure to follow the required safeguards in dealing with a taxpayer is reimbursement of costs, including attorney's fees, to the taxpayer.

LD 505

An Act To Promote Maine Farm and Dairy Products in Place of Soft Drinks in Public Schools and To Create a Maine Residency Program for New Dentists

ONTP

Sponsor(s)
MILLS, P

Committee Report
ONTP

Amendments Adopted

LD 504 proposed to establish a tax on the distribution, manufacture and wholesale of soft drinks and soft drink products. One half of the revenue from the tax would be distributed to schools that prohibit the advertising and sale of soft drinks and candy and that sell Maine dairy and farm products. The other 1/2 of the revenue would be used to establish dental residency programs at one or more qualifying Maine hospitals.

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LD 514 **An Act To Increase the Personal Income Tax Exemption** **ONTP**

<u>Sponsor(s)</u> CRESSEY WESTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 514 proposed to amend the State's income tax law to increase the amount of each personal exemption from \$2,850 to \$5,500.

LD 521 **An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process** **PUBLIC 13**

<u>Sponsor(s)</u> DUNLAP	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 521 proposed to clarify that the application for the Maine resident homestead property tax exemption is a one-time process and the exemption continues for that owner until the assessor determines that the property is no longer eligible for the exemption.

Enacted Law Summary

Public Law 2003, chapter 13 clarifies that the application for the Maine resident homestead property tax exemption is a one-time process and the exemption continues for that owner until the assessor determines that the property is no longer eligible for the exemption.

LD 526 **An Act To Ensure Domestic Tranquility** **ONTP**

<u>Sponsor(s)</u> KETTERER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 526 proposed to impose a \$1 fee on each telemarketing call made by out-of-state telemarketers to residential telephone subscribers in this State. The revenues from this fee would be deposited in the General Fund.

Joint Standing Committee On Taxation

LD 530

An Act To Bring Equity to the Vehicle Excise Tax

ONTP

<u>Sponsor(s)</u> CRESSEY TURNER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 530 proposed to require that the excise tax for all motor vehicles and campers be based upon the purchase price of the vehicle rather than the maker's list price. Either the original bill of sale or the state sales tax document could be used to certify the purchase price. See also LD 204.

LD 542

Resolve, To Reduce the State Valuation for the Town of Hermon

RESOLVE 81

<u>Sponsor(s)</u> MITCHELL TREADWELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-101
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LD 542 proposed to authorize the Town of Hermon to seek an adjustment of its state valuation for the year 2003 without meeting the August 1st filing deadline set forth in current law.

Committee Amendment "A" (S-101) proposed a mechanism for adjustment of general purpose aid to local schools for the Town of Hermon if an adjustment is made to its 2003 state valuation.

Enacted Law Summary

Resolve 2003, chapter 81 authorizes the Town of Hermon to seek an adjustment of its state valuation for the year 2003 without meeting the August 1st filing deadline set forth in current law and provides a mechanism for adjustment of general purpose aid to local schools for the Town of Hermon if an adjustment is made.

LD 545

**An Act To Provide Federal Civil Service Retirees the Same State
Income Tax Protection as Federal Military Service Retirees**

ONTP

<u>Sponsor(s)</u> EDMONDS SMITH, W	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 545 proposed to allow retirees receiving retirement benefits under the federal Civil Service Retirement System to deduct up to \$6,000 of those retirement benefits from their adjusted gross income on their state income tax return without having to offset that deduction by any Social Security benefits they are also receiving.

Joint Standing Committee On Taxation

LD 551

An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes

**PUBLIC 72
EMERGENCY**

Sponsor(s)
STANLEY
CLARK

Committee Report
OTP

Amendments Adopted

LD 551 proposed to amend the law relating to appeals of property tax abatement requests, in municipalities that do not have a board of assessment review, for property with a valuation of at least \$500,000 to clarify that the appeal process is suspended if the taxpayer is delinquent in paying taxes due after the year that is the subject of the abatement request being appealed when the taxes are not paid by the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers. The changes proposed by this bill are identical to changes made to the Maine Revised Statutes, Title 36, section 843, subsection 4 by Public Law 2001, chapter 436, which applied to municipalities that have a board of assessment review.

Enacted Law Summary

Public Law 2003, chapter 72 amends the law relating to appeals of property tax abatement requests, in municipalities that do not have a board of assessment review, for property with a valuation of at least \$500,000 to clarify that the appeal process is suspended if the taxpayer is delinquent in paying taxes due after the year that is the subject of the abatement request being appealed when the taxes are not paid by the due date or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers. The changes enacted in this bill are identical to changes made to the Maine Revised Statutes, Title 36, section 843, subsection 4 by Public Law 2001, chapter 436, which applied to municipalities that have a board of assessment review.

Public Law 2003, chapter 72 was enacted as an emergency measure effective April 18, 2003.

LD 555

An Act To Increase the Maine Income Tax Deduction for Benefits Received Under the Maine State Retirement System

ONTP

Sponsor(s)
PARADIS
GAGNON

Committee Report
ONTP

Amendments Adopted

LD 555 proposed to increase the amount of the income tax deduction for retirement benefit income received by retirees in the Maine State Retirement System to \$10,000 annually.

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LD 559 **An Act To Increase the Value of a Parsonage That is Exempt from the Property Tax** **ONTP**

<u>Sponsor(s)</u> HUTTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 559 proposed to increase the property tax exemption for parsonages from \$20,000 to \$100,000 and provide that the limit be adjusted annually for inflation.

LD 567 **An Act To Prohibit Government-subsidized Competition with Lodging Establishments** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 567 proposed to prohibit the use of municipal tax increment financing for a lodging facility.

LD 572 **An Act To Change the Process of Enforcement of a Municipality's Obligations to a School Administrative District** **PUBLIC 212**

<u>Sponsor(s)</u> BUNKER GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-251
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LD 572 proposed to repeal current law that allows a school administrative district to issue a warrant to seize and sell the real and personal property of any inhabitant of a municipality that has failed to pay its school tax levy to the district. In its place, the bill proposed to establish a priority lien on the real estate of the municipality that has failed to pay its tax to the district.

Committee Amendment "A" (H-251) proposed to replace the bill. It proposed to update the procedures for enforcement by the treasurer of a school administrative district or a community school district when a municipal treasurer fails to pay monthly installments due to the district. The new procedure proposed to authorize the district treasurer to file an action in Superior Court to recover amounts due, interest, court costs and attorney's fees. The court could order the diversion of state-municipal revenue sharing and tax reimbursements due to the municipality and may attach municipal property and other assets to satisfy the payment due the district.

Enacted Law Summary

Public Law 2003, chapter 212 updates the procedures for enforcement by the treasurer of a school administrative district or a community school district when a municipal treasurer fails to pay monthly installments due to the district. The new procedure authorizes the district treasurer to file an action in Superior Court to recover amounts due, interest, court costs and attorney's fees. The court may order the diversion of state-municipal revenue sharing and tax reimbursements due to the municipality and attach municipal property and other assets to satisfy the payment due the district.

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LD 573 **An Act To Provide Property Tax Relief to Elderly Maine Citizens** **ONTP**

<u>Sponsor(s)</u> COWGER STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 573 proposed to expand the homestead property tax to allow a person who is at least 65 years of age and who has resided in the same house for at least 25 years an additional property tax exemption of \$1,000 of the value of the home for each year the person resides in the home beyond 25 years

LD 574 **An Act To Clarify the Definition of Commercial Agricultural Production** **ONTP**

<u>Sponsor(s)</u> DAIGLE MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 574 proposed to expand the definition of "commercial agricultural production" for purposes of the laws governing sales and use tax to specifically include the commercial production of compost.

LD 579 **An Act To Provide a Property Tax Exemption for Parents Whose Children Attend a Private Elementary or Secondary School** **ONTP**

<u>Sponsor(s)</u> COLLINS NASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 579 proposed to provide a property tax exemption for taxpayers whose dependents attend a private elementary or secondary school. The exemption would be equal to the lower of the amount of tuition paid or the portion of the property tax that is attributable to education funding.

LD 583 **An Act To Amend the Laws Governing the Deduction of Pensions, Retirement Benefits and other Income from State Income Tax** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> CLOUGH BENNETT, R	<u>Committee Report</u> OTP-A	<u>Amendments Adopted</u> H-534
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LD 583 proposed to increase the deduction to \$8,000 for tax years beginning January 1, 2003 and then by \$1,000 each subsequent year until 2008. Beginning with tax years beginning January 1, 2008, the deduction would have been increased by \$1,500 per year until 2012, when the amount of the deduction would be \$18,000. Beginning with tax years beginning January 1, 2012, the amount of the deduction would be equal to the amount of the maximum federal tax exemption for social security benefits reduced by any social security benefits actually

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received by the taxpayer. This bill also proposed to include interest, ordinary dividends and capital gains within the definition of retirement income included in the calculation of the income tax deduction for retirement income if those items were taxable in this State and at least one taxpayer included on the tax return was at least 65 years of age.

Committee Amendment "A" (H-534) proposed to expand the sales tax exemption for nonprofit organizations providing temporary residential accommodations to critically ill pediatric patients and cancer patients and their families to include organizations that provide food or lodging to hospital patients or their families. See also LD 154.

LD 583 died on the Special Appropriations Table.

LD 587 **An Act To Repeal the Sales Tax on All Over-the-counter Medications** **ONTP**

<u>Sponsor(s)</u> LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 587 proposed to exempt from sales tax the sale of all over-the-counter medicine for humans.

LD 588 **An Act To Expand Eligibility for the "Circuit Breaker" Program** **ONTP**

<u>Sponsor(s)</u> BRENNAN CUMMINGS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 588 proposed to increase the income limitation for benefits under the so-called "circuit breaker program" to \$48,189 for single-member households and \$75,000 for households with 2 or more members. This bill also proposed to raise the maximum allowable rebate from \$1,000 to \$3,000.

LD 600 **An Act To Change the Filing Dates on Real Estate Liens** **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN, III SULLIVAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 600 proposed to require that for municipalities with a fiscal year that begins on July 1st, the notice of a property tax lien be sent to the owner of the property as of July 1st after the date of assessment of the taxes rather than the owner of record as of April 1st. See also LDs 259 and 261.

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LD 601 **An Act To Encourage Earlier Tax Refunds** **ONTP**

<u>Sponsor(s)</u> NASS BOWLES		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 601 proposed to shorten the time period for the State to make income tax refunds without being required to pay interest from 3 months to 45 days.

LD 613 **An Act To Allow Vendors to Retain a Portion of Sales Tax They Collect to Cover Costs** **ONTP**

<u>Sponsor(s)</u> LEMONT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 613 proposed to permit persons that are required to register under Maine's sales and use tax law to deduct and retain an amount equal to up to 1% of the sales and use taxes they collect, but not exceeding \$50 per month, as reimbursement for the expenses they incur in the collection of sales and use taxes on behalf of the State.

LD 643 **An Act To Provide a Property Tax Exemption to All Veterans of the United States Armed Forces** **ONTP**

<u>Sponsor(s)</u> LEDWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 643 proposed to amend the \$5,000 property tax exemption provided to a veteran who served in the Armed Forces of the United States to remove the eligibility requirements that the veteran served during a federally recognized war period or that the veteran be totally disabled. Under this bill, a veteran of the Armed Forces of the United States would be eligible to receive a property tax exemption if the veteran served at least 2 years and has reached the age of 62 or the veteran is totally disabled.

This bill also proposed to amend the current \$47,500 property tax exemption for specially adapted housing for paraplegic veterans to remove the requirement that the veteran served in the Armed Forces of the United States during a federally recognized war period. See also LD 1.

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LD 654 **An Act To Establish a Flat Tax Rate for the Maine Income Tax** **ONTP**

<u>Sponsor(s)</u> CRESSEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 654 proposed to change the existing graduated income tax into a flat rate tax effective for tax years beginning on or after January 1, 2004.

LD 681 **An Act To Amend the Law Pertaining to Tax Exemptions for Public and Private Pensions** **ONTP**

<u>Sponsor(s)</u> DAVIS, G STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 681 proposed to exempt benefits received under the Maine State Retirement System from the social security benefit offset.

LD 698 **An Act To Increase the Amount Transferred through State-municipal Revenue Sharing** **ONTP**

<u>Sponsor(s)</u> CRESSEY YOUNGBLOOD	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 698 proposed to increase the percentage of sales and income tax shared with municipalities to 6% beginning January 1, 2004.

LD 706 **An Act To Create an Income Tax Credit for Premiums Paid for Health Insurance** **ONTP**

<u>Sponsor(s)</u> STANLEY PARADIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 706 proposed to create an income tax credit equal to 30% of the health insurance premiums paid by the taxpayer for the same taxable year

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LD 721 **An Act to Encourage More Dentists to Practice in the State** **ONTP**

<u>Sponsor(s)</u> DUDLEY MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 721 proposed to create an income tax credit equal to the amount of loan forgiveness that a taxpayer is granted under the Maine Dental Education Loan Program. The bill also proposed to increase the maximum loan or loan repayment amount under that program from \$20,000 to \$25,000.

LD 725 **An Act To Authorize Towns and Cities To Give Property Tax Relief to Volunteer Firefighters and Emergency Medical Services Providers** **ONTP**

<u>Sponsor(s)</u> BLANCHETTE BRYANT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 725 proposed to permit municipalities to adopt a plan to reimburse volunteer firefighters and emergency medical services personnel for a portion of property taxes paid to the municipality.

LD 726 **An Act to Eliminate the Maine Sales Tax on United States Flags** **ONTP**

<u>Sponsor(s)</u> COLLINS SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 726 proposed to exempt the sale of the United States flag from sales tax. This bill also proposed to prohibit a person convicted under federal law of burning a United States flag in a protest from being eligible for this exemption.

LD 746 **An Act To Adopt a Streamlined Sales and Use Tax Agreement That Allows for Local Option Taxes** **CARRIED OVER**

<u>Sponsor(s)</u> LEMOINE STANLEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 746 is a concept draft that proposes to adopt the model sales and use tax proposal adopted on November 12, 2002 by the national Streamlined Sales Tax Project. The Streamlined Sales Tax Project is a multistate effort to simplify state sales tax laws so that they are more comprehensible to consumers and easier to administer by retailers, including mail order and Internet retailers. Under the model act, states would retain the right to determine whether to tax any item and to set the rate of tax, as well as the right to authorize local option sales

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taxes. The model act would make consistent among participating states the definitions of items, and each taxing jurisdiction would have only one tax rate rather than multiple rates for different taxable items.

LD 753 **An Act To Facilitate the Application Process for the Maine Residents Property Tax Program** **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 753 proposed to lengthen the period for filing for the Maine Residents Property Tax Program. Claimants could file between August 1st and April 15th of the following year.

The bill also proposed to require the Bureau of Revenue Services within the Department of Administrative and Financial Services to advertise and promote the program.

LD 756 **An Act To Provide an Income Tax Credit for Tuition Paid to Private Schools** **ONTP**

<u>Sponsor(s)</u> SHERMAN WESTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 756 proposed to allow an income tax credit of up to \$1,000 for tuition paid to a private school for a taxpayer or a dependent of the taxpayer.

LD 761 **An Act To Create an Agricultural Property Tax Reimbursement Program** **ONTP**

<u>Sponsor(s)</u> MILLS, P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 761 proposed to establish the Maine Agricultural Property Tax Program. Under the bill, a commercial dairy farm would have been entitled to reimbursement from the State of 50% of its eligible property taxes.

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LD 773 **An Act To Expand the Revenue-generating Authority of Municipalities** **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 773 was a concept draft that proposed to grant general authority to local governments to expand their power of taxation beyond property tax, including, but not limited to, taxes on sales, amusements and wages.

LD 781 **An Act To Repeal the Reimbursement of Personal Property Tax on Business Machines and Equipment** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 781 proposed to repeal the Business Equipment Tax Reimbursement program, which provides reimbursement for personal property taxes paid on certain business property.

LD 783 **An Act To Make the Business Equipment Tax Reimbursement Program a Local Option** **ONTP**

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 783 proposed to repeal the Business Equipment Tax Reimbursement program that provides state reimbursement of property taxes paid on business personal property.

This bill proposed to allow a municipality to adopt a local option business equipment tax reimbursement program in which the municipality would reimburse the business for property taxes paid on business equipment located in that municipality. The municipality could reimburse any portion of the taxes paid, up to 100%. The municipality could restrict the program to certain types of business equipment, specific areas of the municipality or certain types of business.

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LD 784 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Allow the Legislature To Establish a Different Property
Tax Rate for Secondary Residential Property for Purposes of
Education Funding and To Protect State Funding of Education** **ONTP**

<u>Sponsor(s)</u> MCGOWAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 784 proposed to amend the Constitution of Maine to permit the Legislature to establish a different tax rate for secondary residential property for the purpose of funding public education from kindergarten to grade 12, to establish the Education Funding Stabilization Fund dedicated to providing a stable source of state revenue to support kindergarten to grade 12 education and to dedicate additional sales tax revenue enacted as a result of a referendum to support kindergarten to grade 12 education unless otherwise appropriated by a 2/3 vote of each House of the Legislature. See related bill, LD 1141.

LD 801 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require a Vote of 2/3 of Each House of the Legislature
To Enact or Increase a Tax** **ONTP**

<u>Sponsor(s)</u> BLAIS CLOUGH	<u>Committee Report</u> ONTP, MAJ OTP-AM, MIN	<u>Amendments Adopted</u>
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LD 801 proposed a constitutional resolution that would require approval of 2/3 of each House of the Legislature to enact or increase taxes or license fees or repeal existing tax exemptions except when inadequate funds had been appropriated for debt payment.

LD 810 **An Act To Increase the Maine Lodging Tax** **ONTP**

<u>Sponsor(s)</u> SAMPSON STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 810 was a concept draft that proposed to increase the lodging tax.

LD 855 **An Act To Establish Minimum Standards of Eligibility for the
Property Tax Exemption for Benevolent and Charitable
Institutions** **ONTP**

<u>Sponsor(s)</u> CRESSEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 855 proposed to permit a property tax exemption to a nonprofit benevolent and charitable institution only if it donates or renders gratuitously a substantial portion of its services. The charitable organization could meet that standard in one of the following ways:

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1. The institution could provide goods and services to all who seek them without regard to ability to pay;
2. The institution could provide goods and services for fees that are based on the recipients' ability to pay;
3. The institution could provide wholly gratuitous goods and services to least 5% of those receiving similar goods and services from the institution;
4. The institution could provide uncompensated goods or services that in the aggregate are equal to at least 5% of the institution's cost of providing goods or services; or
5. The institution could provide goods or services at no fee or a reduced fee to nonprofit agencies or individuals eligible for government programs.

LD 858

An Act To Establish a Municipal Affordable Housing Development District Tax Increment Financing Program

PUBLIC 426

Sponsor(s)
MILLS, P

Committee Report
OTP-AM
ONTP

Amendments Adopted
H-412

LD 858 proposed to create a separate tax increment financing law for affordable housing development districts. The bill proposed a process similar to that currently available to municipalities to designate development districts for economic development purposes except that the affordable housing program would be administered by the Maine State Housing Authority.

Committee Amendment "A" (H-412) proposed that the affordable housing development program would require the ongoing affordability for at least 10 years for owner-occupied units and 30 years for rental units. The amendment proposed to add a requirement that the development be primarily a residential development on which at least 33% of the dwelling units were affordable and provided that captured assessed value located within an affordable housing development district must be excluded from a municipality's state valuation. See also LD 202.

Enacted Law Summary

Public Law 2003, chapter 426 creates a separate tax increment financing law for affordable housing development districts. This chapter creates a process similar to that currently available to municipalities to designate development districts for economic development purposes except that the affordable housing program would be administered by the Maine State Housing Authority. Captured assessed value within an affordable housing tax increment financing district would be sheltered by being excluded from the municipality's state valuation and, therefore, would not result in the reduction of state distributions to a participating municipality.

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LD 868 **An Act To Immediately Eliminate the Marriage Penalty under the Income Tax Laws** **ONTP**

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 868 proposed to provide that the standard deduction for married persons filing joint returns and surviving spouses permitted to file joint returns is twice the amount for persons filing as single individuals. The deduction would not apply to individuals who file joint returns and are also included as dependents on the return of another taxpayer. The standard deduction for heads of households would be 150% of the amount for single individuals.

LD 872 **Resolve, To Require That the State Conduct a New Valuation of Private Properties in the Unorganized Territories of Aroostook County** **ONTP**

<u>Sponsor(s)</u> PARADIS STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 872 proposed to require the State Tax Assessor to conduct a valuation of taxable property within the unorganized territories of Aroostook County.

LD 874 **An Act To Connect the BETR Program with Job Retention** **ONTP**

<u>Sponsor(s)</u> CLARK STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 874 proposed to amend the Business Equipment Tax Reimbursement program to require a person who benefits under the program to return a portion of the benefits received if the person terminates or lays off a portion of that person's workforce for a period longer than 3 months. The percentage of the refund is based on the number of employment positions terminated or suspended. If the person were required to refund a portion of the reimbursement, that person could not participate in the BETR program for 2 years.

LD 911 **An Act To Exempt All Casual Sales from Taxation** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 911 proposed to extend the sales tax exemption for casual sales to all such sales.

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LD 914 **An Act To Provide Certain Veterans an Excise Tax Deduction in Lieu of the Homestead Exemption** **ONTP**

<u>Sponsor(s)</u> SHIELDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 914 proposed to provide veterans of the United States Armed Forces a vehicle excise tax exemption up to the amount of the homestead property tax exemption if the veteran was not eligible for a homestead property tax exemption.

LD 916 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Present-home Property Taxes** **ONTP**

<u>Sponsor(s)</u> DAVIS, G PAMELA, PH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 916 proposed to amend the Constitution of Maine to require the Legislature to enact a law that prohibits municipalities from increasing property taxes by more than the rate of inflation for the prior year if the property is owned and resided in by the same owner.

LD 920 **An Act To Establish a Penalty on Gains from the Sale or Exchange of Land from Which Timber Has Been Harvested** **ONTP**

<u>Sponsor(s)</u> KOFFMAN DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 920 proposed to create a tax on gains from the sale or exchange of "land for timber harvesting." The tax would decline over a 10-year period and be related to the amount of gain as a percentage of the cost basis of the land. The tax would apply to land greater than 100 acres.

LD 937 **An Act To Require the Net Proceeds from the Sale of a Foreclosed Property To Be Returned to the Former Owner** **ONTP**

<u>Sponsor(s)</u> TWOMEY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 937, modeled on the foreclosure proceedings initiated by a mortgagee, proposed to require 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 and any other expenses incurred in disposing the real estate.

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Notice of the availability of the excess funds would 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 failed to claim the excess funds within 36 months, the municipality would be required to remit the excess funds to the Treasurer of State for credit to the General Fund.

This bill would have applied retroactively to January 1, 2000, thus requiring any municipality that has availed itself of the tax lien foreclosure process since that date to return any excess funds to the former owner. See also LD 251.

LD 938 **RESOLUTION, Proposing an Amendment to the Constitution of** **CARRIED OVER**
Maine To Change the Assessment of Lands Used for Long-term
Ownership

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

LD 938 together with LD 951, commonly referred to as the “Chebeague proposal,” proposes to permit land used for long-term ownership, or generational family ownership, to be assessed based on current use. A penalty could be imposed if the land were transferred outside of the immediate family or by other than a designated bequest. See related bill, LD 951.

LD 940 **RESOLUTION, Proposing an Amendment to the Constitution of** **ONTP**
Maine To Cap the Property Taxes of Homes That Have Been in
the Same Family for 4 Generations

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

LD 940 proposed to amend the Constitution of Maine to require the Legislature to enact a law that prohibits municipalities from increasing property taxes on real property that is held by members of the same family for at least 4 generations of that family. Property that was later subdivided or developed would become ineligible for the tax cap.

LD 950 **An Act Authorizing the Creation of Individual Medical Savings** **ONTP**
Accounts

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

LD 950 proposed to provide enabling legislation for health insurance carriers to offer medical savings accounts in conjunction with health insurance for policyholders in the individual health insurance market. Medical savings accounts would need to conform to the requirements for the accounts under federal law. Individuals with medical savings accounts would be eligible for a federal tax deduction for contributions to the accounts and would not be

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taxed for withdrawals used to pay qualified medical expenses. The bill proposed to make contributions to, interest earned on and qualified withdrawals from individual medical savings accounts exempt from Maine state income tax. The bill also proposed that the Department of Professional and Financial Regulation, Bureau of Insurance would provide technical assistance to those companies that offer medical savings accounts in conjunction with individual health insurance policies within the bureau's existing resources. The legislation would be repealed upon the repeal of federal legislation authorizing medical savings accounts. See also LD 256.

LD 951 **An Act To Establish the Maine Land Bank and Community Preservation Program** **CARRIED OVER**

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

LD 951 together with LD 938, commonly referred to as “the Chebeague proposal,” proposes to provide property tax relief to property owners in the State. Under the bill, a voluntary Maine Land Bank and Community Preservation Program would be created for residential and nonresidential real estate. The program would apply to land only and not buildings. The base value of land would be determined by looking back 5 years to the assessed value of the land as adjusted by using the state-certified ratio for that year. The program proposes to include provisions requiring adjustments or penalties in cases when there was a change in ownership other than to a family member or by designated bequest or the land is withdrawn from the program. The entire bill would be subject to a statutory referendum and would be conditional upon an amendment to the Constitution of Maine passing at the next statewide election. See related bill, LD 938.

LD 966 **An Act To Encourage the Payment of Delinquent Taxes** **ONTP**

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

LD 966 proposed to establish the Maine Tax Amnesty Program. The program was intended to encourage delinquent taxpayers, those that were delinquent in paying taxes due on or before April 15, 2003 to comply with the law. Incentives provided to encourage compliance were a waiver of criminal or civil prosecution and civil penalties, plus a 50% reduction of the interest owed. All funds obtained through the operation of this program would go directly to the General Fund. This bill was modeled on a similar program that was in effect in 1990.

A tax amnesty program was enacted in Part AA of the Part I budget bill. See LD 1319 summarized under the Joint Standing Committee on Appropriations and Financial Affairs.

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LD 975 **An Act To Improve the Business Equipment Tax Reimbursement Program** **CARRIED OVER**

<u>Sponsor(s)</u> STRIMLING COWGER	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 975 proposes to prohibit reimbursement of property taxes under the Business Equipment Tax Reimbursement program if the taxes were also reimbursed under a tax increment financing district agreement.

LD 977 **An Act To Adjust Qualifications for the So-called "Circuit Breaker Program"** **ONTP**

<u>Sponsor(s)</u> GAGNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 977 proposed that funds received from the National Council on Aging could not be included in determining income for purposes of eligibility the Maine Residents Property Tax Program, the so-called "circuit breaker" program.

LD 983 **An Act To Phase Out the Tax on Business Equipment** **ONTP**

<u>Sponsor(s)</u> BLAIS BERUBE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 983 proposed to provide a property tax exemption of 20% of the value of business property beginning April 1, 2005 and increase that exemption by the same amount each year until the business property is completely exempt beginning April 1, 2009. Under the requirements of the Constitution of Maine, Article IV, Part Third, Section 23, the State is required to reimburse each municipality 50% of the property tax revenue loss suffered by that municipality as a result of this bill.

This bill also proposed to repeal the business equipment tax reimbursement program in 2010, since business property is exempt from personal property taxation beginning April 1, 2009 and businesses currently have one year to file for reimbursement.

Joint Standing Committee On Taxation

LD 996 **An Act Allowing Municipalities To Retain a Percentage of Any Increase in the Sales and Use Tax** **ONTP**

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

LD 996 proposed to require the State Tax Assessor to pay to the governing body of a municipality 10% of the excess of sales and use tax revenues generated by retailers within that municipality over the sales and use tax revenues generated the prior year.

LD 997 **An Act Allowing Municipalities To Create Property Tax Circuit Breaker Programs** **ONTP**

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

LD 997 proposed to authorize municipalities to establish, at their option, property tax relief programs, or so-called "circuit breaker" programs.

LD 1010 **An Act To Exempt Military Pensions from State Income Tax** **ONTP**

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

LD 1010 proposed to exempt from the state income tax all military pension benefits received by a Maine resident as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

LD 1019 **Resolve, To Create the Industrial Property Assessing Methods Group** **ONTP**

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

LD 1019 proposed to require the State Tax Assessor to convene a group of experts in the field of assessing major industrial property for the purpose of developing recommendations regarding the application of standards and methods for the assessing of major industrial properties that must be deemed adequate and appropriate under a rebuttable presumption. The recommendations were to have been submitted to the Joint Standing Committee on Taxation no later than January 15, 2004.

Joint Standing Committee On Taxation

LD 1031 **An Act To Impose a Fee on Nonresidents Who Participate in Recreational Activities in the State** **ONTP**

<u>Sponsor(s)</u> LAVERRIERE- BOUCHER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1031 was a concept draft that would have imposed a “fee” on nonresidents of the State who participated in recreational amusement activities within the State. Under the bill, "recreational amusement activities" would have included skiing, bowling, movies, plays, concerts, carnivals, amusement parks and other entertainment activity for which a business charges admission for exhibition, amusement or recreation.

LD 1044 **An Act Regarding Taxation inside the Passamaquoddy Indian Territory** **ONTP**

<u>Sponsor(s)</u> MOORE, F	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1044 proposed to establish the Passamaquoddy Indian territory as a tax-free zone and would have made certain activities conducted inside the Passamaquoddy Indian territory tax exempt.

LD 1060 **An Act To Allow the State To Claim a Setoff against a Convicted Person's Tax Refund for Purposes of Paying Restitution** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> ANNIS DAVIS, P	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-236
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LD 1060 proposed to allow the State to request a setoff against income tax refunds for a person convicted of murder or a Class A, B or C crime to fulfill restitution ordered by a court.

Committee Amendment “A” (H-236) proposed to delete an unnecessary section and provide that the setoff of restitution would be the 2nd priority after liquidated child support debts owed to the Department of Human Services.

This bill died on the Special Appropriations Table.

Joint Standing Committee On Taxation

LD 1071

An Act To Encourage the Use of Clean Fuel Vehicles

ONTP

Sponsor(s)
EDER

Committee Report
ONTP

Amendments Adopted

LD 1071 proposed to exempt from the sales tax 100% of the sale or lease price of a new hybrid gasoline-electric, fuel-cell or hydrogen-fueled vehicle and 100% of the cost allocated to the cost of conversion of a converted gasoline or diesel-fueled motor vehicle.

This bill also proposed to place a 5% surcharge on the purchase or lease for more than one year of a vehicle that did not attain at least 27.5 miles per gallon, as found in the so-called "CAFE standards." The surcharge would not apply to commercial motor vehicles.

LD 1080

An Act To Impose a Municipal Services Fee on Tax-exempt Property

ONTP

Sponsor(s)
PELLON

Committee Report
ONTP

Amendments Adopted

LD 1080 proposed to allow a municipality to charge an entity that is exempt from property tax for "direct benefit services" provided in that municipality, such as: fire and police protection; water and sewer services; trash collection and disposal; and public works department services, including sidewalk and road construction and maintenance. Only a tax-exempt entity that derives at least 50% of its annual revenue from charges such as service fees, rents, rates or tuitions imposed on a client group served by that tax-exempt entity, regardless of the source of those charges, would be charged for direct benefit services.

A tax-exempt entity otherwise subject to charges would be exempt if that tax-exempt entity expends 50% or more of its annual revenues to provide temporary housing, food, clothing or other services to individuals and families at or below the federal poverty level.

LD 1094

An Act To Replace the Sales Tax with a Gross Receipts Tax

ONTP

Sponsor(s)
GAGNON

Committee Report
ONTP

Amendments Adopted

LD 1094 was a concept draft that proposed to replace the State's sales tax with a gross receipts tax that had the following characteristics:

1. The tax would be modeled on the New Mexico gross receipts tax, but without the exemptions contained in that tax.

Joint Standing Committee On Taxation

2. The tax would apply to the final sale of all products and services. Sales of products and services that are incorporated into a product or service for resale would not be exempt. Sales of products and services for resale would not be taxed. Sales by businesses that qualify as nonprofit organizations under Section 501(c)(3) of the federal Internal Revenue Code would be exempt.
3. The tax would be a tax paid by a business selling products or services based on the gross receipts of the business. Businesses would file monthly or quarterly returns with the Department of Administrative and Financial Services, Bureau of Revenue Services. The tax would not be separately stated at the time of sale.
4. The bill would provide different rates for different categories of businesses or sales.
5. The tax would contain a 1% local option tax to be used to reduce the property tax.
6. The tax would provide for a floating tax rate that will fluctuate within defined limits based on economy.

LD 1100

An Act To Amend the Foreclosure Process

ONTP

Sponsor(s)
CRESSEY

Committee Report
ONTP

Amendments Adopted

LD 1100 was a concept draft that proposed to amend the foreclosure of real estate laws to allow purchase up to 30 days before a foreclosure auction; and provide that a tax lien filed against real property subject to foreclosure was a personal lien against the owner and did not run with the land.

LD 1124

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Allow Property Tax Reductions for Seniors**

ONTP

Sponsor(s)
LEMOINE

Committee Report
ONTP

Amendments Adopted

LD 1124 was a resolution that proposed to amend the Constitution of Maine to allow municipalities to impose property taxes on homes owned by residents who were at least 62 years of age based on the average municipally assessed value of the home for the 5 prior years.

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LD 1135 **An Act To Provide a Tax Credit to Employers Who Contribute to Employee Health Care Benefits** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN BROMLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1135 proposed to expand the income tax credit for certain small businesses that provide health insurance covering the dependents of low-income employees. The credit would be extended to employers with 10 or fewer employees, regardless of their income level. The credit would have been applicable to expenditures for health insurance for employees as well as dependents, and the maximum credit per employee or dependent would have been increased to \$1,000.

LD 1141 **An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform** **CARRIED OVER**

<u>Sponsor(s)</u> MCGOWAN STANLEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1141 proposes to provide for a statutory referendum designed to achieve tax relief for residents and businesses in the State and implement comprehensive tax and education funding reform. The bill proposes to provide property tax relief by establishing a cap on local property taxes of 12 mills on secondary residential property and 4 mills on all other property for the purpose of funding public education. Additional money for public education would have been raised from the property tax only if approved by the voters at a referendum.

The bill also proposes to provide property tax relief by expanding the tax and rent refund program, phasing out the tax on certain personal property and gradually eliminating the need for the business equipment tax reimbursement program. Education funding would be stabilized by setting aside a portion of unappropriated surplus for an Education Funding Stabilization Fund. Income tax relief would be provided by setting aside a portion of revenues in excess of estimates to be used to reduce income tax rates. The bill proposes to direct the Joint Standing Committee on Taxation to report legislation to the Second Regular Session to raise revenue necessary to meet the State's education funding obligation. The referendum questions would require the voters to indicate whether they would prefer raising the sales tax rate by 2 percentage points or by removing sales tax exemptions and increasing the rate by no more than one percentage point. The bill would take effect only if a majority of the voters approved at least one of the revenue options and if a constitutional amendment was also approved to permit different property tax rates for secondary residential property. See related bill, LD 784.

LD 1145 **An Act To Create the Maine Community Preservation Fund** **ONTP**

<u>Sponsor(s)</u> MILLS, P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1145 was a concept draft that proposed to impose a gross receipts tax of 0.5% on certain retail stores that were located outside of a downtown, as defined in the Maine Revised Statutes, Title 30-A, section 4301, subsection 5-

Joint Standing Committee On Taxation

A. The tax would have been imposed on retail stores that had retail floor space greater than 6,000 square feet, that were located with other stores in a common shopping facility containing retail floor space greater than 6,000 square feet or that were served by adjacent parking lots greater than 2 acres in aggregate size.

The bill proposed to establish the Maine Community Preservation Fund to receive the proceeds of the gross receipts tax. The fund would have been used for the following purposes in order of priority.

1. The fund would have been used to transfer up to \$2,000,000 per month into the Maine Milk Pool or any lesser amount that the Maine Milk Commission determined was necessary to compensate Maine dairy farmers for 50% of the difference between \$17 per hundredweight and the adjusted wholesale price of milk on a month-to-month basis, beginning with payments for each of the 3 months immediately preceding the effective date of the bill.
2. The fund would have been used to transfer \$500,000 per month into the Land for Maine's Future Fund beginning January 1, 2004. Payments made from January 2004 to June 2005 would first be applied to payments on bonds issued to support the fund.
3. The fund would have been used to transfer \$20,000 per month to the Downtown Leasehold Improvement Fund beginning in January 2004.
4. The fund would have been used to support an agricultural property tax program.
5. The fund would have been used to transfer money to a fund to support consumption of Maine milk, fruit and produce in Maine schools.
6. The fund would have been used to fund the geographic information system established by the Department of Administrative and Financial Services, Bureau of Information Services.
7. The fund would have been used to transfer money to small business development funds, increase the Municipal Investment Trust Fund, provide grants for comprehensive planning and plan implementation and support affordable housing.

LD 1147 An Act To Shift Tax Burdens from Wages to Nonrenewable Power ONTP
Sources

Sponsor(s)
MILLS, P

Committee Report
ONTP

Amendments Adopted

LD 1147 proposed to establish, beginning January 1, 2004, a tax on the retail sale of electricity generated by the use of coal, oil or natural gas. Revenue from the tax would have been used to raise the amount of the income tax personal exemption.

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LD 1151 **An Act Relating to Tax Credits for Historic Preservation** **ONTP**

<u>Sponsor(s)</u> MAYO ADAMS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1151 would have permitted greater participation in the credit for rehabilitation of certified historic structures by permitting partnerships and Subchapter S corporations to allocate the state credit in a different way than the federal credit is allocated. The bill also proposed to delete a provision that requires recapture of the credit in the same manner as under the federal credit.

LD 1169 **An Act To Phase Out the Business Equipment Tax Reimbursement** **ONTP**

<u>Sponsor(s)</u> TRAHAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1169 proposed to provide for the replacement of the business equipment tax reimbursement program over 4 years or longer with a property tax exemption for personal property that would be eligible for reimbursement under the business equipment tax reimbursement program. Municipalities would be reimbursed for 100% of the property tax revenue loss resulting from the exemption. Funding for municipal reimbursement would be set aside from the amount by which projected General Fund revenues exceeded the previous fiscal year's revenues adjusted for inflation. If excess revenues were not estimated to be sufficient for full funding, the percentage of exempt value would be adjusted to reflect the amount available for municipal reimbursement.

LD 1171 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow Municipalities To Assess 2nd Homes at up to Twice the Valuation** **ONTP**

<u>Sponsor(s)</u> SUSLOVIC STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1171 was a resolution that proposed to amend the Constitution of Maine to require the Legislature to allow municipalities to impose an additional property tax on secondary residential property in an amount up to twice the mill rate imposed on primary residential property. The revenue raised by this tax would be divided equally among the taxing municipality, the General Fund and a program, such as the so-called "circuit breaker program," that provides property tax relief to elderly or low-income residents.

Joint Standing Committee On Taxation

LD 1172 **An Act To Assist American Mills with Tree Growth Management Plan Products** **ONTP**

<u>Sponsor(s)</u> JACKSON MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1172 proposed to require that a portion of the timber harvested from land classified under the Maine Tree Growth Tax Law be sold or transferred to a mill located in the United States if the landowner owned at least 100,000 acres. The portion would have been at least 50% in 2004, 60% in 2005, 70% in 2006 and 80% in 2007 and subsequent years. The bill proposed to impose a penalty equal to the amount of the tax benefit if those percentages were not maintained.

LD 1178 **An Act To Create a Local Property Tax Rebate Program for the Elderly** **ONTP**

<u>Sponsor(s)</u> GAGNON SUSLOVIC	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1178 proposed to authorize municipalities to establish property tax rebate programs for elderly taxpayers on their principal place of residence.

LD 1204 **An Act To Provide for Fairer Income Taxation** **ONTP**

<u>Sponsor(s)</u> STRIMLING	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1204 proposed to exempt from income tax persons whose taxable income is below the poverty line established for that tax year.

LD 1207 **An Act To Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries** **ONTP**

<u>Sponsor(s)</u> COWGER HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1207 proposed to exempt sales of tangible personal property used in the production of prepared food or used in the operation of a hotel or rooming house from the sales tax. It also proposed to exempt sales of machinery and equipment used in the production of prepared food or used in the operation of a hotel or rooming house from the sales tax.

Joint Standing Committee On Taxation

LD 1208

An Act To Provide Property Tax Relief to Maine Citizens Who Meet Certain Guidelines

ONTP

Sponsor(s)
ANDREWS
LEMONT

Committee Report
ONTP

Amendments Adopted

LD 1208 proposed to require a municipality to establish a municipal property tax deferral program. The program would have allowed a resident who was at least 65 years of age and whose annual income was not more than 300% of the poverty level to pay property taxes on that person's residential property at the rate that was in effect on that person's 65th birthday. The assessment would remain at that level until the residence was sold or transferred or the person elected to stop participating in the program. At that time, all property taxes assessed on the property but deferred because of participation in the program would have to be paid to the municipality.

In order to offset the temporary loss of revenue caused by persons participating in the program, the municipality could, upon approval of its voters, impose an additional assessment upon residential property. The revenue from the additional assessment would be kept in a dedicated escrow account and used solely for the purpose of offsetting the loss of revenue.

LD 1209

An Act To Conform the State Compromise of Tax Liability Procedure with Federal Procedures

ONTP

Sponsor(s)
MCLAUGHLIN
HALL

Committee Report
ONTP

Amendments Adopted

LD 1209 proposed to replace the current law regarding the ability of the State Tax Assessor to compromise a tax liability. This bill proposed to:

1. Allow the assessor to compromise any tax liability;
2. Require the general counsel for the Bureau of Revenue Services to review and explain the reason for the offer of compromise if the amount owed, including interest and other added amounts, is at least \$50,000;
3. Require the assessor to maintain a report showing the specifics of the compromise, including the amount assessed and the amount actually paid under the compromise;
4. Require the assessor to establish guidelines to be used by officers and employees of the bureau in determining whether to grant offers in compromise and the amount that must be retained by the taxpayer making the offer in compromise in order to provide for basic living expenses; and
5. Allow the Attorney General to compromise the tax liability of any civil or criminal case that is referred to the Attorney General for prosecution or defense.

Joint Standing Committee On Taxation

LD 1217 **An Act To Enhance the Collection of Tax Arrearages** **ONTP**

<u>Sponsor(s)</u> MCLAUGHLIN BROMLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1217 proposed to repeal the current process for the collection of tax arrearages and instead would enact a process similar to the process for the collection of federal taxes, including establishing a 10-year period of limitations for the assessment or collection of taxes. The period of limitations would be stayed by certain events, such as bankruptcy and the taxpayer being outside of the United States.

LD 1235 **An Act To Provide Property Tax Relief to Maine Resident Homeowners** **ONTP**

<u>Sponsor(s)</u> WOODBURY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1235 proposed to provide property tax relief to Maine resident homeowners. This would have been accomplished as follows.

1. Expand circuit breaker eligibility. This bill proposed to expand the income eligibility for participation in the Maine Residents Property Tax Program to single-member households with household income less than \$59,100 and households with 2 or more members with a household income less than \$90,100.
2. Increase amount of benefit. The maximum benefit under the circuit breaker program would be increased from \$1,000 to \$1,500 beginning in 2004, and would increase \$250 each year until 2010, when the maximum benefit would reach \$3,000.
3. Statewide real property tax. To fund the increased eligibility and benefits under the circuit breaker program, this bill would impose a statewide tax on real property. The State Tax Assessor would administer the tax. The rate would be set at 4 mills of the just value of property beginning in 2004 and would increase by one mill each year until the mill rate reaches 10 mills beginning in 2010. The first \$1,000,000 of just value of a home owned by a resident would be exempt from the property tax, similar to the current exemption under the Maine resident homestead property tax exemption program.

LD 1247 **An Act To Lower the Tax on Prepared Food from 7% to 5%** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO BLAIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1247 proposed to lower the sales tax on prepared food from 7% to 5%.

Joint Standing Committee On Taxation

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

<u>Sponsor(s)</u> SIMPSON DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-480
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LD 1249 proposes to provide that a taxpayer that made an investment in child care services certified under the Maine Revised Statutes, Title 36, section 5219-Q during the tax year would be eligible for the tax credit provided in that section. A taxpayer would not be required to own or operate a child care site to be eligible for the tax credit.

Committee Amendment "A" (H-480) proposed to make contributions to quality child care services eligible for the credit.

LD 1249 was placed on the Special Appropriations Table and carried over by the Joint Standing Committee on Appropriations and Financial Affairs.

LD 1258 **An Act To Ensure Appropriate Education for Health Care Workers** **ONTP**

<u>Sponsor(s)</u> PERRY, A EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1258 proposed that persons providing direct health care, whether in a licensed health care facility or as part of home health care, must be a certified nursing assistant. The bill proposed procedures to implement the certification requirement and an increase in the sales tax on bottled soda to 10%, with ½ of the money earmarked for the Department of Education, to support certified nursing assistant training courses.

LD 1270 **An Act To Increase the Viability of the Dairy Farming Industry** **ONTP**

<u>Sponsor(s)</u> TWOMEY HATCH, PH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1270 was a concept draft that proposed to tax large retail stores and use the proceeds to aid the dairy farming industry. Under this bill, a tax would be imposed on so-called "big box" stores. Funds collected pursuant to the tax would be dedicated to a fund that would be disbursed to dairy farms to cover the true costs of production of milk by the first 44 cows owned by that dairy. This amount would have been equal to \$22.81 per hundred pounds of milk. Under the bill, no disbursements would have been made with respect to milk produced after the first 44 cows.

Joint Standing Committee On Taxation

LD 1299 **An Act To Fully Fund Local Education with Sales Tax Revenues** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1299 proposed that the State fund 100% of the cost of education for students in kindergarten to grade 12 and would have required the State Budget Officer to submit legislation to fund the requirement through the sales tax.

LD 1313 **An Act To Permit a Limited Local Option Sales Tax** **ONTP**

<u>Sponsor(s)</u> MILLS, P DAMON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1313 proposed to permit municipalities to adopt by referendum a 1% or 2% local sales tax on prepared food and lodging. The property tax base of a municipality collecting the local option sales tax would be adjusted for purposes of state distributions for education and revenue sharing and apportionment of county taxes to reflect a property tax equivalent for the additional revenues. The bill proposed to require a similar adjustment for motor vehicle and watercraft excise taxes.

LD 1320 **An Act To Extend Tax Increment Financing Zones To Include the Development of Large-scale Affordable Housing** **ONTP**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1320 was a concept draft that proposed to permit a municipality to authorize creation of tax increment financing zones to promote development and construction of affordable housing. Under the bill, affordable housing would focus on building up rather than out, with an emphasis on mitigating sprawl. See also LD 858.

LD 1330 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief for Maine Seniors** **ONTP**

<u>Sponsor(s)</u> BLAIS CAMPBELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1330 proposed to amend the Constitution of Maine to allow municipalities to impose property taxes on a home owned by a resident aged 65 or older whose income was at or below median income at a level equal to the property taxes assessed on that home at the time the person attained 65 years of age.

Joint Standing Committee On Taxation

LD 1338

An Act To Reform the Tax Laws

ONTP

Sponsor(s)
DUNLAP

Committee Report
ONTP

Amendments Adopted

LD 1338 proposed to provide for a local option sales and use tax and a local option income tax at the same rates as and as a substitute for the state sales and use tax and income tax, to be approved by municipal referendum. The general purpose aid for local schools that a municipality receives from the State would be reduced by the amount the municipality received through the local option taxes. If a municipality received more through the local option taxes than the amount the municipality would have received through the general purpose aid for local schools, then the municipality would need to reduce property taxes by the excess amount, applied pro rata to all of the taxable property in the municipality.

LD 1372

An Act To Enact the School Finance Act of 2003

INDEF PP

Sponsor(s)

Committee Report
ONTP-MAJ
OTP-AM MIN

Amendments Adopted

LD 1372 was a citizen-initiated bill that proposed to require the State to provide at least 55% of the total state and local cost of kindergarten to grade 12 public education, including 100% state support for special education services mandated by state and federal law.

Two percent of the annual state appropriation for education required by this initiated bill would be dedicated to the Fund for the Efficient Delivery of Education Services, which is dedicated to providing incentive-based resources to those school administrative units or municipalities that would effect certain system changes that provide significant and sustainable cost savings in the delivery of educational services.

The Fund for the Efficient Delivery of Local and Regional Services is established within the Local Government Fund, which is the fund from which state-municipal revenue sharing is distributed. This fund would be capitalized by setting aside 2% of the sales and income tax revenue that would otherwise be distributed according to the revenue-sharing formula. This 2% would be distributed to those municipalities that could demonstrate cost savings in the delivery of local and regional governmental services through collaboration with other local and regional governments and participating state agencies. This initiated bill would direct the Legislature to develop the necessary implementing legislation to fully implement the Fund for the Efficient Delivery of Education Services and the Fund for the Efficient Delivery of Local and Regional Services.

This initiated bill also proposed to direct the Legislature to develop the necessary implementing legislation to provide for the necessary state revenue to meet the State's obligation to support public education without undermining existing municipal support systems such as municipal revenue sharing, the property tax homestead exemption and local road assistance, among others.

Finally, this initiated bill would direct the Legislature to develop a comprehensive plan as soon as possible but no later than March 1, 2004 that integrates the efforts of state, county and local government and schools to reduce unnecessary spending, identify cost savings in the delivery of governmental services and otherwise address the issue of the overall tax burden in this State.

Joint Standing Committee On Taxation

LD 1394

An Act To Modernize the State's Tax System

CARRIED OVER

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

LD 1394, Part A, proposes to affect the Maine Residents Property Tax Program, the so-called "circuit breaker program," by reducing the tax-to-income threshold initially to 3%, phasing in an additional decrease of .5% over a 4-year period; increasing the maximum rebate to \$6,000; increasing the income limits for single-member households and households with 2 or more members to \$45,000 and \$75,000, respectively; increasing the renter rebate to 25%; and allowing persons to use the income tax form to file for a refundable credit.

Part B proposes to increase from 5.1% to 8.5% the percentage of sales and income tax revenues transferred to the Local Government Fund for revenue sharing.

Part C proposes to reform the income tax by increasing the personal exemption amount to equal the federal amount, increasing the earned income credit and making it refundable and creating a 10% income tax bracket for income of \$100,000 or more for single filers, \$150,000 or more for persons filing as heads of household and \$200,000 for persons filing married joint returns.

Part D proposes the following:

1. To expand the definition of "taxable services" for purposes of the imposition of sales tax to include amusement and recreational, business, personal and professional services;
2. To eliminate the sales tax exemption for sales of short-term publications. It also proposed to limit the exemption on funeral services and repeal the exemption on coin-operated vending machine sales; and
3. To require the joint standing committee of the Legislature having jurisdiction over taxation matters to review annually the additional sales tax revenue collected, as well as the annual cost of reimbursing municipalities as required. Any such revenue collected in excess of the reimbursement obligation would be used to reduce the tax burden on Maine citizens.

Part E proposes to increase the sales tax on lodging from 7% to 10%.

Part F proposes to reform the business equipment tax reimbursement program (BETR) by limiting state reimbursement to 70% of the taxes paid on eligible property reduced by the amount of tax reimbursement received for the property through a tax increment financing agreement.

Part G proposes that, for property first placed in service in property tax years beginning after April 1, 2003, property used in, or in support of, the provision of a nonqualified service or a retail sales facility would not be eligible for BETR reimbursement.

Joint Standing Committee On Taxation

LD 1395

An Act for Comprehensive Reform of Maine's Tax Structure

ONTP

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

LD 1395 proposed to provide for comprehensive reform of the State's tax structure.

Part A proposed to repeal the homestead property tax exemption and provide property tax relief for the homestead property of persons with a high property tax burden by expanding the Maine Residents Property Tax Program to provide benefits equal to 80% of the property taxes for a homestead that exceed 4% of the taxpayer's income. The amount of rent constituting property taxes accrued for a nonelderly household would be increased from 18% to 20% of gross rent. The income eligibility requirements would be repealed.

Part B proposed to permit municipalities to approve by referendum a local option sales tax of either 1% or 2% on prepared food and lodging to be collected by the State in conjunction with the existing tax on these products and services. The added revenue would be counted as though it were derived from an increase in the municipality's property valuation. The effect of this adjustment would be to diminish slightly the municipality's revenue sharing and school funding and increase its proportion of county taxes. Two percent of the added revenue would be kept by the State to offset its costs of collection and 5.2% would be allocated to municipal revenue sharing. Part B also proposed to convert excise taxes on motor vehicles and watercraft to an equivalent of the local property tax with resulting adjustments to revenue sharing, school funding and county taxes in the same fashion.

Part C proposed to divide state-municipal revenue sharing funds equally between the Local Government Fund and the Disproportionate Tax Burden Fund and to change the threshold for receipt of funds from the Disproportionate Tax Burden Fund from 10 mills to 15 mills.

Part D proposed to replace the current income tax brackets with 3 brackets. For persons filing as single individuals, the 2% bracket would cover income from \$0 to \$4,999; the 5% bracket would cover income from \$5,000 to \$19,999; and the 8% bracket would cover income of \$20,000 and above. The income amounts for heads of households would be 1.5 times the amounts for single individuals and the amounts for joint returns would be 2 times the amounts for single individuals. Part D also proposed to increase the personal exemption to equal the federal personal exemption.

Part E proposed to increase the earned income tax credit from 5% to 20% of the federal credit and make it refundable.

Part F proposed to impose a tax on beer and wine at the uniform rate of 12¢ per ounce of the pure alcohol that each contains. The tax would be broken down as 10¢ for the excise tax to the General Fund and 2¢ as the premium tax for the alcoholism prevention fund. This would roughly double the revenue from this source to the General Fund and produce a slight increase for the prevention fund.

Part G proposed to create a property tax exemption for 70% of the just value of certain business property placed in service in the State after April 1, 2003 and eliminate eligibility of that property for tax reimbursement under the business equipment tax reimbursement program. The State would reimburse municipalities for 50% of the revenue lost as a result of the exemption.

Part H proposed to increase the ceiling on the Maine Rainy Day Fund from 6% to 10% of total General Fund Revenues.

Joint Standing Committee On Taxation

Part I proposed to broaden the sales tax base by repealing certain sales tax exemptions and by expanding the number of taxable consumer services.

Part J proposed to allow a municipality to impose service charges on institutions and organizations that were exempt from paying property taxes.

LD 1418 **An Act To Make Changes in Maine's Tax Laws** **ONTP**

<u>Sponsor(s)</u> PERRY, J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1418 was a concept draft that proposed to allow a local unit of government to charge a sales tax, commission or other fee to finance construction or renovation of a civic center, auditorium or similar building.

LD 1421 **An Act To Reduce Property Taxes** **ONTP**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1421 proposed a referendum question on the November ballot that would ask the voters of the State to increase the state sales tax from 5% to 7% in order to fund an increase in the homestead tax exemption from \$7,000 to \$20,000 and to provide additional revenues for general purpose aid for local schools.

LD 1433 **An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04** **P&S 22 EMERGENCY**

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-427
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LD 1433 proposed to establish municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components form the basis for the property tax for the unorganized territory.

Committee Amendment "A" (H-427) proposed to incorporate a fiscal note.

Enacted Law Summary

Private and Special Law 2003, chapter 22 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 form the basis for the property tax for the unorganized territory.

Private and Special 2003, chapter 22 was enacted as an emergency measure effective May 30, 2003.

Joint Standing Committee On Taxation

LD 1460 **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory** **RESOLVE 30**

<u>Sponsor(s)</u> BRENNAN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1460 proposed to authorize the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory.

Enacted Law Summary

Resolve 2003, chapter 30 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory acquired by foreclosure for failure to pay property tax.

LD 1462 **An Act To Conform the Maine Tax Laws for 2002 with the United States Internal Revenue Code** **PUBLIC 255
EMERGENCY**

<u>Sponsor(s)</u> LEMOINE STANLEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1462 proposed to update references contained in the Maine Revised Statutes, Title 36 to the Internal Revenue Code, as amended through December 31, 2002, for tax years beginning on or after January 1, 2002 and for any prior years as specifically provided by the Code.

Enacted Law Summary

Public Law 2003, chapter 255 updates references contained in the Maine Revised Statutes, Title 36 to the Internal Revenue Code, as amended through December 31, 2002, for tax years beginning on or after January 1, 2002 and for any prior years as specifically provided by the Code.

Public Law 2003, chapter 255 was enacted as an emergency measure effective May 21, 2003.

LD 1470 **An Act To Make Minor Substantive Changes to the Tax Laws** **PUBLIC 391**

<u>Sponsor(s)</u> LEMOINE STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-421
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LD 1470 proposed to make minor substantive changes to the laws governing taxation. This bill proposed the following changes.

Joint Standing Committee On Taxation

1. Reduce the period within which a taxpayer may elect to deem a claim for refund or credit denied from 9 years to 4 years and reduce the period of time after which a claim for refund or credit is deemed denied by operation of law from 10 years to 4 years. These changes proposed to reduce the State's exposure to very old refund claims.
2. Provide confidentiality protection to information provided to the State Tax Assessor and used for preparing legislation or legislative analysis.
3. Establish a requirement that boat yards and marinas currently required to maintain a list of watercraft must provide a copy of the list to the State Tax Assessor upon request and expands the kinds of data that must be included. These changes were needed to support revenue discovery efforts on watercraft used in Maine.
4. Clarify that the sales tax exemption for motor vehicles leased to nonresidents does not apply to short-term rentals of automobiles to nonresidents. This change proposed to correct an apparent oversight in the drafting of statutory changes enacted in 2002.
5. Limit the requirement for individual and corporate income tax filers to add back net operating losses that have been carried back to previous years for federal income tax purposes to tax years beginning before January 1, 2002, consistent with other recent changes in Maine's treatment of federal net operating loss deductions. The bill also proposed to standardize a reference to the United States Internal Revenue Code.
6. Allow taxpayers to use a federal net operating loss to offset Maine addition modifications in the year of the loss, thereby preventing a situation in which a taxpayer might have a loss for federal purposes but taxable income for Maine purposes.
7. Provide that the proceeds from the sale of the future income stream derived from a lottery ticket purchased in Maine is Maine-source income subject to Maine income tax.
8. Eliminate the provision allowing a negative modification amount attributable to subtraction of a state income tax refund to be carried back to prior years. The negative modification would still be available in carry-forward years. This change would have been consistent with statutory changes made in 2002 disallowing the use of federal net operating loss carry-backs.
9. Modify the standard for a qualified employee for purposes of the jobs and investment credit to reflect average annual wages rather than per capita income. Per capita income data by labor market area are not available.
10. Make it clear that the refundable portion of the credit for child care expenses must be prorated for persons who were not Maine residents for any part of the year. The changes would conform to current agency practice.
11. Eliminate the requirement to file a Maine income tax return for estates and trusts that had gross income less than \$10,000 and no Maine taxable income.
12. Modify the standard for a qualified employee for purposes of the Maine Employment Tax Increment Financing Act to reflect average annual wages rather than per capita income. Per capita income data by county are not available.
13. Make grammatical changes.

Committee Amendment "A" (H-421) proposed to replace the bill and to make the following changes to the laws governing taxation.

Joint Standing Committee On Taxation

1. Correct a conflict between the Maine Revised Statutes, Title 36, section 1861-A and section 1951-A regarding an individual's use tax responsibility to the State by clarifying that items with a purchase price of more than \$5,000 must be reported separately in the same manner as sales made by retailers as required by Title 36, section 1951-A.
2. Clarify the administrative requirements pertaining to the sale of a controlling interest in real property in the real estate transfer tax law, consistent with statutory changes enacted in 2002.
3. Define "primary recipient" for purposes of the pension income deduction and clarify the treatment of early withdrawals and lump sum distributions.
4. Clarify that the adjusted gross income described in Title 36, section 5142 is the Maine adjusted gross income defined in section 5102, subsection 1-C, paragraph B and taxed by section 5111, subsection 4 and that the Maine adjusted gross income of a nonresident individual includes the individual's share of income, deductions and modifications attributable to Maine-source income of a partnership or limited liability company, estate, trust or S corporation. These changes would conform to current agency practice.
5. Provide that the proceeds from the sale of the future income stream derived from a lottery ticket purchased in Maine is Maine-source income subject to Maine income tax.
6. Clarify that the credit for income tax paid to another taxing jurisdiction is limited to tax paid with respect to income that Maine recognizes as being derived from sources in the other taxing jurisdiction. The changes would conform to current agency practice.
7. Clarify the calculation of the credit for child care expenses by part-year residents. The changes conform to current agency practice. The amendment would also delete superfluous verbiage.
8. Clarify that the refundable portion of the credit for child care expenses must be prorated for persons who were not Maine residents for any part of the year. The changes conform to current agency practice.
9. Eliminate the requirement to file a Maine income tax return for estates and trusts that had gross income less than \$10,000 and no Maine taxable income.
10. Amend the business equipment tax reimbursement statutes to provide that business equipment tax reimbursement is available, and limited to, a successor in interest that owns eligible business property on August 1st of the year in which a claim may be made.
11. Modify the standards for a qualified employee for purposes of the jobs and investment tax credit and the Maine Employment Tax Increment Financing Act to reflect average annual wages rather than per capita income. Per capita income data by county are not available.

Enacted Law Summary

Public Law 2003, chapter 391 makes the following minor substantive changes to the tax laws. Some provisions in the original bill were moved to LD 1571, the "technical changes bill."

1. It corrects a conflict between the Maine Revised Statutes, Title 36, section 1861-A and section 1951-A regarding an individual's use tax responsibility to the State by clarifying that items with a purchase price of more than \$5,000 must be reported separately in the same manner as sales made by retailers as required by Title 36, section 1951-A.

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2. It clarifies the administrative requirements pertaining to the sale of a controlling interest in real property in the real estate transfer tax law, consistent with statutory changes enacted in 2002.
3. It defines "primary recipient" for purposes of the pension income deduction and clarifies the treatment of early withdrawals and lump sum distributions.
4. It clarifies that the adjusted gross income described in Title 36, section 5142 is the Maine adjusted gross income defined in section 5102, subsection 1-C, paragraph B and taxed by section 5111, subsection 4 and that the Maine adjusted gross income of a nonresident individual includes the individual's share of income, deductions and modifications attributable to Maine-source income of a partnership or limited liability company, estate, trust or S corporation. These changes conform to current agency practice.
5. It provides that the proceeds from the sale of the future income stream derived from a lottery ticket purchased in Maine are Maine-source income subject to Maine income tax.
6. It clarifies that the credit for income tax paid to another taxing jurisdiction is limited to tax paid with respect to income that Maine recognizes as being derived from sources in the other taxing jurisdiction. The changes conform to current agency practice.
7. It clarifies the calculation of the credit for child care expenses by part-year residents and eliminates superfluous verbiage. The changes conform to current agency practice.
8. It clarifies that the refundable portion of the credit for child care expenses must be prorated for persons who were not Maine residents for any part of the year. The changes conform to current agency practice.
9. It eliminates the requirement to file a Maine income tax return for estates and trusts that had gross income less than \$10,000 and no Maine taxable income.
10. It amends the business equipment tax reimbursement statutes to provide that business equipment tax reimbursement is available, and limited to, a successor in interest that owns eligible business property on August 1st of the year in which a claim may be made.
11. It modifies the standards for a qualified employee for purposes of the jobs and investment tax credit and the Maine Employment Tax Increment Financing Act to reflect average annual wages rather than per capita income. Per capita income data by county are not available.

LD 1492

An Act To Protect Maine's Water as a Natural Resource

CARRIED OVER

Sponsor(s)
SUSLOVIC

Committee Report

Amendments Adopted

LD 1492 proposes to provide an income tax credit of 5¢ per gallon for the production of liquid fuels from biomass.

Joint Standing Committee On Taxation

LD 1523

An Act To Change the Tax Laws as They Apply to Combat Troops

PUBLIC 287

Sponsor(s)
DAGGETT
COLWELL

Committee Report
OTP-AM

Amendments Adopted
S-127

LD 1523 proposed to provide an income tax return filing extension to military persons, and their spouses, stationed in a combat zone, as declared by the President of the United States. The extension would be for the time the military person was stationed in a combat zone plus an additional 6 months following the departure of the military person from the combat zone. No penalties or interest would accrue during the extension.

This bill would also provide a waiver of income taxes owed by a military person for the tax year in which that person died in a combat zone.

Committee Amendment "A" (S-127) proposed a waiver of income taxes owed by a military person who died in a combat zone or from wounds, disease or other injury received in a combat zone or similar casualty in the same manner as provided pursuant to Section 692 of the Internal Revenue Code.

Enacted Law Summary

Public Law 2003, chapter 287 provides a waiver of income taxes owed by a military person who died in a combat zone or from wounds, disease or other injury received in a combat zone or similar casualty in the same manner as provided pursuant to Section 692 of the Internal Revenue Code.

LD 1571

An Act Concerning Technical Changes to the Tax Laws

PUBLIC 390

Sponsor(s)
STANLEY
LEMOINE

Committee Report
OTP-AM

Amendments Adopted
S-175

LD 1571 proposed to make the following changes to the laws governing taxation.

The bill proposed to establish specific statutory authority and procedures for the State Tax Assessor to accept protective claims for refund.

The bill proposed to clarify that a taxpayer who fails to file a timely request for administrative review of a denial of a tax refund claim forfeits the right to seek review of the denial in Superior Court and that the taxpayer could not submit reiterative claims for the same refund.

The bill proposed to amend the law governing confidentiality of tax information to allow disclosure to the Department of Human Services and the Department of Behavioral and Developmental Services of information relating to the administration and collection of the hospital tax. This provision was inadvertently omitted from the supplemental appropriations bill enacted in November 2002, which imposed the new tax.

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The bill proposed to allow the Department of Administrative and Financial Services, Bureau of Revenue Services to provide taxpayer information to the Department of Human Services, Office of Head Start and Child Care for purposes of certifying investments eligible for the quality child care investment credit.

The bill proposed to allow employees of the Bureau of Revenue Services to disclose certain information to the Finance Authority of Maine necessary to ensure that individual recipients are eligible to receive certain benefits under the Maine College Savings Program.

The bill proposed to delete a redundant definition of the term "person" from the Sales and Use Tax Law. The same term is defined for all taxes in the general provisions of the tax laws.

The bill proposed to amend the definition of "retail sale" to clarify that sales of all kinds of video media for rental were not taxable, consistent with other statutory changes enacted in 2002.

The bill proposed to correct outdated cross-references to sections 187 and 1951, which have been repealed, and proposed to make various grammatical corrections.

The bill proposed to correct a conflict between the Maine Revised Statutes, Title 36, sections 1861-A and 1951-A regarding an individual's use tax responsibility to the State. Title 36, section 1861-A added a reporting mechanism for an individual to report and pay use tax on small purchases made outside of the State, such as through mail order or shopping trips to places outside the State. This change to Title 36, section 1861-A would allow the use tax line on the individual income tax return to be used only for reporting use tax on items with a purchase price of \$1,000 or less. Use tax on items with a purchase price of more than \$1,000 would be due and payable by the 15th of the month following the date of purchase.

The bill proposed to delete a redundant provision for abatement of sales and use taxes. The circumstances under which all taxes may be abated are set forth more fully in the general provisions of the tax laws. The bill also proposed to correct references to taxable services to reflect current law, correct a grammatical error and change gender-specific language.

The bill proposed to delete a redundant definition of the term "person" from the Gasoline Tax Act. The same term is defined for all taxes in the general provisions of the tax laws.

The bill proposed to replace outdated references to state and federal statutes governing highway common carriers. The Public Utilities Commission no longer regulates highway common carriers and the federal excise tax no longer applies to highway transportation. The bill proposed to substitute a cross-reference to the statute that imposes the current operating authority license requirement and incorporates the relevant language of the repealed federal law into Maine law. The bill also proposed to clarify the formula for computing the amount of the refunds authorized by the statute, eliminate redundant verbiage and gender-specific language.

The bill proposed to correct inappropriate references to "distributor" in the motor fuel tax laws. "Distributor" is not defined in the Maine Revised Statutes, Title 36, chapter 459 and is defined elsewhere in Title 36 to mean a different category of persons from what is intended here.

The bill proposed to correct inappropriate references to "internal combustion engine fuel" in the motor fuel tax laws. "Internal combustion engine fuel" is not defined in Title 36, chapter 459 and is defined elsewhere in Title 36 to mean a different type of fuel from what is intended here. The bill also proposed to remove superfluous verbiage and correct grammatical errors.

The bill proposed to eliminate an obsolete reference to the gasoline road tax law, which has been repealed.

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The bill proposed to establish an automatic extension to file an estate tax return equivalent to the federal extension and limit the filing extension to 8 months in all other cases. These changes provide a statutory basis for policies that have been implemented administratively.

The bill proposed to standardize a reference to the federal credit for state death taxes in the estate tax law for consistency with other statutory revisions made in 2002.

The bill proposed to clarify the administrative requirements pertaining to the sale of a controlling interest in real property in the real estate transfer tax law, consistent with statutory changes enacted in 2002.

The bill proposed to simplify the recycling assistance fee law by deleting references to categories of property that are no longer subject to the fee.

The bill proposed to repeal a provision that required rulemaking by the State Tax Assessor to clarify the impact of portions of the recycling assistance fee law. Simplification of the law has obviated the need for rulemaking.

The bill proposed to clarify that the taxable income described in Title 36, section 5121 is the "Maine taxable income" referred to in section 5111.

The bill proposed to clarify that only interest from bonds of another state's government excluded from federal adjusted gross income must be added back in computing Maine adjusted gross income for a resident individual.

The bill proposed to clarify that all deductions claimed for federal income tax purposes by both individuals and corporations must be added back to Maine adjusted gross income if they were included in the taxpayer's investment credit base for the high-technology investment tax credit.

The bill proposed to clarify that only exempt government bond interest included in federal adjusted gross income could be subtracted in computing Maine adjusted gross income.

The bill proposed to delete an obsolete reference to the federal new jobs credit, which has been repealed.

The bill proposed to conform the language that permits subtraction of Maine College Savings Program distributions to that of Title 20-A, section 11479.

The bill proposed to define "primary recipient" for purposes of the pension income deduction. This definition is the one currently applied administratively by the Department of Administrative and Financial Services, Bureau of Revenue Services.

The bill proposed to clarify the language of Title 36, section 5124-A.

The bill proposed to clarify references to federal adjusted gross income and federal taxable income for purposes of computing itemized deductions and to add a provision specifically requiring add-back of the deduction for contributions to family development account reserve funds that is disallowed by the last sentence of Title 36, section 5216-C, subsection 1.

The bill proposed to clarify that the adjusted gross income described in Title 36, section 5142 is the Maine adjusted gross income defined in section 5102, subsection 1-C, paragraph B and taxed by section 5111, subsection 4 and that the Maine adjusted gross income of a nonresident individual includes the individual's share of income, deductions and modifications attributable to Maine-source income of a partnership or limited liability company, estate, trust or S corporation. These changes would conform to current agency practice.

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The bill proposed to clarify that the taxable income of estates and trusts on which the income tax is imposed is the Maine taxable income described in Title 36, sections 5163 and 5175 and that the applicable tax rates are those provided for single individuals.

The bill proposed to clarify that the taxable income of resident estates and trusts described in Title 36, section 5163 is the Maine taxable income taxed by section 5160 and delete superfluous verbiage.

The bill proposed to clarify that bond interest from another state's government bonds excluded from federal taxable income must be added back in computing Maine taxable income of a corporation.

The bill proposed to clarify that exempt income included in federal taxable income could be subtracted in computing Maine taxable income.

The bill proposed to clarify that constitutionally exempt income included in federal taxable income could be subtracted in computing Maine taxable income.

The bill proposed to clarify that the credit for income tax paid to another taxing jurisdiction is limited to tax paid with respect to income that Maine recognizes as being derived from sources in the other taxing jurisdiction. The changes conform to current agency practice.

The bill proposed to clarify the calculation of the credit for child care expenses by part-year residents. The changes conform to current agency practice. The bill also proposed to delete superfluous verbiage.

The bill proposed to clarify the calculation of the retirement and disability credit by part-year residents. The changes conform to current agency practice.

The bill proposed to make it clear that the \$2,000 income limit for the low-income credit applies to an individual's entire taxable income as determined for resident individuals regardless of whether the taxpayer was a Maine resident for the entire year.

The bill proposed to clarify the circumstances under which a taxpayer may be granted an extension of time to file an individual or fiduciary income tax return.

The bill proposed to establish an automatic extension of time to file an individual or fiduciary income tax return equivalent to the federal extension. These changes provide a statutory basis for policies that have been implemented administratively.

The bill proposed to repeal a redundant provision relating to the collection of income tax debts owed by nonresidents. The powers granted to the State Tax Assessor by this provision are included in the general provisions of the tax laws.

The bill proposed to amend the business equipment tax reimbursement statutes to provide that business equipment tax reimbursement is available, and limited to, a successor in interest that owns eligible business property on August 1st of the year in which a claim may be made.

The bill also proposed to repeal a law that requires adoption of a rule for the elderly low-cost drug program to allow consideration of an applicant's change in income from the prior year. As of January 1, 2003, the elderly low-cost drug program is being administered by the Department of Human Services under the laws that govern the Healthy Maine Prescription Program, which determines eligibility based on the current income of the applicant. Repealing this law would allow the Bureau of Revenue Services to repeal the rule that is no longer applicable.

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Committee Amendment “A” (S-175) proposed to make the following changes:

This amendment proposes to make the following changes to the bill.

1. Remove the provision that established specific statutory authority and procedures for the State Tax Assessor to accept protective claims for refund.
2. Remove the provision that clarified that a taxpayer who fails to file a timely request for administrative review of a denial of a tax refund claim forfeits the right to seek review of the denial in Superior Court and that the taxpayer can not submit reiterative claims for the same refund.
3. Provide confidentiality protection to information provided to the State Tax Assessor and used for preparing legislation or legislative analysis.
4. Clarify that the sales tax exemption for motor vehicles leased to nonresidents does not apply to short-term rentals of automobiles to nonresidents. This change corrects an apparent oversight in the drafting of statutory changes enacted in 2002.
5. Remove a provision designed to correct a conflict between the Maine Revised Statutes, Title 36, sections 1861-A and 1951-A regarding an individual's use tax responsibility to the State because the correction is being made in LD 1470.
6. Remove a provision regarding administrative requirements pertaining to the sale of a controlling interest in real property in the real estate transfer tax law because that change is being made in LD 1470.
7. Limit the requirement to add back net operating losses that have been carried back to previous years for federal income tax purposes to tax years beginning before January 1, 2002, consistent with other recent changes in Maine's treatment of federal net operating loss deductions.
8. Eliminate the provision allowing a negative modification amount attributable to subtraction of a state income tax refund to be carried back to prior years. The negative modification will still be available in carry-forward years. This change is consistent with statutory changes made in 2002 disallowing the use of federal net operating loss carry-backs.
9. Remove a definition of "primary recipient" for purposes of the pension income deduction because the change is being made in LD 1470.
10. Remove provisions designed to clarify the language of Title 36, section 5124-A because they are no longer needed.
11. Remove a provision designed to clarify that the credit for income tax paid to another taxing jurisdiction is limited to tax paid with respect to income that Maine recognizes as being derived from sources in the other taxing jurisdiction because the change is being made in LD 1470.
12. Remove a provision designed to clarify the calculation of the credit for child care expenses by part-year residents because the change is being made in LD 1470.
13. Remove a provision that amends the business equipment tax reimbursement statutes to provide that business equipment tax reimbursement is available, and limited to, a successor in interest that owns

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eligible business property on August 1st of the year in which a claim may be made because the change is being made in LD 1470.

Enacted Law Summary

Public Law 2003, chapter 390 makes technical changes to the tax laws. Some provisions of the original bill were moved to LD 1470, the "minor substantive changes bill."

1. It permits the disclosure of certain tax-related information to the Finance Authority of Maine, in the administration of the Maine College Savings Program, and to the Office of Head Start and Child Care, in the administration of the tax credits for investments in quality child care.
2. It provides confidentiality protection to information provided to the State Tax Assessor and used for preparing legislation or legislative analysis.
3. It deletes a redundant definition of the term "person" from the Sales and Use Tax Law. The same term is defined for all taxes in the general provisions of the tax laws.
4. It clarifies the definition of "retail sale" to clarify that sales of all kinds of video media for rental were not taxable, consistent with other statutory changes enacted in 2002.
5. It clarifies that the sales tax exemption for motor vehicles leased to nonresidents does not apply to short-term rentals of automobiles to nonresidents. This change corrects an apparent oversight in the drafting of statutory changes enacted in 2002.
6. It deletes a redundant definition of the term "person" from the Gasoline Tax Act. The same term is defined for all taxes in the general provisions of the tax laws.
7. It replaces outdated references to state and federal statutes governing highway common carriers. The Public Utilities Commission no longer regulates highway common carriers and the federal excise tax no longer applies to highway transportation. This chapter substitutes a cross-reference to the statute that imposes the current operating authority license requirement and incorporates the relevant language of the repealed federal law into Maine law. This chapter also clarifies the formula for computing the amount of the refunds authorized by the statute and eliminates redundant verbiage and gender-specific language.
8. It corrects inappropriate references to "distributor" in the motor fuel tax laws. "Distributor" is not defined in the Maine Revised Statutes, Title 36, chapter 459 and is defined elsewhere in Title 36 to mean a different category of persons from what is intended here.
9. It corrects inappropriate references to "internal combustion engine fuel" in the motor fuel tax laws. "Internal combustion engine fuel" is not defined in Title 36, chapter 459 and is defined elsewhere in Title 36 to mean a different type of fuel from what is intended here. This chapter also removes superfluous verbiage and correct grammatical errors.
10. It standardizes a reference to the federal credit for state death taxes in the estate tax law for consistency with other statutory revisions made in 2002.
11. It updates the recycling assistance fee law by deleting references to categories of property that are no longer subject to the fee.

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12. It clarifies that the taxable income described in Title 36, section 5121 is the "Maine taxable income" referred to in section 5111.
13. It clarifies that only interest from bonds of another state's government excluded from federal adjusted gross income must be added back in computing Maine adjusted gross income for a resident individual.
14. It clarifies that all deductions claimed for federal income tax purposes must be added back to Maine adjusted gross income if they were included in the taxpayer's investment credit base for the high-technology investment tax credit.
15. It clarifies that only exempt government bond interest included in federal adjusted gross income could be subtracted in computing Maine adjusted gross income.
16. It deletes an obsolete reference to the federal new jobs credit, which has been repealed.
17. It limits the requirement to add back net operating losses that have been carried back to previous years for federal income tax purposed to tax years beginning before January 1, 2002, consistent with other recent changes in Maine's treatment of federal net operating loss deductions.
18. It conforms the language that permits subtraction from income of Maine College Savings Program distributions to that of Title 20-A, section 11479.
19. It clarifies references to federal adjusted gross income and federal taxable income for purposes of computing itemized deductions and to add a provision specifically requiring add-back of the deduction for contributions to family development account reserve funds that is disallowed by the last sentence of Title 36, section 5216-C, subsection 1.
20. It clarifies that the taxable income of estates and trusts on which the tax is imposed is the Maine taxable income described in Title 36, sections 5163 and 5175 and that the applicable tax rates are those provided for single individuals.
21. It clarifies that the taxable income of resident estates and trusts described in Title 36, section 5163 is the Maine taxable income taxed by section 5160 and delete superfluous verbiage.
22. It clarifies that the taxable income of nonresident estates and trusts described in Title 36, section 5175 is the Maine taxable income taxed by section 5160 and to correct grammatical errors.
23. It clarifies that bond interest from another state's government bonds excluded from federal taxable income must be added back in computing Maine taxable income of a corporation.
24. It clarifies that all deductions claimed for federal income tax purposes must be added back to the extent they are included in the taxpayer's investment credit base for the high-technology investment tax credit.
25. It clarifies the calculation of the retirement and disability credit by part-year residents. The changes conform to current agency practice.
26. It clarifies that the \$2,000 income limit for the low-income credit applies to an individual's entire taxable income as determined for resident individuals regardless of whether the taxpayer was a Maine resident for the entire year.

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27. It clarifies the circumstances under which a taxpayer may be granted an extension of time to file an individual or fiduciary income tax return.
28. It establishes an automatic extension of time to file an individual or fiduciary income tax return equivalent to the federal extension. These changes provide a statutory basis for policies that have been implemented administratively.
29. It repeals a redundant provision relating to the collection of income tax debts owed by nonresidents. The powers granted to the State Tax Assessor by this provision are included in the general provisions of the tax laws.
30. It repeals a law that requires adoption of a rule for the elderly low-cost drug program to allow consideration of an applicant's change in income from the prior year. As of January 1, 2003, the elderly low-cost drug program is being administered by the Department of Human Services under the laws that govern the Healthy Maine Prescription Program, which determines eligibility based on the current income of the applicant. Repealing this law allows the Bureau of Revenue Services to repeal the rule that is no longer applicable.

LD 1575

**An Act To Assist Brascan, the Successor to Great Northern Paper,
in Paying the Property Taxes Due to the Towns of Millinocket and
East Millinocket**

**P&S 8
EMERGENCY**

<u>Sponsor(s)</u> STANLEY LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-44
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LD 1575 proposed to provide for a loan from the Finance Authority of Maine to Brascan Corporation to enable the corporation to pay Millinocket and East Millinocket property taxes incurred when the property was owned by Great Northern Paper, Inc., with repayment of the loan from BETR payments, and to ensure that Brascan receives the BETR payments with respect to property taxes it will pay. Great Northern Paper, Inc., which was in bankruptcy, had not paid property taxes in the amount of \$4.4 million to Millinocket and \$3.4 million to East Millinocket for the 2002-03 property tax year. The assets in the Great Northern bankruptcy estate would not have been sufficient to cover those taxes. Brascan Corporation, which agreed to purchase the Millinocket and East Millinocket mills, agreed to pay the unpaid property taxes, in part through application of business equipment tax reimbursement, or "BETR," program reimbursements and tax increment financing payments. Under current law, the BETR payments would not be received until at least August 2004, which would delay payment of taxes until then.

Committee Amendment "A" (S-44) proposed to move funds appropriated for the Business Equipment Tax Reimbursement program from fiscal year 2004-05 to fiscal year 2003-04 to provide the funds necessary to make the reimbursement required by the bill in fiscal year 2003-04.

Enacted Law Summary

Private and Special Law 2003, chapter 8 provides for a loan from the Finance Authority of Maine to Brascan Corporation to enable the corporation to pay Millinocket and East Millinocket property taxes incurred when the property was owned by Great Northern Paper, Inc., with repayment of the loan from future BETR

Joint Standing Committee On Taxation

payments, and ensures that Brascan receives the BETR payments in fiscal year 2003-04 with respect to property taxes it will pay.

Private and Special 2003, chapter 8 was enacted as an emergency measure effective April 25, 2003.

LD 1587

An Act Regarding Distribution of Tobacco Products

PUBLIC 439

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	OTP-AM	H-408

LD 1587 proposed to repeal the existing law governing cigarette distributor's responsibilities and enact in its stead a new subchapter of law that would create a certification process for tobacco product manufacturers, a reporting requirement for tobacco product distributors and wholesalers and a directory of compliant tobacco product manufacturers.

Committee Amendment "A" (H-408) proposed to require the Attorney General to notify the Department of Administrative and Financial Services, Bureau of Revenue Services of certified tobacco products manufacturers. The amendment also proposed to make technical corrections to violations and penalty subsections to be consistent with the MCJUSTIS drafting directives pursuant to Resolve 1997, chapter 105, as amended to provide that each separate offense has a unique statutory cite to enable computerized databases and accurate tracking of offenses and offenders.

Enacted Law Summary

Public Law 2003, chapter 439 repeals the existing law governing cigarette distributor's responsibilities and enact in its stead a new subchapter of law that would create a certification process for tobacco product manufacturers, a reporting requirement for tobacco product distributors and wholesalers and a directory of compliant tobacco product manufacturers.

LD 1629

RESOLUTION, Proposing a Competing Measure under the Constitution of Maine To Create Municipal Service Districts To Reduce the Cost of Local Government, To Provide Property Tax Relief and To Increase Economic Competitiveness

CARRIED OVER

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

LD 1629 proposes a resolution as a competing measure with Initiated Bill 3, Legislative Document 1372, "An Act to Enact the School Finance Act of 2003." The bill proposes to provide a fiscal reform package that would reduce costs of governmental services now borne by municipalities and reduce property tax burdens in the following ways:

1. By providing fiscal incentives for regional consolidation through the establishment of municipal service districts;
2. By expanding property tax relief available through the Maine Residents Property Tax Program and repeals the homestead exemption;

Joint Standing Committee On Taxation

- 3. By repealing prospectively the Business Equipment Tax Reimbursement Program, provide a property tax exemption for personal property that would have been eligible for BETR, including “BETR-expired” property and provide 50% reimbursement to municipalities for lost taxes;
- 4. By permitting a 1% local option sales and use tax limited to 5 years and used to finance eligible capital projects; and
- 5. By lowering the top rate under the income tax over 15 years and reduce the extent of indexing for inflation.

LD 1633 An Act Regarding Conformity with the Federal Jobs and Growth PUBLIC 479
Tax Relief Reconciliation Act of 2003

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM MAJ	S-284
STANLEY	OTP-AM MIN	

LD 1633 proposed to update references in the Maine Revised Statutes, Title 36 to the Internal Revenue Code, as amended through May 28, 2003 with exceptions for certain significant federal income tax law changes made by the federal Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27. Exceptions to conformity included changes to bonus depreciation, small business expensing, the standard deduction for married-joint filers and the alternative minimum tax.

Committee Amendment “A” (S-284) proposed to correct language to clarify the intent of the original bill.

Enacted Law Summary

Public Law 2003, chapter 479 updates references in the Maine Revised Statutes, Title 36 to the Internal Revenue Code, as amended through May 28, 2003 with exceptions for certain significant federal income tax law changes made by the federal Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27. Exceptions to conformity included changes to bonus depreciation, small business expensing, the standard deduction for married-joint filers and the alternative minimum tax.

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Transportation*

July 2003

Members:

Sen. Pamela Henderson Hatch, Chair

Sen. Dennis S. Damon

Sen. Christine R. Savage

Rep. Ronld E. Usher, Chair

Rep. Boyd P. Marley

Rep. Rosaire "Ross" Paradis, Jr.

Rep. Lisa T. Marrache

Rep. Sonya G. Sampson

Rep. Terrence P. McKenney

Rep. Ronald F. Collins

Rep. Deborah K. McNeil

Rep. Arlan R. Jodrey

Rep. William P. Browne

Staff:

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**JOINT STANDING COMMITTEE ON
TRANSPORTATION**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	127	95.5%	7.8%
<i>Bills Carried Over</i>	<u>5</u>	<u>3.8%</u>	<u>0.3%</u>
Total Bills referred	132	99.2%	8.1%
B. Bills reported out by law or joint order			
	1	0.8%	0.1%
Total Bills considered by Committee	133	100.0%	8.1%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	10	7.8%	0.7%
<i>Ought to Pass as Amended</i>	39	30.5%	2.7%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<i>Ought Not to Pass</i>	<u>66</u>	<u>51.6%</u>	<u>4.5%</u>
Total unanimous reports	115	89.8%	7.9%
B. Divided committee reports			
<i>Two-way reports</i>	13	10.2%	0.9%
<i>Three-way reports</i>	0	0.0%	0.0%
<i>Four-way reports</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	13	10.2%	0.9%
Total committee reports	128	100.0%	8.7%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	43	32.3%	2.6%
<i>Private and Special Laws</i>	2	1.5%	0.1%
<i>Resolves</i>	7	5.3%	0.4%
<i>Constitutional Resolutions</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	52	39.1%	3.2%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<i>Held by the Governor</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Transportation

SUBJECT INDEX

Aeronautics

Enacted

LD 1599 **An Act To Declare Maine Aviation and Aerospace Education Week** **PUBLIC 256 Page 1024**

Not Enacted

LD 250 **An Act to Establish the Avon-Phillips Airport Authority** **ONTP Page 974**

LD 795 **Resolve, To Declare Maine Aviation Education Week** **INDEF PP Page 995**

Bridges

Enacted

LD 50 **Resolve, Requiring the Department of Transportation To Consider Replacement of the Waldo-Hancock Bridge** **RESOLVE 4 Page 968
EMERGENCY**

LD 1632 **Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge** **RESOLVE 94 Page 1025**

Not Enacted

LD 15 **An Act to Add the Steel Bridge in New Sharon to the State's List of Historic Bridges** **ONTP Page 968**

LD 28 **Resolve, to Rename the Mud Pond Inlet Bridge** **ONTP Page 968**

LD 923 **Resolve, To Increase Safety in Stockton Springs** **ONTP Page 1000**

Emergency Vehicles

Enacted

LD 464	An Act To Allow Fire and Emergency Medical Services Response Vehicles To Display One Blue Light at the Rear of the Vehicle	PUBLIC 78 Page 983
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Not Enacted

LD 111	An Act To Allow Volunteer Firefighters To Use Red Flashing Lights when Responding to a Fire	ONTP Page 969
LD 493	An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel	ONTP Page 984

Fuel

Enacted

LD 441	An Act To Establish a Definition for Biodiesel Fuels	PUBLIC 266 Page 982
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Not Enacted

LD 33	An Act to Repeal the Annual Indexing of Motor Fuel Taxes	ONTP Page 968
LD 313	An Act to Rename the Gasoline Tax the "Road Services Fee"	ONTP Page 975
LD 387	An Act To Exempt Biodiesel Fuel from the Special Fuel Tax	ONTP Page 978
LD 664	An Act To Make Changes to the Laws Governing the Tax on Motor Fuel	ONTP Page 992
LD 785	An Act To Provide that Gas Purchased for Use in a Generator Be Taxed for Commercial Use	ONTP Page 994
LD 991	An Act To Equalize Fuel Taxes on Vehicles Used for Personal Travel	ONTP Page 1001

General Highway Fund

Enacted

- LD 1322** **An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005** **PUBLIC 490 Page 1009
EMERGENCY**
- LD 1324** **An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005** **PUBLIC 40 Page 1010
EMERGENCY**
- LD 1379** **An Act To Make Additional Allocations From the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003** **PUBLIC 41 Page 1012
EMERGENCY**

Not Enacted

- LD 108** **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Transportation Revenues to Fund a Flexible and Modern Transportation Policy** **ONTP Page 969**
- LD 691** **An Act To Amend the Distribution of the General Highway Fund** **ONTP Page 993**
- LD 1375** **An Act To Delay the Fiscal Sustainability of the Highway Fund** **ONTP Page 1011**

Inspection

Enacted

- LD 737** **An Act To Clarify Inspection Standards Related to Vehicle Wheel Size** **PUBLIC 146 Page 993**
- LD 1509** **An Act To Allow the Early Submission of an Application To Become Licensed as a Motor Vehicle Inspector** **PUBLIC 222 Page 1019**

LD 1565 **An Act To Authorize a Pilot Project To Allow Commercial Vehicles at Canadian Weight Limits Access to the Woodland Commercial Park in Baileyville** **PUBLIC 362 Page 1021**

Not Enacted

LD 172 **An Act To Improve Safety on the Maine Turnpike** **ONTP Page 971**

LD 322 **An Act To Set Limits on Fines That May Be Assessed for Nonhabitual Offenders under Maine's Truck Weight Laws** **ONTP Page 975**

LD 412 **Resolve, To Require Reports from the Maine State Police Regarding Commercial Trucks** **ONTP Page 980**

LD 1222 **An Act To Penalize Timberland Owners rather than Truckers for Hauling Weight Violations** **ONTP Page 1007**

Motor Vehicles

Enacted

LD 197 **An Act to Require Flashing Lights for Private Snow Plows** **PUBLIC 209 Page 972**

LD 290 **An Act To Ensure That Title Applications are Timely Delivered** **PUBLIC 235 Page 974**

LD 365 **An Act To Amend the Laws Governing Antique Vehicles** **PUBLIC 128 Page 977**

LD 393 **An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads** **PUBLIC 397 Page 978
EMERGENCY**

LD 422 **An Act To Honor Purple Heart Award Recipients** **PUBLIC 67 Page 980**

LD 430 **An Act To Clarify Ownership Rights to Repossessed Vehicles** **PUBLIC 133 Page 981**

LD 690 **An Act To Create Experimental Motor Vehicle Plates and Registration** **PUBLIC 125 Page 992**

LD 818 **An Act To Amend Motor Vehicle Frame Height Laws** **PUBLIC 144 Page 996**

LD 819 **An Act To Amend the Motor Vehicle Laws Pertaining to Mufflers** **PUBLIC 140 Page 996**

LD 1028	An Act To Restrict Use of Auto Dealer Plates	PUBLIC 496 Page 1003
LD 1049	An Act to Allow Certain Women Recovering from Childbirth To Be Issued Temporary Handicapped Parking Permits	PUBLIC 431 Page 1003
LD 1062	An Act To Protect Lienholders of Titled Vehicles	PUBLIC 295 Page 1004 EMERGENCY
LD 1233	An Act To Amend the Motor Vehicle Laws	PUBLIC 240 Page 1008
LD 1520	An Act To Amend the Motor Vehicle Laws	PUBLIC 340 Page 1019
LD 1590	An Act To Amend the Motor Vehicle Laws	PUBLIC 434 Page 1021 EMERGENCY

Not Enacted

LD 362	An Act To Rescind the Vehicle Registration of a Person Who Pays for That Registration with a Bad Check	ONTP Page 977
LD 576	An Act Concerning the Use of Safety Rear View Mirrors	ONTP Page 987
LD 864	An Act Allowing Certain Modifications to Tires and Wheels on Vehicles with Antilock Braking Systems	ONTP Page 999
LD 998	An Act Regarding Motor Vehicle Registration and Inspection Dates	ONTP Page 1001
LD 1015	An Act To Accommodate the Unique Circumstances Affecting Regional Transportation Providers in the Administration of Car Seat Laws	ONTP Page 1001
LD 1104	An Act To Prohibit the Use of Imitation High-intensity Discharge Bulbs	ONTP Page 1006
LD 1334	An Act To Require That Replacement Automobile Lights Conform to Federal Standards	ONTP Page 1011

Motorcycles

Enacted

LD 894	An Act Relating to Motorcycles and Driver Education	PUBLIC 183 Page 999
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Not Enacted

LD 458	An Act Regarding Motorcycle Noise Emission Control Standards	CARRIED OVER Page 982
LD 1095	An Act Relating to Motorcycle Safety	ONTP Page 1005

Operator's License

Enacted

LD 571	An Act To Improve the Safety of Public Roads	PUBLIC 25 Page 986 EMERGENCY
LD 1439	An Act To Protect Young Drivers and Passengers	PUBLIC 286 Page 1015

Not Enacted

LD 293	An Act To Require Additional Driving Time and a 30-day Waiting Period for Retesting Minors Who Fail Their Driver's Exams	ONTP Page 974
LD 520	An Act To Improve Motor Vehicle Safety	ONTP Page 985
LD 750	An Act To Create Novice Incentive Licenses	ONTP Page 994
LD 862	An Act Regulating the Use of Cellular Telephones by Juvenile Drivers	ONTP Page 998

Public Transportation

Enacted

None

Not Enacted

LD 205	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Funding of Public Transportation from Motor Vehicle and Motor Vehicle Fuel Revenues	ONTP Page 973
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Railroads

Enacted

LD 599 **An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency** **PUBLIC 498 Page 987**

Not Enacted

LD 113 **An Act to Transfer State Ownership of Certain Railroad Rights-of-way and Create the Calais to Eastport Rail Authority** **ONTP Page 970**

Registration Plates

Enacted

LD 1427 **Resolve, Requiring That Temporary Registration Plates Identify the Issuing Dealership** **RESOLVE 38 Page 1014**

Not Enacted

LD 374 **An Act To Create Animal Shelter Special Registration Plates** **ONTP Page 978**

LD 410 **An Act To Change the Legislative License Plate to a Combination Plate** **ONTP Page 980**

LD 978 **An Act To Establish a Rotarian License Plate** **CARRIED OVER Page 1000**

Roads

Enacted

LD 12 **An Act to Enhance School Zone Safety** **PUBLIC 92 Page 967**

LD 14 **Resolve, to Designate Interstate 95 from Augusta to Houlton as the Purple Heart Trail** **RESOLVE 2 Page 967**

LD 482 **Resolve, To Name the Washington County Portion of US Rt. 9 the Tony Tamaro Memorial Highway** **RESOLVE 1 Page 984**

LD 788 **An Act To Enhance Vistas** **PUBLIC 119 Page 995**

LD 1329 **Resolve, To Rename the Paddy Hill Road in Medford the Clyde Hichborn Road** **RESOLVE 19 Page 1011**

LD 1414 **An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities** **PUBLIC 502 Page 1013**

Not Enacted

LD 406 **Resolve, To Designate Route 201 as Part of the East-West Highway** **ONTP Page 979**

LD 511 **Resolve, To Rescind Legislative Authorization for Highway Driveway and Entrance Rules** **ONTP Page 985**

LD 832 **An Act Clarifying State Financial Responsibility over State and State Aid Highways** **ONTP Page 997**

LD 925 **Resolve, Directing the Department of Transportation To Repair Swan Lake Road in the Town of Frankfort** **ONTP Page 1000**

LD 1245 **Resolve, Regarding the Widening of Route 26 in Poland** **ONTP Page 1008**

LD 1392 **An Act To Reform Highway Reconstruction Project Cost-sharing** **ONTP Page 1013**

LD 1499 **An Act To Require the Department of Transportation to Resume Maintenance of Clark's Cove Road** **ONTP Page 1019**

School Buses

Enacted

LD 1018 **An Act To Clarify and Update the Laws Concerning the Types of Transportation Vehicle Used To Transport Children** **PUBLIC 293 Page 1002**

Not Enacted

LD 988 **An Act To Increase Penalties for Passing a Stopped School Bus** **ONTP Page 1001**

LD 1475 **An Act To Amend the Laws Governing School Bus Headlights** **ONTP Page 1018**

Signs

Enacted

None

Not Enacted

LD 155 **An Act to Allow a Business to Obtain a Municipal Permit for One Off-premises Business Advertising Sign** **CARRIED OVER Page 971**

LD 506 **An Act To Permit Municipalities To Erect Pedestrian Crossing Stop Signs in the Middle of the Road** **ONTP Page 985**

LD 524 **Resolve, To Have Signs Erected at the Town of Newburgh in Recognition of Ricky Craven** **ONTP Page 986**

LD 533 **An Act To Add a Sign on Interstate 95 Indicating the Town of Bingham** **ONTP Page 986**

LD 766 **An Act to Improve Highway Signs for Recreational Facilities in Saco** **ONTP Page 994**

LD 861 **Resolve, Directing the Department of Transportation To Erect Signs Identifying Bodies of Water Crossed** **ONTP Page 998**

LD 1113 **An Act To Repeal the Billboard Law** **ONTP Page 1006**

Studies

Enacted

None

Not Enacted

LD 312 **Resolve, Directing the Department of Transportation to Perform a Regional Corridor Traffic Study** **DIED IN CONCURRENCE Page 975**

LD 1050	Resolve, To Establish the Task Force to Study the Feasibility of Adding an Interchange for Access to the Lakes Region Area	ONTP Page 1004
LD 1213	An Act To Establish a Modern Transportation Policy	ONTP Page 1007
LD 1263	Resolve, To Promote Construction of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State	ONTP Page 1009

Traffic Regulations

Enacted

LD 424	An Act To Increase the Availability of Handicapped Parking Spaces for People with Disabilities	PUBLIC 117 Page 981
LD 644	An Act To Assist Regional Transportation Providers To Comply with the Booster Seat Law	PUBLIC 380 Page 991
LD 837	An Act To Enhance Enforcement of Safety Zone Laws	PUBLIC 97 Page 997

Not Enacted

LD 63	An Act to Protect Motor Vehicles From Dangerous Pedestrians	ONTP Page 969
LD 189	An Act To Amend the Law Governing the Use of Seat Belts	ONTP Page 971
LD 192	An Act to Prohibit the Use of a Handheld Cellular Telephone While Driving	ONTP Page 971
LD 637	An Act To Enhance the Visibility of Pedestrian Crosswalks	ONTP Page 990
LD 739	An Act To Clarify Handicapped Parking Status for Disabled Veterans	ONTP Page 993
LD 836	An Act To Prevent Distracted Driving	ONTP Page 997
LD 1017	An Act To Broaden the Scope of Driving to Endanger	ONTP Page 1002
LD 1070	An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction	CARRIED OVER Page 1005

LD 1081	An Act To Allow the Use of Cameras for Enforcement of Traffic Light Violations	ONTP Page 1005
LD 1221	An Act To Prohibit Skateboarding on State Highways	ONTP Page 1007
LD 1428	An Act To Allow Municipalities To Establish Areas within Which Engine Brakes Are Prohibited	ONTP Page 1015

Transportation Department

Enacted

LD 463	An Act to Enhance Integration of Transportation and Land Use Planning	PUBLIC 22 Page 983
LD 1452	An Act To Provide Incentives for Development and To Amend Traffic Movement Permit Standards	PUBLIC 363 Page 1016

Not Enacted

LD 150	Resolve, Directing That a Traffic Light Be Installed at an Intersection in York	ONTP Page 970
LD 244	Resolve, Directing the Department of Transportation To Conduct a Feasibility Study as Required by the Federal Government To Increase the Weight Limits on Interstate 95 from Augusta to Houlton, Making the Weight Limits Equivalent to Restrictions South of Augusta	ONTP Page 973
LD 318	Resolve, To Direct the Department of Transportation To Develop Rules To Control Wheel Spray from Large Commercial Vehicles	ONTP Page 975
LD 379	Resolve, Directing the Commissioner of Transportation To Examine Which Aspects of the Department of Transportation's Operations Could be Privatized	ONTP Page 978
LD 462	An Act To Direct the Department of Transportation to Incorporate Regionalism into the Transit Bonus Payment Program	ONTP Page 983
LD 518	Resolve, To Provide a Traffic Light in Naples	ONTP Page 985
LD 924	Resolve, To Enhance Public Safety in Winterport	ONTP Page 1000

Turnpike Authority

Enacted

LD 603	An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority	PUBLIC 32 Page 989
LD 604	An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates	PUBLIC 111 Page 989
LD 906	An Act Pertaining to Trustee Services for the Maine Turnpike Authority	PUBLIC 152 Page 999
LD 1153	An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2004	P & S 12 Page 1006
LD 1420	An Act To Allow the Maine Turnpike Authority To Allow the Purchase of Nontoll Services by Electronic Toll Collection Patrons	PUBLIC 311 Page 1014

Not Enacted

LD 605	An Act To Increase the Bond Limit of the Maine Turnpike Authority	CARRIED OVER Page 990
LD 662	An Act To Increase the Payment for State Police Services on the Maine Turnpike	ONTP Page 992

Joint Standing Committee on Transportation

LD 12

An Act to Enhance School Zone Safety

PUBLIC 92

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-119
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LD 12 proposed to define the school zone that is subject to a lower speed limit as the area within a 1/4 mile radius of the perimeter of improved school property.

Committee Amendment "A" (H-119) proposed to replace the bill and allow a municipality to designate a school zone other than the zone currently defined in law if the municipality has the approval of the Department of Transportation and the Chief of State Police, and the municipality is in compliance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Enacted Law Summary

Public Law 2003, chapter 92 allows a municipality to designate a school zone other than the zone currently defined in law if the municipality has the approval of the Department of Transportation and the Chief of State Police, and the municipality is in compliance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

LD 14

Resolve, to Designate Interstate 95 from Augusta to Houlton as the Purple Heart Trail

RESOLVE 2

<u>Sponsor(s)</u> MARLEY HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-13
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LD 14 proposed to direct the Department of Transportation to designate that part of Interstate 95 that starts in Augusta and continues through to Houlton as the Purple Heart Highway.

Committee Amendment "A" (H-13) proposed to change the name in the resolve to the Purple Heart Trail. The amendment also proposed to direct the Department of Transportation to continue to maintain signs along the highway in that area memorializing Brian M. Jewett.

Enacted Law Summary

Resolve 2003, chapter 2 directs the Department of Transportation to designate that part of Interstate 95 that starts in Augusta and continues through to Houlton as the Purple Heart Trail and erect appropriate signs along the highway to proclaim this designation. It also directs the Department of Transportation to continue to maintain signs along the highway in that area memorializing Brian M. Jewett.

Joint Standing Committee on Transportation

LD 15 **An Act to Add the Steel Bridge in New Sharon to the State's List of Historic Bridges** **ONTP**

<u>Sponsor(s)</u> PINEAU		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 15 proposed to add the New Sharon Bridge in New Sharon to the list of the State's historical bridges.

LD 28 **Resolve, to Rename the Mud Pond Inlet Bridge** **ONTP**

<u>Sponsor(s)</u> DUNLAP MARTIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 28 proposed to change the name of the Mud Pond Inlet Bridge in Old Town to the Colonel Eugene Paradis Bridge.

LD 33 **An Act to Repeal the Annual Indexing of Motor Fuel Taxes** **ONTP**

<u>Sponsor(s)</u> GAGNE-FRIEL DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 33 proposed to repeal the annual indexing of motor fuel taxes.

LD 50 **Resolve, Requiring the Department of Transportation To Consider Replacement of the Waldo-Hancock Bridge** **RESOLVE 4
EMERGENCY**

<u>Sponsor(s)</u> BERRY WESTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-23
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LD 50 proposed to require the Department of Transportation to replace the Waldo-Hancock Bridge.

Committee Amendment "A" (H-23) proposed to require the Department of Transportation to undertake a process that conforms with federal law to determine a long-term solution to address safety concerns regarding the Waldo-Hancock Bridge. The amendment also proposed to require that construction of a new bridge between Prospect and Verona be considered as one of the alternatives.

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Enacted Law Summary

Resolve 2003, chapter 4 requires the Department of Transportation to undertake a process that conforms with federal law to determine a long-term solution to address safety concerns regarding the Waldo-Hancock Bridge. It requires that construction of a new bridge between Prospect and Verona be considered as one of the alternatives.

Resolve 2003, chapter 4 was enacted as an emergency measure effective April 15, 2003.

LD 63 **An Act to Protect Motor Vehicles From Dangerous Pedestrians** **ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 63 proposed to repeal the current law that requires a motor vehicle operator to yield the right-of-way to a pedestrian crossing within a marked crosswalk when traffic-control devices are not in operation.

LD 108 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Allow Transportation Revenues to Fund a Flexible and
Modern Transportation Policy** **ONTP**

<u>Sponsor(s)</u> FAIRCLOTH HATCH PH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 108 proposed to amend the Constitution of Maine to allow gas taxes and other highway fund revenue to be used for such transportation expenses as the Legislature considers appropriate, including but not limited to, highways, mass transit and human-powered transportation.

LD 111 **An Act To Allow Volunteer Firefighters To Use Red Flashing
Lights when Responding to a Fire** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 111 proposed to permit municipal and volunteer firefighters to use a flashing red light on personal vehicles while en route to or at the scene of a fire or other emergency. The bill also proposed to provide that such vehicles are covered by the rules of operation applying to authorized emergency vehicles. The bill further proposed to add requirements that must be met before a person may use a flashing red light on a personal vehicle.

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LD 113 **An Act to Transfer State Ownership of Certain Railroad Rights-of-way and Create the Calais to Eastport Rail Authority** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 113 proposed to create the Calais to Eastport Rail Authority. The bill proposed to direct the authority to establish freight rail service between Calais and Eastport in Washington County. The bill also proposed to transfer the Department of Transportation's interest in the existing rail line between Calais and Ayers Junction to the authority. The bill further proposed to transfer the Department of Transportation's interest in the existing rail line between Ayers Junction and the Hancock County line to those municipalities through which the line runs.

LD 150 **Resolve, Directing That a Traffic Light Be Installed at an Intersection in York** **ONTP**

<u>Sponsor(s)</u> LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 150 proposed to direct the Department of Transportation to install a traffic light on Route 1 in York at the intersection of Route 1, Beech Ridge Road and South Side Road.

LD 152 **Resolve, Regarding State Designation of Memorials Honoring the Underground Railroad** **RESOLVE 9**

<u>Sponsor(s)</u> YOUNGBLOOD PERRY J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-36
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LD 152 proposed to place signs along both lanes of Interstate 95 in the Brewer area informing travelers of the Chamberlain Freedom Park.

Committee Amendment "A" (S-36) proposed to replace the bill and to designate the Underground Railroad Memorial located in the Chamberlain Freedom Park in Brewer as the official state memorial to honor the Underground Railroad. The amendment also proposed to allow that, notwithstanding this designation, the Legislature may designate other monuments, structures or properties in other locations throughout the State as state memorials in honor of the Underground Railroad.

Enacted Law Summary

Resolve 2003, chapter 9 designates the Underground Railroad Memorial located in the Chamberlain Freedom Park in Brewer as the official state memorial to honor the Underground Railroad. It allows that, notwithstanding this designation, the Legislature may designate other monuments, structures or properties in other locations throughout the State as state memorials in honor of the Underground Railroad.

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Committee Amendment "A" (H-288), the committee minority report, proposed to add definitions to clarify the meaning of terms used and add physicians to the list of people allowed to use a handheld mobile telephone when operating a motor vehicle within the scope of their employment. This amendment was not adopted.

LD 197

An Act to Require Flashing Lights for Private Snow Plows

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
BENNETT P	OTP-AM	MAJ	H-25
MARTIN	ONTP	MIN	

LD 197 proposed to require vehicles used for plowing snow on private ways to be equipped with a rotary amber flashing light.

Committee Amendment "A" (H-25), the Committee majority report, proposed to replace the bill. The amendment proposed to reduce the minimum allowable candlepower of lights on vehicles used for plowing snow on private ways from 1,000,000 to 50 candlepower. The amendment also proposed to require that those vehicles use such a light whenever entering a public way while engaged in a plowing activity.

House Amendment "A" to Committee Amendment "A" (H-59) proposed to clarify that the lights are not required if a vehicle owner is plowing the owner's own driveway. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-77) proposed to specify that a violation of this provision may result only in an oral warning from a law enforcement officer and would prohibit a law enforcement officer from issuing a written warning or a traffic ticket to a person in violation of this provision. (Not adopted)

House Amendment "C" to Committee Amendment "A" (H-78) proposed to clarify that the lights are not required if the vehicle is being used for plowing for which the plow owner or operator is not receiving compensation. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 209 reduces the minimum allowable candlepower of lights on vehicles used for plowing snow on private ways from 1,000,000 to 50 candlepower and requires that those vehicles use such a light whenever the vehicle enters a public way while engaged in a plowing activity.

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LD 205 **RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Permit Funding of Public Transportation from Motor
Vehicle and Motor Vehicle Fuel Revenues** **ONTP**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 205 proposed to amend the Constitution of Maine to permit funding of public transportation from motor vehicle and motor vehicle fuel revenues.

LD 221 **An Act to Amend the Method of Establishing Evidence of
Insurance** **ONTP**

<u>Sponsor(s)</u> GERZOFSKY EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 221 proposed to provide that, for a motor vehicle registration processed through the United States mail or some other mail delivery service, a person provides sufficient evidence of insurance if that person provides to the municipal agent or the Department of the Secretary of State, Bureau of Motor Vehicles the name of the insurance company providing liability coverage for the vehicle, the corresponding insurance policy number and the policy expiration date for that coverage.

LD 244 **Resolve, Directing the Department of Transportation To Conduct
a Feasibility Study as Required by the Federal Government To
Increase the Weight Limits on Interstate 95 from Augusta to
Houlton, Making the Weight Limits Equivalent to Restrictions
South of Augusta** **ONTP**

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 244 proposed to direct the Department of Transportation to conduct a study on the feasibility of increasing the weight limits on Interstate 95 from Augusta to Houlton.

Joint Standing Committee on Transportation

LD 250 **An Act to Establish the Avon-Phillips Airport Authority** **ONTP**

<u>Sponsor(s)</u> SAVIELLO WOODCOCK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 250 proposed to establish the Avon-Phillips Airport Authority, governed by a board of 7 trustees, of which 2 trustees must be residents of the Town of Avon and 2 trustees must be residents of the Town of Phillips. The bill proposed to authorize the authority to adopt bylaws for the governance of its affairs, acquire real and personal property, lease, rent or otherwise dispose of real or personal property and exercise the power of eminent domain.

LD 290 **An Act To Ensure That Title Applications are Timely Delivered** **PUBLIC 235**

<u>Sponsor(s)</u> O'NEIL MAYO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-242
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LD 290 proposed to establish certain penalties for motor vehicle dealers who fail to deliver applications for title to purchased vehicles to the Secretary of State within 20 days as required under the Maine Revised Statutes, Title 29-A, section 654, subsection 2. The bill proposed to institute an initial \$250 penalty, with additional penalties for continued failure to comply with the law. The bill also proposed to require restitution to lenders whose liens are affected by the motor vehicle dealer's failure to comply with the law.

Committee Amendment "A" (H-242) proposed to replace the bill and to allow the Secretary of State to collect a \$125 penalty if an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within 20 days.

Enacted Law Summary
Public Law 2003, chapter 235 allows the Secretary of State to collect a \$125 penalty if an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within 20 days.

LD 293 **An Act To Require Additional Driving Time and a 30-day Waiting Period for Retesting Minors Who Fail Their Driver's Exams** **ONTP**

<u>Sponsor(s)</u> COURTNEY NASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 293 proposed to require a waiting period of 30 days and the completion of 5 additional hours of supervised driving before a person under 18 years of age may retake a road test.

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LD 312 **Resolve, Directing the Department of Transportation to Perform a Regional Corridor Traffic Study** **DIED IN CONCURRENCE**

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

LD 312 proposed to direct the Department of Transportation to conduct a regional corridor traffic study for the City of Ellsworth and the central Hancock County service center area.

Committee Amendment "A" (H-91), the committee minority report, proposed to add an allocation to the resolve. (Not adopted)

LD 313 **An Act to Rename the Gasoline Tax the "Road Services Fee"** **ONTP**

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

LD 313 proposed to rename the Gasoline Tax Act the "Road Services Fee Act."

LD 318 **Resolve, To Direct the Department of Transportation To Develop Rules To Control Wheel Spray from Large Commercial Vehicles** **ONTP**

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

LD 318 proposed to require that the Department of Transportation adopt rules governing the discharge of wheel spray from the tires of large commercial vehicles by October 1, 2004.

LD 322 **An Act To Set Limits on Fines That May Be Assessed for Nonhabitual Offenders under Maine's Truck Weight Laws** **ONTP**

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

LD 322 proposed to limit the fines that may be assessed for violation of truck weight laws for commercial vehicle owners and operators who have not been convicted of any overweight violation during the preceding 3 years. The bill proposed to limit the maximum fine for an overweight violation to \$1 per pound for violation of a weight restriction on the total load and 50¢ per pound for violation of a weight restriction on any axle.

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LD 323

An Act To Allow Modular Home Transporters To Obtain Trailer Transit Plates

**PUBLIC 132
EMERGENCY**

<u>Sponsor(s)</u> JOY BENNETT R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-160
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LD 323 proposed to allow businesses that transport modular homes or frames for transporting modular homes to apply for a trailer transit license and plate.

Committee Amendment "A" (H-160) proposed to add a cross-reference to the definition of "modular home."

Enacted Law Summary

Public Law 2003, chapter 132 allows businesses that transport modular homes or frames for transporting modular homes to apply for a trailer transit license and plate.

Public Law 2003, chapter 132 was enacted as an emergency measure effective May 13, 2003.

LD 357

**Resolve, Regarding State Designation of Memorials Honoring
Maine's Vietnam War Veterans**

RESOLVE 3

<u>Sponsor(s)</u> TREADWELL SAWYER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-26
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LD 357 proposed to establish an official state memorial to honor the veterans of Maine who gave their lives while serving during the Vietnam War and those who are missing in action. The bill also proposed to authorize the Department of Transportation to erect signs identifying the memorial.

Committee Amendment "A" (H-26) proposed to replace the resolve. The amendment proposed to designate the State Vietnam Veterans' Memorial located in Capitol Park in Augusta, which was constructed in 1985 and funded in part by a \$10,000 appropriation by the Legislature, as the official state memorial to honor the Vietnam War veterans of Maine. It also proposed to allow that, notwithstanding this designation, the Legislature may designate other monuments, structures or property in other locations throughout the State as state memorials in honor of those veterans. The amendment further proposed to designate a monument to be erected in Bangor on the grounds of the Cole Land Transportation Museum as a state memorial to honor the Vietnam War veterans of Maine.

Enacted Law Summary

Resolve 2003, chapter 3 designates the State Vietnam Veterans' Memorial located in Capitol Park in Augusta as the official state memorial to honor the Vietnam War veterans of Maine. It allows that, notwithstanding this designation, the Legislature may designate other monuments, structures or property in other locations throughout the State as state memorials in honor of those veterans. It also designates a monument to be erected in Bangor

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on the grounds of the Cole Land Transportation Museum as a state memorial to honor the Vietnam War veterans of Maine.

LD 362 **An Act To Rescind the Vehicle Registration of a Person Who Pays for That Registration with a Bad Check** **ONTP**

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

LD 362 proposed to require the Secretary of State to rescind the vehicle registration of a person who pays the excise tax for the vehicle with a check that is returned because of insufficient funds, a stop-payment order or a closed account.

Committee Amendment "A" (H-203), the committee minority report, proposed to replace the bill with a revised procedure for suspending a motor vehicle registration. It proposed to require the tax collector to mail a written notice to a vehicle owner whose payment check has been returned by the bank and to notify the Secretary of State if the excise tax is not paid within 30 days after the mailing of the written notice. It proposed to direct the Secretary of State to suspend the motor vehicle registration upon being notified. The minority report was not adopted.

LD 365 **An Act To Amend the Laws Governing Antique Vehicles** **PUBLIC 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY-HASKELL SAVAGE	OTP-AM	H-149

LD 365 proposed to allow vanity plates on certain vehicles with commercial registrations. The bill also proposed to allow an antique vehicle to pull a trailer or semitrailer as long as the vehicle is being used for recreational purposes or for exhibitions, club activities, parades or other functions of public interest and is not the owner's primary mode of transportation of passengers or goods.

Committee Amendment "A" (H-149) proposed to strike the language that would allow vanity plates on certain vehicles with commercial registrations.

Enacted Law Summary

Public Law 2003, chapter 128 allows an antique vehicle to pull a trailer or semitrailer as long as the vehicle is being used for recreational purposes or for exhibitions, club activities, parades or other functions of public interest and is not the owner's primary mode of transportation of passengers or goods.

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LD 374 **An Act To Create Animal Shelter Special Registration Plates** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 374 proposed to create the animal shelter special registration plate and deposit part of the proceeds from the sale of the plate to the Animal Welfare Fund.

LD 379 **Resolve, Directing the Commissioner of Transportation To Examine Which Aspects of the Department of Transportation's Operations Could be Privatized** **ONTP**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 379 proposed to direct the Commissioner of Transportation to review what aspects of the Department of Transportation's operations could be privatized. The resolve also proposed to require the department to submit a report with its recommendations by January 15, 2004 to the Joint Standing Committee on Transportation, which may submit legislation based on that report to the Second Regular Session of the 121st Legislature.

LD 387 **An Act To Exempt Biodiesel Fuel from the Special Fuel Tax** **ONTP**

<u>Sponsor(s)</u> EDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 387 proposed to define biodiesel fuel and exempt it from the special fuel tax.

LD 393 **An Act Authorizing the Operation of Low-speed Vehicles on Certain Roads** **PUBLIC 397
EMERGENCY**

<u>Sponsor(s)</u> MARLEY HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-357 S-173 ROTUNDO
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LD 393 proposed to allow the registration and use of low-speed vehicles on roads with speed limits up to 35 miles per hour. The bill also proposed to exempt low-speed vehicles from inspection requirements and list the equipment required for low-speed vehicles.

Committee Amendment "A" (H-357) proposed the following:

1. To allow a low-speed vehicle to continue to be registered as an island vehicle for \$4;

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2. To establish a registration fee of \$25 for low-speed vehicles, which is equal to that of automobiles, and specify that the registration plate must bear the word "low-speed";
3. To prohibit a person from using a low-speed vehicle to take a driver's examination;
4. To specify that headlights, rear lights and seat belts must comply with state standards for automobiles and that required equipment must be in good working condition;
5. To allow a municipality or the Department of Transportation to prohibit the use of low-speed vehicles on roads when such restriction is necessary for safety;
6. To authorize the Secretary of State to adopt rules relating to the registration and operation of low-speed vehicles;
7. To specify that an operator of a low-speed vehicle must have a Class A, Class B or Class C driver's license;
8. To authorize the registration and use of low-speed vehicles in certain municipalities and islands beginning on June 1, 2003 and for all other jurisdictions, to authorize registration and use beginning September 1, 2003; and
9. To clarify that a municipality may enact a municipal ordinance to prohibit the use of low-speed vehicles.

Senate Amendment "A" (S-173) proposed to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 29-A, section 1752, subsection 10 in Public Law 2003, chapter 125.

Enacted Law Summary

Public Law 2003, chapter 397 enacts provisions for the registration and use of low-speed vehicles on roads with speed limits up to 35 miles per hour. It authorizes the registration and use of low-speed vehicles in certain municipalities and islands beginning on June 1, 2003. For all other jurisdictions, the registration and use of these vehicles is authorized beginning September 1, 2003. A municipality may prohibit use of low-speed vehicles by municipal ordinance. A municipality or the Department of Transportation may prohibit the use of low-speed vehicles on roads when such restriction is necessary for safety.

Public Law 2003, chapter 397 was enacted as an emergency measure effective June 3, 2003.

LD 406

Resolve, To Designate Route 201 as Part of the East-West Highway

ONTP

Sponsor(s)
HATCH PH

Committee Report
ONTP

Amendments Adopted

LD 406 proposed to designate Route 201 from Skowhegan to Jackman as an alternate route on the East-West Highway.

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LD 410 **An Act To Change the Legislative License Plate to a Combination Plate** **ONTP**

<u>Sponsor(s)</u> DAIGLE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 410 proposed to designate passenger vehicles using state official registration plates, including legislative registration plates, as "combination" vehicles.

LD 412 **Resolve, To Require Reports from the Maine State Police Regarding Commercial Trucks** **ONTP**

<u>Sponsor(s)</u> SHERMAN STANLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 412 proposed to require the Department of Public Safety to make monthly reports on commercial vehicle enforcement activities to the Joint Standing Committee on Transportation beginning January 1, 2004. As proposed, the report would include information on the number of commercial trucks stopped by the Department of Public Safety by region, the reason for stopping each commercial truck and the origin and destination of the shipment each commercial truck is hauling.

LD 422 **An Act To Honor Purple Heart Award Recipients** **PUBLIC 67**

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-68
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LD 422 proposed to eliminate the motor vehicle registration fee charged to a Purple Heart medal recipient that is issued a set of Purple Heart registration plates.

Committee Amendment "A " (H-68) proposed to add a fiscal note to the bill.

Enacted Law Summary

Public Law 2003, chapter 67 eliminates the motor vehicle registration fee charged to a Purple Heart medal recipient that is issued a set of Purple Heart registration plates.

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LD 424

An Act To Increase the Availability of Handicapped Parking Spaces for People with Disabilities

PUBLIC 117

Sponsor(s)
MARLEY

Committee Report
OTP-AM

Amendments Adopted
H-165

LD 424 proposed to require that the expiration date on a disability placard may not be handwritten. The bill proposed to create an identification card to certify eligibility for disability registration plates or placards. The bill also proposed to allow municipalities to apply time limits to on-street parking spaces reserved for handicapped persons.

Committee Amendment "A" (H-165) proposed to strike the language from the original bill, except for the provision that proposed to allow municipalities to apply time limits to on-street parking spaces reserved for handicapped persons.

Enacted Law Summary

Public Law 2003, chapter 117 allows municipalities to apply time limits to on-street parking spaces reserved for handicapped persons.

LD 430

An Act To Clarify Ownership Rights to Repossessed Vehicles

PUBLIC 133

Sponsor(s)
MAYO
USHER

Committee Report
OTP-AM

Amendments Adopted
S-60

LD 430 proposed to clarify that ownership of a titled vehicle vests in the lienholder when the vehicle is repossessed by a lienholder, subject to the rights granted to the owner and the duties imposed on the lienholder under the Maine Revised Statutes, Title 11, Article 9-A, Part 6.

Committee Amendment "A" (S-60) proposed to replace the bill. The amendment proposed to clarify that ownership of a titled vehicle vests in the lienholder when the vehicle is repossessed by a lienholder that is a supervised financial organization, subject to the rights granted to the owner and the duties imposed on the lienholder under the Maine Revised Statutes, Title 9-A, Article 5, Part 1 and Title 11, Article 9-A, Part 6.

Enacted Law Summary

Public Law 2003, chapter 133 clarifies that ownership of a titled vehicle vests in the lienholder when the vehicle is repossessed by a lienholder that is a supervised financial organization, subject to the rights granted to the owner and the duties imposed on the lienholder under the Maine Revised Statutes, Title 9-A, Article 5, Part 1 and Title 11, Article 9-A, Part 6.

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LD 441

An Act To Establish a Definition for Biodiesel Fuels

PUBLIC 266

<u>Sponsor(s)</u> KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-135
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LD 441 proposed to exempt nonpetroleum renewable fuels, including biodiesel and ethanol, from the motor vehicle fuel excise tax.

Committee Amendment "A" (S-135) proposed to replace the bill and proposed to clarify that the definition of "distillates" in the Maine Revised Statutes, Title 36, section 3202 includes "biodiesel fuel." The amendment also proposed to define "biodiesel fuel" as renewable fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that is registered with the United States Environmental Protection Agency as a fuel and a fuel additive under the federal Clean Air Act, Section 211(b), 42 United States Code, Section 7545 and as otherwise specified in the American Society for Testing Materials Standard D6751-02a or its subsequent Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

Enacted Law Summary

Public Law 2003, chapter 266 clarifies that the definition of "distillates" in the Maine Revised Statutes, Title 36, section 3202 includes "biodiesel fuel." The law defines "biodiesel fuel" as renewable fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that is registered with the United States Environmental Protection Agency as a fuel and a fuel additive under the federal Clean Air Act, Section 211(b), 42 United States Code, Section 7545 and as otherwise specified in the American Society for Testing Materials Standard D6751-02a or its subsequent Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

LD 458

An Act Regarding Motorcycle Noise Emission Control Standards CARRIED OVER

<u>Sponsor(s)</u> LEMOINE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 458 proposes to prohibit a person from operating a motorcycle with an exhaust system that does not comply with federal noise standards. It also proposes to require that a motorcycle is equipped with an exhaust system that is the original manufacturer's equipment or a manufacturer approved replacement. It further proposes to institute a \$100 fine for a violation of this provision.

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LD 462 **An Act To Direct the Department of Transportation to Incorporate Regionalism into the Transit Bonus Payment Program** **ONTP**

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

LD 462 proposed to direct the Department of Transportation to adopt rules regarding the transit bonus payment program that give preference to towns that operate a transit service that has a regional component.

LD 463 **An Act to Enhance Integration of Transportation and Land Use Planning** **PUBLIC 22**

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

LD 463 proposed to require the Department of Transportation to adopt a major substantive rule that establishes linkage between the Sensible Transportation Policy Act and comprehensive planning and land use regulation laws. The bill proposed that the rule must also promote investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network.

Enacted Law Summary

Public Law 2003, chapter 22 requires the Department of Transportation to adopt a major substantive rule that establishes linkage between the Sensible Transportation Policy Act and comprehensive planning and land use regulation laws. The rule must also promote investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network.

LD 464 **An Act To Allow Fire and Emergency Medical Services Response Vehicles To Display One Blue Light at the Rear of the Vehicle** **PUBLIC 78**

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

LD 464 proposed to allow an ambulance, an emergency medical services vehicle, a fire department vehicle, a fire vehicle and a hazardous material response vehicle to be equipped with one blue light mounted at the rear of the vehicle, so that the light is visible to approaching traffic.

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Enacted Law Summary

Public Law 2003, chapter 78 allows an ambulance, an emergency medical services vehicle, a fire department vehicle, a fire vehicle and a hazardous material response vehicle to be equipped with one blue light mounted at the rear of the vehicle, so that the light is visible to approaching traffic.

LD 482 **Resolve, To Name the Washington County Portion of US Rt. 9 the Tony Tamaro Memorial Highway** **RESOLVE 1**

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

LD 482 proposed to name the Washington County portion of United States Route 9 the Tony Tamaro Memorial Highway.

Enacted Law Summary

Resolve 2003, chapter 1 names the Washington County portion of United States Route 9 the Tony Tamaro Memorial Highway.

LD 493 **An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel** **ONTP**

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

LD 493 proposed to permit municipal and volunteer firefighters and emergency medical services personnel to use sirens and flashing red, white and amber lights on personal vehicles while en route to or at the scene of a fire or other emergency. It also proposed to provide that such vehicles are covered by the rules of operation applying to authorized emergency vehicles. The bill also proposed to add requirements that must be met before a person may use a siren and flashing light on a personal vehicle.

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LD 506 **An Act To Permit Municipalities To Erect Pedestrian Crossing Stop Signs in the Middle of the Road** **ONTP**

<u>Sponsor(s)</u> CRESSEY SAVAGE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 506 proposed to permit municipalities to install stop signs in crosswalks that are not located at an intersection. The bill also proposed to direct the Department of Transportation to establish rules regarding the appropriate construction, installation and dimensions of the signs.

LD 511 **Resolve, To Rescind Legislative Authorization for Highway Driveway and Entrance Rules** **ONTP**

<u>Sponsor(s)</u> KAELIN WESTON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 511 proposed to repeal legislative authorization for chapter 299: Highway Driveway and Entrance Rules, Parts A and B, a major substantive rule of the Department of Transportation. The resolve also proposed to provide that the rules revert to the version of the rules in effect prior to that authorization.

LD 518 **Resolve, To Provide a Traffic Light in Naples** **ONTP**

<u>Sponsor(s)</u> CRESSEY BENNETT R	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 518 proposed to direct the Department of Transportation to install a traffic light at the intersection of Route 302 and Route 11 in Naples. The resolve also proposed to direct the department to expand the Route 11 entrance onto Route 302 into designated left lane and right lane turns.

LD 520 **An Act To Improve Motor Vehicle Safety** **ONTP**

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 520 proposed to require that a person 75 years of age or older renew their driver's license every 2 years and a person 80 years of age or older renew their license every year. The bill further proposed that in order to renew the license, the person must pass a physical exam that determines adequate reflexes, vision and response time.

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LD 524 **Resolve, To Have Signs Erected at the Town of Newburgh in Recognition of Ricky Craven** **ONTP**

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

LD 524 proposed to direct the Department of Transportation to erect signs on Route 9 in Newburgh, recognizing it as the home of NASCAR champion driver Ricky Craven.

LD 533 **An Act To Add a Sign on Interstate 95 Indicating the Town of Bingham** **ONTP**

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

LD 533 proposed to add 2 road signs on Interstate 95 indicating the Town of Bingham.

LD 571 **An Act To Improve the Safety of Public Roads** **PUBLIC 25
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER SAVAGE	OTP-AM	H-74

LD 571 proposed to authorize the Secretary of State to administratively suspend the license of a motor vehicle operator who operated a motor vehicle at an imprudent speed or at a rate of speed that exceeded the maximum speed limit by 30 miles per hour or more and caused an accident that resulted in the death of another person.

Committee Amendment "A" (H-74) proposed to authorize the Secretary of State to suspend without a hearing the license of a motor vehicle operator who, as a condition of bail, has been ordered not to drive. If the bail condition restricts but does not completely preclude vehicle operation, the Secretary of State would be authorized to issue a restricted license containing those restrictions. The amendment also proposed to eliminate the requirement that the Secretary of State notify the driver of an opportunity for a hearing when the license suspension or issuance of a restricted license is based upon a bail order or condition of release. It further proposed to add an emergency preamble and emergency clause to the bill. The amendment was offered in memory of Nicholas Grant, a resident of Hallowell killed in an automobile accident on July 17, 2002.

Enacted Law Summary

Public Law 2003, chapter 25 authorizes the Secretary of State to suspend without a hearing the license of a motor vehicle operator who, as a condition of bail, has been ordered not to drive. If the bail condition restricts but does not completely preclude vehicle operation, the Secretary of State is authorized to issue a restricted license containing those restrictions. The law also eliminates the requirement that the Secretary of State notify the

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driver of an opportunity for a hearing when the license suspension or issuance of a restricted license is based upon a bail order or condition of release. The law is offered in memory of Nicholas Grant, a resident of Hallowell killed in an automobile accident on July 17, 2002.

Public Law 2003, chapter 25 was enacted as an emergency measure effective April 1, 2003.

LD 576 **An Act Concerning the Use of Safety Rear View Mirrors** **ONTP**

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

LD 576 proposed to clarify that a motor vehicle hauling a load must be equipped with side rear view mirrors.

LD 599 **An Act To Implement the Recommendations of the Task Force on Rail Transportation and Correct an Inconsistency** **PUBLIC 498**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	H-400 USHER S-136 S-295 CATHCART

LD 599 proposed the following:

1. To direct the Commissioner of Economic and Community Development to ensure that transportation needs and the potential use of rail are considered when economic development projects are planned;
2. To establish a freight transportation advisory council in statute;
3. To require the Commissioner of Transportation to seek the review and approval of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to the dismantling of state-owned railroad tracks;
4. To increase the maximum allowable reimbursement to railroad companies for maintaining a railroad crossing from \$1,500 to \$2,500 per crossing;
5. To deposit fines imposed for 6-axle truck weight violations into the Railroad Preservation and Assistance Fund when the weight exceeds 100,000 pounds;
6. To repeal the tax credit cap on the railroad excise tax;
7. To deposit all revenue from the railroad excise tax in the Railroad Preservation and Assistance Fund;
8. To deposit use taxes paid on fuel consumed by vehicles operating on rails and eligible for a refund from the gas tax in the Railroad Preservation and Assistance Fund; and

Joint Standing Committee on Transportation

9. To direct the Joint Standing Committee on Taxation to review and make recommendations for statutory revisions to Maine tax laws affecting railroads and authorizing the committee to report out legislation to implement recommendations during the Second Regular Session of the 121st Legislature.

Committee Amendment "A" (S-136) proposed to delete the provision that would require fines imposed for truck weights exceeding 100,000 pounds to be deposited into the Railroad Preservation and Assistance Fund and instead amend the Maine Revised Statutes, Title 29-A, section 2602 to provide for these fines to be deposited in the Highway Fund in the same manner as other fines for weight violations. It proposed a delayed effective date of July 1, 2005 to those provisions of the bill that have an impact on the General Fund.

House Amendment "A" (H-400) proposed to remove the requirement that the Commissioner of Transportation seek the approval of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to dismantling state-owned track. The commissioner would still be required to review the proposed dismantling with the committee.

It proposed to remove the requirement that the chairs of the Joint Standing Committee on Taxation appoint a subcommittee to review tax provisions applying to railroads. It proposed to specify instead that the entire committee conduct the review and that the review take place during interim meetings authorized by the presiding officers of the Legislature.

Senate Amendment "A" to House Amendment "A" (S-295) proposed to authorize the Joint Standing Committee on Taxation to report out a bill, instead of legislation.

Enacted Law Summary

Public Law 2003, chapter 498 directs the Commissioner of Economic and Community Development to ensure that transportation needs and the potential use of rail are considered when economic development projects are planned. It establishes a freight transportation advisory council in statute. It requires the Commissioner of Transportation to seek the review of the joint standing committee of the Legislature having jurisdiction over transportation matters prior to the dismantling of state-owned railroad tracks. It increases the maximum allowable reimbursement to railroad companies for maintaining a railroad crossing from \$1,500 to \$2,500 per crossing. It directs the Joint Standing Committee on Taxation to review and make recommendations for statutory revisions to Maine tax laws affecting railroads and authorizes the committee to report out a bill to implement recommendations during the Second Regular Session of the 121st Legislature. It repeals the tax credit cap on the railroad excise tax.

Certain provisions of Chapter 498 with an impact on the General Fund have a delayed effective date of July 1, 2005. These provisions direct all revenue from the railroad excise tax to be deposited in the Railroad Preservation and Assistance Fund and all use taxes paid on fuel consumed by vehicles operating on rails and eligible for a refund from the gas tax to be deposited in the Railroad Preservation and Assistance Fund. Also effective July 1, 2005 is a provision that amends Maine Revised Statutes, Title 29-A, section 2602 to provide for fines from the over-100,000-pounds violations to be deposited in the Highway Fund in the same manner as other fines for weight violations.

Joint Standing Committee on Transportation

LD 603

An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority

PUBLIC 32

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

LD 603 proposed to establish one statutory cap for revenue bonds issued by the Maine Turnpike Authority and eliminate the existence of three separate revenue bond categories.

Enacted Law Summary

Public Law 2003, chapter 32 establishes one statutory cap for revenue bonds issued by the Maine Turnpike Authority and eliminates the existence of three separate revenue bond categories.

LD 604

An Act To Allow the Maine Turnpike Authority To Benefit from Advantageous Interest Rates

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE	OTP-AM	S-34

LD 604 proposed to authorize the Maine Turnpike Authority to enter into agreements that may provide a subsequent advantage to the authority based on future interest rates. The bill also proposed to provide a temporary extension of the authority's bonding capacity for the year 2003 that will enable it to perform refinancing.

Committee Amendment "A" (S-34) proposed to strike the language that authorized extending the Maine Turnpike Authority's bonding capacity for the year 2003. The amendment also proposed to remove the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2003, chapter 111 authorizes the Maine Turnpike Authority to enter into agreements that may provide a subsequent advantage to the authority based on future interest rates.

Joint Standing Committee on Transportation

LD 605 **An Act To Increase the Bond Limit of the Maine Turnpike Authority** **CARRIED OVER**

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

LD 605 proposes to increase the Maine Turnpike Authority's revenue bonding capacity from \$210,000,000 to \$260,000,000.

LD 621 **An Act To Increase the Debt Limit of the Rockland Port District** **P & S 7**

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

LD 621 proposed to raise the debt limit of the Rockland Port District from its 1951 limit of \$100,000 to \$600,000 based on calculations converting the value in today's worth.

Enacted Law Summary

Private and Special Law 2003, chapter 7 raises the debt limit of the Rockland Port District from its 1951 limit of \$100,000 to \$600,000 based on calculations converting the value in today's worth.

LD 637 **An Act To Enhance the Visibility of Pedestrian Crosswalks** **ONTP**

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

LD 637, which was a concept draft pursuant to Joint Rule 208, proposed to enhance the visibility of pedestrian crosswalks. The bill proposed to direct the Department of Transportation to employ a variety of means designed to ensure the visibility of pedestrian crosswalks, with particular emphasis on enhancing the safety of crosswalks that cross more than 2 lanes of traffic, as is the case in Westbrook.

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LD 644

**An Act To Assist Regional Transportation Providers To Comply
with the Booster Seat Law**

PUBLIC 380

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY SAVAGE	OTP-AM	H-161 H-407 USHER S-226 HATCH PH

LD 644 proposed to require the Department of Public Safety to provide child booster seats to qualified low-income recipients. It also proposed to require that fines issued for a violation of the child booster seat portion of the law not be imposed until January 1, 2004.

Committee Amendment "A" (H-161) proposed to strike language requiring the Department of Public Safety to provide booster seats to qualified low-income people. It proposed to expand the definition of a "federally approved child restraint system" to include lap-belt-only systems and other federally approved devices such as special harnesses and vests. It proposed to allow children over 4'7", regardless of age or weight, to use a vehicle's lap and shoulder belt system instead of a booster seat. It also proposed to exempt nonprofit, municipal or contracted transportation service providers from the booster seat portion of the law until February 1, 2005. It further proposed to require that written warnings be issued for a violation of the booster seat portion of the law until September 1, 2003, after which a fine may be imposed.

House Amendment "A" to Committee Amendment "A" (H-407) proposed to clarify that a nonprofit, municipal or contracted transportation service provider is exempt from securing a child less than 8 years of age and who weighs at least 40 pounds but less than 80 pounds in a federally approved child restraint system, except that the operator shall ensure that the child is properly secured in a seat belt.

House Amendment "B" to Committee Amendment "A" (H-519) proposed to require that a written warning be issued for a violation of the booster seat portion of the law until February 1, 2005, after which a fine may be imposed. (Not adopted)

Senate Amendment "A" (S-226) proposed to remove the emergency preamble and the emergency clause from the bill.

Enacted Law Summary

Public Law 2003, chapter 380 expands the definition of a "federally approved child restraint system" to include lap-belt-only systems and other federally approved devices such as special harnesses and vests. The law allows children over 4' 7", regardless of age or weight, to use a vehicle's lap and shoulder belt system instead of a booster seat. The law also exempts nonprofit, municipal or contracted transportation service providers from securing a child less than 8 years of age and who weighs at least 40 pounds but less than 80 pounds in a federally approved child restraint system until February 1, 2005, except that the operator must ensure that the child is properly secured in a seat belt. The law further requires that written warnings be issued for a violation of the booster seat portion of the law until September 1, 2003, after which a fine may be imposed.

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LD 691 **An Act To Amend the Distribution of the General Highway Fund** **ONTP**

<u>Sponsor(s)</u> MCKENNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 691 proposed to repeal the provision of law that permits money in the General Highway Fund to be spent for maintenance of the State Police.

LD 737 **An Act To Clarify Inspection Standards Related to Vehicle Wheel Size** **PUBLIC 146**

<u>Sponsor(s)</u> SMITH N	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 737 proposed to codify two rules that are currently found in the Department of Public Safety, Bureau of State Police's "Maine Motor Vehicle Inspection Manual." The bill proposed to require vehicles to have tires that meet or exceed the load and speed rating of the original equipment tires. The bill also proposed to require the overall diameter of a wheel, with the tire, that has an altered rim to be within the vehicle manufacturer's specifications.

Enacted Law Summary

Public Law 2003, chapter 146 codifies two rules that are currently found in the Department of Public Safety, Bureau of State Police's "Maine Motor Vehicle Inspection Manual." The law requires vehicles to have tires that meet or exceed the load and speed rating of the original equipment tires. The law also requires the overall diameter of a wheel, with the tire, that has an altered rim to be within the vehicle manufacturer's specifications.

LD 739 **An Act To Clarify Handicapped Parking Status for Disabled Veterans** **ONTP**

<u>Sponsor(s)</u> MCKEE TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 739 proposed to clarify that a disabled veteran who resides out of state and has a motor vehicle that has a license plate that bears the words "Disabled Veteran" may park in a handicapped parking area without having to obtain a special placard from the Secretary of State.

Joint Standing Committee on Transportation

LD 750

An Act To Create Novice Incentive Licenses

ONTP

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

LD 750 proposed to establish a novice incentive license for 16-year-olds and 17-year-olds. Under the proposed bill, a novice incentive licensee would not be allowed to drive between the hours of 9:00 p.m. and 5:00 a.m. without being accompanied by either a parent or legal guardian or a person who meets the requirements for an accompanying operator. It proposed an exemption to the night hours restriction through a notarized letter to authorize operation during those hours. The bill also proposed to change the restrictions on accompanying operators for all categories of licenses that require an accompanying operator by increasing the minimum age of the accompanying operator from 20 years of age to 21 years of age and by requiring that an accompanying operator under 25 years of age may not have had any moving violations within the preceding year. The bill further proposed to increase the period of time for which newly licensed persons less than 18 years of age must operate under the provisions of an interim license from 90 days to 6 months.

LD 766

An Act to Improve Highway Signs for Recreational Facilities in Saco

ONTP

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

LD 766 proposed to place signs along both lanes of U.S. Route 1 and the Maine Turnpike informing travelers of Funtown Splashtown U.S.A.

LD 785

An Act To Provide that Gas Purchased for Use in a Generator Be Taxed for Commercial Use

ONTP

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

LD 785 proposed to add generators to the list of non-highway machinery using internal combustion engine fuel that qualifies for a refund on the excise tax paid on the fuel.

Joint Standing Committee on Transportation

LD 788

An Act To Enhance Vistas

PUBLIC 119

<u>Sponsor(s)</u> GAGNON USHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-35
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LD 788 proposed to require the Department of Transportation to consult with each municipality traversed by a state or state aid highway to preserve and develop the natural scenic beauty along and adjacent to any state or state aid highway within the boundaries of that municipality, including consultation on the placement of utility poles and signage, and to integrate the public improvement with the aesthetics of the area traversed by the highway.

The bill also proposed to require the Department of Transportation to take into consideration the views of the municipal officers as to the location of state and state aid highway construction or alteration and the interests of the municipal officers with respect to the natural scenic beauty along and adjacent to any state or state aid highway, particularly along those areas of the highway that constitute the entrance to that municipality.

Committee Amendment "A" (S-35) proposed to make minor clarifications and reallocate language to better fulfill the intent of the bill.

Enacted Law Summary

Public Law 2003, chapter 119 allows the Department of Transportation, in consultation with a municipality, to preserve and develop the natural scenic beauty along and adjacent to any state or state aid highway to integrate the public improvement with the aesthetics of the area traversed by the highway, particularly along those areas of the highway that constitute the entrance to that municipality. It requires the Department of Transportation to consult with each municipality traversed by a state or state aid highway on the placement of utility poles and signs within the boundaries of that municipality. The law also requires the Department of Transportation to take into consideration the interests of a municipality as to the location of any state and state aid highway construction or alteration within the boundaries of that municipality.

LD 795

Resolve, To Declare Maine Aviation Education Week

INDEF PP

<u>Sponsor(s)</u> HALL FAIRCLOTH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 795 proposed to establish the week beginning April 14, 2003 as Maine Aviation Education Week and would direct the Department of Transportation, Office of Passenger Transportation to participate in the planning of events for that week under the auspices of the Maine Aeronautics Association.

Committee Amendment "A" (S-31) proposed to change the resolve to an Act designating the 3rd week in April as Maine Aviation and Aerospace Education Week. (Not adopted)

Joint Standing Committee on Transportation

LD 818

An Act To Amend Motor Vehicle Frame Height Laws

PUBLIC 144

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-122
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LD 818 proposed to establish a standard for measuring the minimum motor vehicle frame height. The bill also proposed to allow the installation of aftermarket suspension equipment for a motor vehicle.

Committee Amendment "A" (H-122) proposed to replace the original bill and proposed to modify the standard for measuring the frame height of a motor vehicle.

Enacted Law Summary

Public Law 2003, chapter 144 modifies the standard for measuring the frame height of a motor vehicle.

LD 819

An Act To Amend the Motor Vehicle Laws Pertaining to Mufflers

PUBLIC 140

<u>Sponsor(s)</u> MCKENNEY SAWYER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-178
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LD 819 proposed to establish a standard for excessive exhaust system noise emission from a motor vehicle. The bill also proposed to establish a certification process that allows a person to install an aftermarket exhaust system that complies with this standard.

Committee Amendment "A" (H-178) proposed to replace the bill and proposed to create an exception to the current motor vehicle statutory provisions that prohibit loud exhaust noise by allowing exhaust systems that do not exceed 95 decibels as measured in accordance with the Society of Automotive Engineers standard J-1169. The amendment would apply to motor vehicles with the exception of motorcycles.

Enacted Law Summary

Public Law 2003, chapter 140 creates an exception to the current motor vehicle statutory provisions that prohibit loud exhaust noise by allowing exhaust systems that do not exceed 95 decibels as measured in accordance with the Society of Automotive Engineers standard J-1169. The law applies to motor vehicles with the exception of motorcycles.

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LD 832 **An Act Clarifying State Financial Responsibility over State and State Aid Highways** **ONTP**

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

LD 832 proposed to clarify that all costs of the construction, maintenance and repair of state or state aid highways are the responsibility of the Department of Transportation and may not be passed on to a local unit of government except with the agreement of the legislative body of that local unit.

LD 836 **An Act To Prevent Distracted Driving** **ONTP**

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

LD 836 proposed to prohibit a person from driving while distracted. The bill proposed to define driving while distracted as including, but not limited to, driving while using a cellular telephone, eating, reading or grooming. As proposed, a law enforcement officer could enforce this prohibition only if the officer had detained the operator of the motor vehicle for a violation of another law.

Committee Amendment "A" (H-287), the committee majority report, proposed to replace the bill and proposed to provide definitions of "distracted driving" and "mobile telephone." The amendment also proposed to establish certain exceptions from the definition of "distracted driving." It also proposed to preempt municipal ordinances relating to the use of mobile telephones. The majority report was not adopted. (Not adopted)

LD 837 **An Act To Enhance Enforcement of Safety Zone Laws** **PUBLIC 97**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-102

LD 837 proposed to add to the safety requirements governing drivers approaching or passing a stationary authorized emergency vehicle that is using an emergency light. It also proposed to make a violation of this provision a Class E crime.

Committee Amendment "A" (H-102) proposed to replace the bill and to institute a minimum fine of \$250 for failure to comply with safety requirements governing drivers approaching or passing a stationary authorized emergency vehicle that is using an emergency light.

Joint Standing Committee on Transportation

Enacted Law Summary

Public Law 2003, chapter 97 imposes a minimum fine of \$250 for failure to comply with safety requirements governing drivers approaching or passing a stationary authorized emergency vehicle that is using an emergency light.

LD 839 **An Act To Create the Motor Vehicle Inspection Advisory Board** **ONTP**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 839 proposed to create the Motor Vehicle Inspection Advisory Board to assist and advise the Chief of the State Police on matters involving the inspection of motor vehicles in the State.

LD 861 **Resolve, Directing the Department of Transportation To Erect Signs Identifying Bodies of Water Crossed** **ONTP**

<u>Sponsor(s)</u> SHIELDS SAVAGE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 861 proposed to direct the Department of Transportation to begin erecting signs on bridges under the department's jurisdiction, identifying the bodies of water crossed.

LD 862 **An Act Regulating the Use of Cellular Telephones by Juvenile Drivers** **ONTP**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 862 proposed to prohibit a juvenile less than 18 years of age who is driving under an instruction permit from using a handheld cellular telephone while operating a motor vehicle. The bill also proposed to make that offense a traffic infraction and would impose a minimum fine of \$50 for the first violation and \$250 for a second or subsequent violation committed within one year of the first violation.

Joint Standing Committee on Transportation

LD 864 **An Act Allowing Certain Modifications to Tires and Wheels on Vehicles with Antilock Braking Systems** **ONTP**

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

LD 864 proposed to allow a person to use any combination of tires and wheels on a vehicle equipped with an antilock braking system as long as the diameter of the tires and wheels is the same as the diameter recommended by the vehicle manufacturer.

LD 894 **An Act Relating to Motorcycles and Driver Education** **PUBLIC 183**

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

LD 894 proposed to require driver education courses, including motorcycle driver education, to include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely in a situation in which a motorcycle is sharing the road with that motor vehicle.

Enacted Law Summary

Public Law 2003, chapter 183 requires driver education courses, including motorcycle driver education, to include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely in a situation in which a motorcycle is sharing the road with that motor vehicle.

LD 906 **An Act Pertaining to Trustee Services for the Maine Turnpike Authority** **PUBLIC 152**

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

LD 906 proposed to clarify that the Maine Turnpike Authority may obtain trustee and similar services from any bank or financial institution.

Enacted Law Summary

Public Law 2003, chapter 152 clarifies that the Maine Turnpike Authority may obtain trustee and similar services from any bank or financial institution.

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LD 923 Resolve, To Increase Safety in Stockton Springs ONTP

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

LD 923 proposed to direct the Department of Transportation to develop and construct a pedestrian bridge over Route One in Stockton Springs.

LD 924 Resolve, To Enhance Public Safety in Winterport ONTP

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

LD 924 proposed to direct the Department of Transportation to erect traffic control caution lights in 3 locations on Route 1-A in the Town of Winterport.

**LD 925 Resolve, Directing the Department of Transportation To Repair ONTP
Swan Lake Road in the Town of Frankfort**

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

LD 925 proposed to direct the Department of Transportation to repair Swan Lake Road in the Town of Frankfort.

LD 978 An Act To Establish a Rotarian License Plate CARRIED OVER

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

LD 978 proposes to authorize the issuance of a special motor vehicle registration plate for members of Rotary International in Maine.

Joint Standing Committee on Transportation

LD 988 An Act To Increase Penalties for Passing a Stopped School Bus ONTP

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

LD 988 proposed to increase the penalties for passing a stopped school bus. The bill proposed to impose a \$250 minimum fine and a 30-day license suspension for the first offense and a \$250 minimum fine and a mandatory 60-day license suspension for a second offense occurring within three years of the first offense.

LD 991 An Act To Equalize Fuel Taxes on Vehicles Used for Personal Travel ONTP

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

LD 991 proposed to provide for diesel automobiles and pickup trucks less than 6,000 pounds to pay the gas tax imposed on other automobiles rather than the special fuel tax paid by commercial vehicles.

LD 998 An Act Regarding Motor Vehicle Registration and Inspection Dates ONTP

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

LD 998 proposed to require the registration and inspection of a vehicle to expire on the last day of the birth month of the person registering the vehicle.

LD 1015 An Act To Accommodate the Unique Circumstances Affecting Regional Transportation Providers in the Administration of Car Seat Laws ONTP

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

LD 1015, which was a concept draft pursuant to Joint Rule 208, proposed to amend Public Law 2001, chapter 585 pertaining to the administration of child safety seat laws. The bill proposed to remove the potential under current law for children to be denied access to state-contracted transportation services due to the inability of service providers to comply with the child safety seat requirements. The bill also proposed to address the unique requirements of state-contracted transportation providers that may cause the use of an approved car seat to be impractical and potentially harmful. The bill further proposed to allow time frames for vehicle replacement,

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waivers for clients with special needs and access to financing to ensure the availability of appropriate vehicles and car seats.

LD 1017

An Act To Broaden the Scope of Driving to Endanger

ONTP

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1017 proposed to clarify that endangerment of bicyclists and pedestrians is included in the definition of driving to endanger. The bill proposed that in addition to other penalties, if the person endangered is a bicyclist or a pedestrian, the court shall suspend the driver's license for at least 30 days and impose a fine of not less than \$500 nor more than \$1,500, neither of which may be suspended. The bill also proposed to require that the driver attend and successfully complete a defensive driving course. The bill further proposed to prohibit bicyclists from riding a bicycle to endanger.

LD 1018

**An Act To Clarify and Update the Laws Concerning the Types of
Transportation Vehicle Used To Transport Children**

PUBLIC 293

<u>Sponsor(s)</u> MARLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-333
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LD 1018 proposed to enact definitions of "allowable alternate vehicle", "full service transportation provider" and "urban fixed-route transit provider" in Title 29-A, Chapter 19, Subchapter 4. This subchapter contains the requirements for school bus operation, equipment and inspection. It proposed to exempt vehicles meeting these definitions from certain school bus requirements.

Committee Amendment "A" (H-333) proposed to replace the original bill and to establish a definition of an "allowable alternate vehicle" to address an existing conflict between current state and federal regulations regarding transportation services for school children. The amendment proposed to authorize the limited use of allowable alternative vehicles for school transportation with specific exemptions from equipment standards for school buses. It also proposed to exempt certain vehicles used for the transport of children to nonschool-based Head Start facilities until January 1, 2006.

Enacted Law Summary

Public Law 2003, chapter 293 establishes a definition for an "allowable alternative vehicle" to address an existing conflict between current state and federal regulations regarding transportation services for school children. Chapter 293 authorizes the limited use of allowable alternative vehicles for school transportation with specific exemptions from current laws regarding equipment standards for school buses. The law also exempts certain vehicles used for the transport of children to nonschool-based Head Start facilities from the equipment, operator and inspection requirements applicable to school buses until January 1, 2006.

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LD 1028

An Act To Restrict Use of Auto Dealer Plates

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-429

LD 1028 proposed to require the Secretary of State to reduce the number of dealer plates to one upon the renewal of a motor vehicle dealer license if the motor vehicle dealer sells fewer than 12 vehicles through retail sales in a 12-month period. It would also prohibit the Secretary of State from issuing that motor vehicle dealer a dealer plate for personal use. The bill also proposed that upon second application for license renewal, the motor vehicle dealer is required to return all dealer plates if the dealer sells fewer than 4 vehicles through retail sales in the previous year. The bill further proposed to require a fee of \$300 to be charged for each dealer plate issued for personal use.

Committee Amendment "A" (H-429) proposed to strike language from the bill requiring a motor vehicle dealer to pay a \$300 fee for each dealer plate issued for personal use. The amendment also proposed to prevent a motor vehicle dealer who is denied license renewal from reapplying for one year. It would also exempt a motor vehicle dealer who holds an auction business license from the provisions of the bill.

Enacted Law Summary

Public Law 2003, chapter 496 requires the Secretary of State to reduce the number of dealer plates to one upon the renewal of a motor vehicle dealer license if the motor vehicle dealer sells fewer than 12 vehicles through retail sales in a 12-month period and prohibits the Secretary of State from issuing a dealer plate for personal use. The law further requires that upon second application for renewal, a motor vehicle dealer must be denied renewal of the license if the dealer sold fewer than 4 motor vehicles through retail sales in the previous license year and prevents a motor vehicle dealer who is denied license renewal from reapplying for one year. This law does not apply to a motor vehicle dealer who holds an auction business license.

LD 1049

An Act to Allow Certain Women Recovering from Childbirth To Be Issued Temporary Handicapped Parking Permits

PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM MAJ	H-409
DAMON	ONTP MIN	

LD 1049 proposed to authorize the Secretary of State to issue temporary disability placards to certain women who are recovering from childbirth. It would allow temporary placards to be issued for a period of three days in winter for natural childbirth, one week after cesarean section delivery and for a time determined by the patient's physician for a premature birth. It would also require the Secretary of State to provide hospitals with information to be given to maternity patients about the temporary disability placards.

Committee Amendment "A" (H-409), the committee majority report, proposed to limit the issuance of temporary disability placards to a period of one week after cesarean section delivery and to a time determined by the patient's physician for a preterm infant. The amendment also proposed to strike the language from the original bill that would require the Secretary of State to supply hospitals with information about the temporary disability placards.

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Enacted Law Summary

Public Law 2003, chapter 431 authorizes the Secretary of State to issue temporary disability placards to certain women who are recovering from childbirth. The law allows temporary placards to be issued for a period of one week after cesarean section delivery and for a time determined by the patient's physician for a preterm infant.

LD 1050 **Resolve, To Establish the Task Force to Study the Feasibility of Adding an Interchange for Access to the Lakes Region Area** **ONTP**

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

LD 1050 proposed to create the 21-member Task Force to Study the Feasibility of Adding an Interchange for Access to the Lakes Region Area. It proposed to direct the task force to study the traffic flow along Route 302 and examine the feasibility of creating an additional interchange from the Maine Turnpike for access to the lakes region area. It also proposed to require the task force to submit a report of its findings and recommendations to the Joint Standing Committee on Transportation and the Legislative Council no later than December 31, 2003.

LD 1062 **An Act To Protect Lienholders of Titled Vehicles** **PUBLIC 295
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MAYO	OTP-AM	H-299

LD 1062 proposed to repeal a provision that allows the Secretary of State to assume that any lien against a titled vehicle has been satisfied after 66 months, even if the term of the loan is more than 66 months.

Committee Amendment "A" (H-299) replaced the bill. The amendment proposed to require the Secretary of State to provide notice to a lienholder with a lien date more than 66 months old by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail.

Enacted Law Summary

Public Law 2003, chapter 295 requires the Secretary of State to provide notice to a lienholder with a lien date more than 66 months old by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail.

Public Law 2003, chapter 295 was enacted as an emergency measure effective May 27, 2003.

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LD 1070 **An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction** **CARRIED OVER**

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

LD 1070 proposes to increase traffic fines by 5% every 2 years from January 1, 2004 through January 1, 2012. The bill also proposes to remit a percentage of the fines collected for traffic infractions to the law enforcement agency that issued the summons and complaint. The bill further proposes to increase the percentage remitted to the law enforcement agency by 10% every 2 years from January 1, 2004 through January 1, 2012.

LD 1081 **An Act To Allow the Use of Cameras for Enforcement of Traffic Light Violations** **ONTP**

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

LD 1081 proposed to authorize the State or a municipality to install and operate unmanned, automatic cameras to obtain evidence to prosecute and prove a violation of a traffic control device. The bill proposed that the owner of the vehicle photographed or otherwise recorded violating a traffic control device is rebuttably presumed to be the violator. The bill also proposed to allow evidence from the cameras to be used in other legal actions.

LD 1095 **An Act Relating to Motorcycle Safety** **ONTP**

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

LD 1095 proposed to provide that a law enforcement officer may not engage in a high-speed chase of the operator of a motorcycle unless that officer has reasonable and articulable suspicion to believe that a murder or a Class A, B or C crime has been committed or is being committed or other means of stopping the operator are not available.

Committee Amendment "A" (S-67) was the minority report of the Joint Standing Committee on Transportation. The amendment proposed to replace the bill and proposed to require law enforcement agencies to report motor vehicle pursuit statistics to the State Police traffic division on a quarterly basis. The amendment also proposed to require the Chief of the State Police to develop and furnish a format for standardized reporting by agencies and clarify that the information contained in the report is for statistical purposes only and cannot be used for civil or criminal proceedings. This amendment was not adopted.

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LD 1104 **An Act To Prohibit the Use of Imitation High-intensity Discharge Bulbs** **ONTP**

<u>Sponsor(s)</u> BENNETT P MARTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1104 proposed to require headlight replacement bulbs on motor vehicles to conform with and be installed according to federal motor vehicle safety standards for original-equipment headlights. The bill also proposed to allow the use of high-intensity discharge bulbs only if the lights are installed correctly.

LD 1113 **An Act To Repeal the Billboard Law** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1113 proposed to repeal the current law regarding billboards and replace it with provisions forbidding the placement of any sign for private or commercial purposes on public property. The bill also proposed to allow municipalities to regulate private or commercial signs placed on private property and collect a fee of \$1 per square foot per month for the sign.

The bill also proposed to direct the Commissioner of Transportation, in consultation with the Commissioner of Economic and Community Development, to establish official tourist information centers near the principal entrance points into the state and at other locations determined to be appropriate.

LD 1153 **An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2004** **P & S 12**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1153 proposed to make allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2004 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Enacted Law Summary

Private and Special Law 2003, chapter 12 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, 2004 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

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LD 1213

An Act To Establish a Modern Transportation Policy

ONTP

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

LD 1213 proposed to require that funding for shared-use paths be included as part of any project involving the construction, reconstruction or replacement of a state or state aid highway or bridge. The bill proposed to require that the Commissioner of Transportation ensure that an amount equal to at least 1% of the combined state and federal funding for such projects is provided for the construction, repair or maintenance of shared-use paths. The bill also proposed to establish a safe paths to schools program for the purpose of planning and constructing shared-use paths to provide safe transportation for children from neighborhoods to schools, parks and local and state trails systems. Finally, the bill proposed to create a legislative study commission to study the potential location, funding and statewide benefits of shared-use paths. The bill proposed to require the study commission to seek outside funding to pay for all costs of the commission.

Committee Amendment "A" (H-297), the committee minority report, proposed to change the bill into a resolve creating a study commission to study the potential location, funding and statewide benefits of shared-use paths. The amendment proposed to direct the commission to analyze the availability of shared-use paths in counties with a rate of overweight or obese people that is at least 1% higher than the state average and directs the commission to analyze the potential reduction in health care and transportation costs resulting from the utilization of shared-use paths. The amendment also proposed to require the solicitation and use of outside funding to cover all costs of the commission. The amendment further proposed to allocate funds authorizing operating expenditures for the commission. This amendment was not adopted.

LD 1221

An Act To Prohibit Skateboarding on State Highways

ONTP

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

LD 1221 proposed to prohibit a person from using a skateboard on a state or state aid highway.

LD 1222

An Act To Penalize Timberland Owners rather than Truckers for Hauling Weight Violations

ONTP

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

LD 1222 proposed to make a landowner, instead of the operator driving the motor vehicle, responsible for the fine for a motor vehicle carrying forest products and weighing in excess of 110,000 pounds, if the landowner causes the motor vehicle to be loaded in excess of the weight limit.

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LD 1233

An Act To Amend the Motor Vehicle Laws

PUBLIC 240

<u>Sponsor(s)</u> MCKENNEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-256
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LD 1233 proposed to exempt used motor vehicle dealers who obtain motor vehicles at an auction outside the State from the requirement that they obtain from the sellers of those vehicles a written disclosure statement that includes historical information regarding mechanical defects and substantial damage. The bill proposed to provide for timely delivery of documentation necessary for the transfer of title to motor vehicles. The bill also proposed to allow a motor vehicle dealer to obtain all pertinent information about existing liens on a vehicle that a customer wants to trade in toward the purchase of another vehicle.

Committee Amendment "A" (H-256) proposed to clarify that motor vehicle dealers who obtain motor vehicles at an auction outside the State are exempt from the requirement that they obtain from the sellers of those vehicles a written disclosure statement, if the dealer clearly specifies on the written disclosure statement required by the Maine Revised Statutes, Title 10, section 1475, subsections 1 and 2-A that the vehicle was acquired at an out-of-state auction and that historical information regarding mechanical defects and substantial damage is not available. The amendment also proposed to clarify that, a lienholder, at the request of the owner, shall disclose only the existence and identity of subordinate lienholders listed on the certificate of title, the certificate of salvage or other written documentation held by the lienholder.

Enacted Law Summary

Public Law 2003, chapter 240 exempts used motor vehicle dealers who obtain motor vehicles at an auction outside the State from the requirement that they obtain from the sellers of those vehicles a written disclosure statement, if the dealer clearly specifies on the written disclosure statement required by the Maine Revised Statutes, Title 10, section 1475, subsections 1 and 2-A that the vehicle was acquired at an out-of-state auction and that historical information regarding mechanical defects and substantial damage is not available.

The law also provides for timely delivery of documentation necessary for the transfer of title to motor vehicles. It allows a motor vehicle dealer to obtain all pertinent information about existing liens on a vehicle that a customer wants to trade in toward the purchase of another vehicle. It also clarifies that a lienholder, at the request of the owner, is required to disclose only the existence and identity of subordinate lienholders listed on the certificate of title, the certificate of salvage or other written documentation held by the lienholder.

LD 1245

Resolve, Regarding the Widening of Route 26 in Poland

ONTP

<u>Sponsor(s)</u> SNOWE-MELLO BLAIS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1245 proposed to direct the Department of Transportation to take certain action in connection with the effect of the widening of Route 26 in Poland on property owned by Duane and Barbara Martin, including providing monetary compensation for lost property and damage to trees located on the property.

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LD 1263 **Resolve, To Promote Construction of Off-road Bike and Walking Paths along the Busiest Commuting Corridors of the State** **ONTP**

<u>Sponsor(s)</u> WOODBURY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1263 proposed to require the Department of Transportation to conduct a study on the feasibility and expense of constructing a network of off-road bike and walking paths along the commuting corridors with the highest volume of traffic in the State.

LD 1322 **An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005** **PUBLIC 490
EMERGENCY**

<u>Sponsor(s)</u> USHER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-589
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LD 1322 proposed to do the following:

Part A made supplemental allocations from the Highway Fund; and

Part B made supplemental allocations from the Highway Fund for approved reclassifications and range changes.

Committee Amendment "A" (H-589) proposed to do the following:

Part A proposed to make revised supplemental allocations from the Highway Fund;

Part B proposed to make revised supplemental allocations from the Highway Fund for approved reclassifications and range changes;

Part C proposed to make an additional supplemental allocation from the Highway Fund; and

Part D proposed to allow a-speed vehicle loaned to a municipality by a dealer to be subject to the same registration and title requirements and exemptions as other vehicles loaned by a dealer to a municipality.

Senate Amendment "A" to Committee Amendment "A" (S-309) proposed to remove that part of Committee Amendment "A" that allocated funds to the Office of Program Evaluation and Governmental Accountability.

Enacted Law Summary

Public Law 2003, chapter 490 does the following:

Part A makes supplemental allocations from the Highway Fund;

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Part B makes supplemental allocations from the Highway Fund for approved reclassifications and range changes;

Part C makes an additional supplemental allocation from the Highway Fund; and

Part D allows a low-speed vehicle loaned to a municipality by a dealer to be subject to the same registration and title requirements and exemptions as other vehicles loaned by a dealer to a municipality.

Public Law 2003, chapter 490 was passed as an emergency measure effective June 23, 2003.

LD 1324

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

**PUBLIC 40
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	OTP-AM MAJ	H-67
HATCH PH	ONTP MIN	

LD 1324 proposed to do the following:

Part A proposed to make allocations from the Highway Fund;

Part B proposed to make allocations from the Highway Fund representing reduction proposals or adjustments; and

Part C recognized the impact of pending revenue reductions as a result of proposed legislation in the unified General Fund budget.

Committee Amendment "A" (H-67) proposed to do the following:

Part A proposed to make allocations from the Highway Fund;

Part B proposed to make allocations from the Highway Fund representing reduction proposals or adjustments;

Part C proposed to authorize the Department of Public Safety to charge an overhead rate of 5% to the Maine Turnpike Authority for the expenditures of the Maine State Police Turnpike Enforcement program. It also proposed to authorize the Department of Public Safety to reclassify 4 positions; and

Part D proposed to authorize the State Budget Officer to calculate and transfer various statewide personal service savings.

Enacted Law Summary

Public Law 2003, chapter 40 does the following:

Part A makes allocations from the Highway Fund;

Part B makes allocations from the Highway Fund representing reduction proposals or adjustments;

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Committee Amendment "A" (H-121), the committee minority report, proposed to replace the bill and to repeal the indexing of motor fuel tax rates. The amendment also proposed to increase the gasoline tax by 3¢ and increase the special fuels tax by 3¢. The amendment further proposed to add an emergency preamble and emergency clause to the bill. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-234) proposed to strike the language from the amendment that would increase the gasoline tax by 3¢ and increase the special fuels tax by 3¢. (Not adopted)

LD 1379 **An Act To Make Additional Allocations From the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003** **PUBLIC 41 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER HATCH PH	OTP-AM	H-69

LD 1379 proposed to do the following:

Part A proposed to make allocations of funds for fiscal year 2002-03;

Part B proposed to make allocations of funds for approved reclassifications and range changes;

Part C proposed to authorize the Department of Administrative and Financial Services on behalf of the Department of the Secretary of State to enter into financing arrangements for the acquisition of software and systems for a motor vehicle database and computer system to support the operations of the Department of the Secretary of State as approved in Public Law 2001, chapter 361, section 35. It also authorized the Department of Transportation to establish lease-purchase contracts for the procurement of vans, buses and other transportation vehicles;

Part D proposed to amend Public Law 1997, chapter 674, the authority for lease-purchase for engineering vehicles or equipment and other vehicles and equipment for Motor Transportation Service; and

Part E proposed to lapse funds from the Highway Fund Compensation and Benefits Plan to the unallocated balance of the Highway Fund.

Committee Amendment "A" (H-69) proposed to remove funding from the bill for increased costs to the Secretary of State's office for computer-related costs.

Enacted Law Summary

Public Law 2003, chapter 41 does the following:

Part A makes allocations of funds for fiscal year 2002-03;

Part B makes allocations of funds for approved reclassifications and range changes;

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Part C authorizes the Department of Administrative and Financial Services on behalf of the Department of the Secretary of State to enter into financing arrangements for the acquisition of software and systems for a motor vehicle database and computer system to support the operations of the Department of the Secretary of State as approved in Public Law 2001, chapter 361, section 35. It also authorizes the Department of Transportation to establish lease-purchase contracts for the procurement of vans, buses and other transportation vehicles;

Part D amends Public Law 1997, chapter 674, the authority for lease-purchase for engineering vehicles or equipment and other vehicles and equipment for Motor Transportation Service;

Part E lapses funds from the Highway Fund Compensation and Benefits Plan to the unallocated balance of the Highway Fund;

Public Law 2003, chapter 41 was enacted as an emergency measure effective April 11, 2003.

LD 1392 **An Act To Reform Highway Reconstruction Project Cost-sharing** **ONTP**

<u>Sponsor(s)</u> LERMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1392 proposed to authorize the Department of Transportation to require a local match for a highway reconstruction project on a federally designated principal arterial, minor arterial or major collector based on posted highway speeds. The bill proposed to apply the match requirement equally to all municipalities. This bill also proposed to prohibit the Department of Transportation from requiring a local match for highway reconstruction projects located in whole or in part in urban compact areas.

LD 1414 **An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities** **PUBLIC 502**

<u>Sponsor(s)</u> USHER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-428 S-315 HATCH PH
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LD 1414 proposed to amend the Highway Fund budget for fiscal years 2003-04 and 2004-05 to provide \$3,000,000 in funding for the construction of salt and sand storage facilities that will be owned by the Department of Transportation and for the reimbursement of municipal expense in constructing salt and sand storage facilities. The bill also proposed to revise enforcement deadlines for Department of Transportation compliance with groundwater classification of sand and salt storage areas to reflect funding and would require the Department of Transportation and the Department of Environmental Protection to work together to ensure the best possible expenditure of available funds.

Committee Amendment "A" (H-428) proposed to require the Department of Transportation to report annually to the Department of Environmental Protection regarding expenditures for sand and salt storage areas. The amendment also proposed to exempt the Department of Transportation from violation of best management practice rules governing sand and salt storage adopted by the Department of Environmental Protection if the

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Department of Transportation complies with the reporting requirements in the Maine Revised Statutes, Title 38, section 451-A.

Senate Amendment "B" (S-315) proposed to reduce the Highway Fund allocation to \$327,000 in fiscal year 2003-2004 for the construction of salt and sand storage facilities that will be owned by the Department of Transportation and for the reimbursement of municipal expense in constructing salt and sand storage facilities.

Enacted Law Summary

Public Law 2003, chapter 502 amends the Highway Fund budget for the 2003-2004 fiscal year to provide \$327,000 in funding for the construction of salt and sand storage facilities that will be owned by the Department of Transportation and for the reimbursement of municipal expense in constructing salt and sand storage facilities.

The law requires the Department of Transportation to report annually to the Department of Environmental Protection regarding expenditures for sand and salt storage areas. The law also exempts the Department of Transportation from violation of best management practice rules governing sand and salt storage adopted by the Department of Environmental Protection if the Department of Transportation complies with the reporting requirements in the Maine Revised Statutes, Title 38, section 451-A.

LD 1420 **An Act To Allow the Maine Turnpike Authority To Allow the** **PUBLIC 311**
Purchase of Nontoll Services by Electronic Toll Collection Patrons

<u>Sponsor(s)</u> HATCH PH USHER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1420 proposed to authorize the Maine Turnpike Authority to develop programs that would allow electronic toll collection system patrons to purchase non-toll services with their electronic toll collection system devices.

Enacted Law Summary

Public Law 2003, chapter 311 authorizes the Maine Turnpike Authority to develop programs to allow electronic toll collection system patrons to purchase non-toll services with their electronic toll collection system devices.

LD 1427 **Resolve, Requiring That Temporary Registration Plates Identify** **RESOLVE 38**
the Issuing Dealership

<u>Sponsor(s)</u> SNOWE-MELLO BENNETT R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-244
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LD 1427 proposed to require that temporary registration plates attached to motor vehicles or trailers by licensed motor vehicle dealers identify the dealership.

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Committee Amendment "A" (H-244) proposed to replace the bill and proposed to direct the Secretary of State to adopt routine technical rules to establish a process by which a temporary registration plate attached to a motor vehicle or trailer identifies the dealership that attached the plate.

Enacted Law Summary

Resolve 2003, chapter 38 requires the Secretary of State to adopt routine technical rules to establish a process by which a temporary registration plate attached to a motor vehicle or trailer identifies the dealership that attached the plate.

LD 1428 **An Act To Allow Municipalities To Establish Areas within Which Engine Brakes Are Prohibited** **ONTP**

<u>Sponsor(s)</u> ROGERS YOUNGBLOOD	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1428 proposed to allow a municipality to enact an ordinance that prohibits the use of engine brakes by a motor vehicle within the entire municipality or a certain area of the municipality.

LD 1439 **An Act To Protect Young Drivers and Passengers** **PUBLIC 286**

<u>Sponsor(s)</u> SAVAGE USHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-159
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LD 1439 proposed to establish a 3-step graduated licensing system for new drivers under 21 years of age that would consist of a supervised instruction permit, an intermediate license and an unrestricted license. The bill proposed to make the following specific changes to implement the graduated licensing system:

1. Extend the period a person under 21 years of age must hold an instruction permit from 3 months to 6 months before making application for a driver's license;
2. Repeal the existing interim license laws and enacted a new intermediate license law. The new provisions prohibited a new licensee under 18 years of age from carrying passengers, except designated individuals, and from driving between the hours of 12 a.m. to 5 a.m. for a period of 180 days. The new provisions also required extension of the intermediate license in cases of violations of the conditions by the licensee; and
3. Require mandatory license suspensions for violations occurring during the term of provisional licenses.

Committee Amendment "A" (S-159) proposed to prohibit a person who has been issued an instruction permit or an intermediate driver's license from driving while using a mobile telephone. The amendment also proposed to reduce the periods of suspension for violations during the term of provisional licenses.

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Enacted Law Summary

Public Law 2003, chapter 286 establishes a 3-step graduated licensing system for new drivers under 21 years of age consisting of a supervised instruction permit, an intermediate license and an unrestricted license. The law prohibits a person who has been issued an instruction permit or an intermediate driver's license from driving while using a mobile telephone. The law also requires mandatory license suspensions for violations occurring during the term of provisional licenses.

LD 1452 **An Act To Provide Incentives for Development and To Amend** **PUBLIC 363**
Traffic Movement Permit Standards

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP-AM	S-169

LD 1452 proposed the following:

1. Revise existing incentives that guide the location of high-traffic developments and relaxed the standard for projects in growth areas that reuse currently developed land and buildings by limiting traffic mitigation requirements to improvements to entrances and exits of a project. Current law provides this incentive only for conversion of existing buildings;
2. Limit the relaxed standard of traffic mitigation requirements to certain growth areas;
3. Provide development incentives only for projects with prudent traffic demand management strategies, such as provision of appropriate on-site bus stops or train platforms;
4. Require developments that generate 400 or more passenger car equivalents at peak hour to provide right-of-way access to adjacent parcels, if these developments are located on arterial highways; and
5. Provide enforcement mechanisms for applicants for a building occupancy permit to prove that their entrances and exists are legally permitted.

Committee Amendment "A" (S-169) proposed to strike language from the bill that required developments generating 400 or more passenger car equivalents at peak hour to provide right-of-way access to adjacent parcels. The amendment also proposed to prevent a licensing authority from issuing a building occupancy permit to an applicant that is required to obtain a driveway, entrance or traffic movement permit under the Maine Revised Statutes, Title 23, section 704 or 704-A until the applicant has obtained that permit from the Department of Transportation.

Enacted Law Summary

Public Law 2003, chapter 363 revises existing incentives that guide the location of developments generating more than 100 cars per hour. It relaxes the standard for projects in growth areas that reuse currently developed land and buildings with a proposed increase in building footprint of not more than 10% by limiting traffic mitigation requirements to improvements to entrances and exits of a project. Current law provides this incentive only for conversion of existing buildings.

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Development incentives do not apply to developments with an entrance or exit on a high-speed arterial highway and are provided only if a project includes traffic demand management strategies. It also prevents a licensing authority from issuing a permit for a building or use when a driveway, entrance or traffic movement permit is required until after such a permit has been obtained from the Department of Transportation

LD 1457

An Act To Make Technical Amendments to Truck Size and Weight Laws

PUBLIC 166

<u>Sponsor(s)</u> COLLINS SAVAGE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-177
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LD 1457 proposed to amend the truck size and weight laws as follows:

1. Clarify that certain definitions apply to the entire Maine Revised Statutes, Title 29-A;
2. Restore the gross vehicle weight reduction provisions for shorter wheelbase 6-axle combination vehicles that were inadvertently repealed in 1999;
3. Provide that an overlimit permit will also cover the trailer or semitrailer used to haul the overlimit load, in the event that the trailer or semitrailer also exceeds normal width or length limits;
4. Clarify that the same length provisions apply on the network designated by the Commissioner of Transportation for double 28 1/2 trailer-semitrailer vehicles as would apply on the national highway network;
5. Repeal the lift axle prohibition for vehicles hauling semitrailers between 48 feet and 53 feet in length; and
6. Restore the 80,000-pound gross vehicle weight maximum for vehicles with semitrailers between 48 feet and 53 feet in length if they are traveling on the Maine Turnpike or on Interstate 95 from the southern terminus of the Maine turnpike to the New Hampshire state line.

Committee Amendment "A" (H-177) proposed to repeal current statutory truck weight definitions in the Maine Revised Statutes, Title 29-A that would be replaced by the bill. The amendment also proposed to strike language regarding maximum gross weight standards for vehicles with semitrailers between 48 feet and 53 feet in length, which are already addressed in state and federal laws.

Enacted Law Summary

Public Law 2003, chapter 166 amends the truck size and weight laws as follows:

1. It clarifies that certain definitions apply to the entire Maine Revised Statutes, Title 29-A;
2. It restores the gross vehicle weight reduction provisions for shorter wheelbase 6-axle combination vehicles that were inadvertently repealed in 1999;
3. It provides that an overlimit permit will also cover the trailer or semitrailer used to haul the overlimit load, in the event that the trailer or semitrailer also exceeds normal width or length limits;

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4. It clarifies that the same length provisions apply on the network designated by the Commissioner of Transportation for double 28 1/2 trailer-semitrailer vehicles as would apply on the national highway network; and
5. It repeals the lift axle prohibition for vehicles hauling semitrailers between 48 feet and 53 feet in length.

LD 1467 **An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers** **PUBLIC 253**

<u>Sponsor(s)</u> USHER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-245
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LD 1467 proposed to increase the annual registration fee for a camp trailer or semitrailer exceeding 2,000 pounds from \$18 to \$20. The bill proposed to increase the fee for a semipermanent registration plate from \$10 to \$12 for each semitrailer and increase the fee for a 20-year semipermanent semitrailer registration plate from \$10 to \$12 per year for each registration. It also proposed to repeal the requirement that a 53-foot semitrailer permit must be obtained from the Secretary of State in order for a single semitrailer whose total length exceeds 48 feet but does not exceed 53 feet to be operated in combination with a truck tractor on certain highways. It further proposed to provide that the maximum gross weight of such a vehicle may not exceed 80,000 pounds or the maximum gross vehicle weight permitted by law, whichever is less, whenever the vehicle is traveling on the Maine Turnpike or on Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line.

Committee Amendment "A" (H-245) proposed to strike language regarding maximum gross weights for truck tractor and semitrailer combinations, which are already addressed in state and federal laws. The amendment also proposed to add an effective date of January 1, 2004 to the bill.

Enacted Law Summary

Public Law 2003, chapter 253 increases the annual registration fee for a camp trailer or semitrailer exceeding 2,000 pounds from \$18 to \$20. It increases the fee for a semipermanent registration plate from \$10 to \$12 for each semitrailer and increases the fee for a 20-year semipermanent semitrailer registration plate from \$10 to \$12 per year for each registration. It also repeals the requirement that a 53-foot semitrailer permit must be obtained from the Secretary of State in order for a single semitrailer whose total length exceeds 48 feet but does not exceed 53 feet to be operated in combination with a truck tractor on certain highways.

Public Law 2003, chapter 253 takes effect January 1, 2004.

LD 1475 **An Act To Amend the Laws Governing School Bus Headlights** **ONTP**

<u>Sponsor(s)</u> CANAVAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1475 proposed to allow school buses to be equipped with a device that provides for alternate flashing of the headlights. The bill also proposed to require operators of school buses to keep the headlights and daytime

Joint Standing Committee on Transportation

running lights on at all times of operation. The bill further proposed to require that new school buses be equipped with daytime running lights.

LD 1499 **An Act To Require the Department of Transportation to Resume Maintenance of Clark's Cove Road** **ONTP**

<u>Sponsor(s)</u> HALL EARLE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1499 proposed to require the Department of Transportation to maintain an approximately one-mile section of road in the town of South Bristol beginning at the intersection of Route 129 and Clark's Cove Road and continuing to the entrance of the University of Maine Darling Marine Center.

LD 1509 **An Act To Allow the Early Submission of an Application To Become Licensed as a Motor Vehicle Inspector** **PUBLIC 222**

<u>Sponsor(s)</u> THOMAS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-243
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LD 1509 proposed to allow a person to apply for an inspection mechanic certificate up to 6 weeks prior to the applicant's 18th birthday. It would allow the Bureau of State Police to process the application and set a time for the applicant to be tested prior to the applicant's 18th birthday but would not allow the certificate to be issued until the applicant is 18 years of age.

Committee Amendment "A" (H-243) proposed to replace the bill and to allow a person to submit an application and complete testing for an inspection mechanic certificate up to 6 months prior to the applicant's 18th birthday but would not allow the certificate to be issued until the applicant is 18 years of age.

Enacted Law Summary

Public Law 2003, chapter 222 allows a person to submit an application and complete testing for an inspection mechanic certificate up to 6 months prior to the applicant's 18th birthday, but does not allow the Bureau of State Police to issue the certificate until the applicant is 18 years of age.

LD 1520 **An Act To Amend the Motor Vehicle Laws** **PUBLIC 340**

<u>Sponsor(s)</u> USHER HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-371
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LD 1520 proposed to amend the motor vehicle statutes as follows:

1. Change an incorrect reference from the Commissioner of Public Safety to the Bureau of State Police in regard to rule-making authority;

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2. Clarify the provisions regarding fog lights;
3. Define a "power booster system" and prohibits its use on a public way;
4. Require that the dump body of a dump truck either be lowered to the down position, locked or blocked in the up position when the dump truck is being repaired or when it is unattended;
5. Prohibit a motor vehicle operator from passing in the breakdown lane or on the shoulder of a limited-access highway;
6. Double the normal fine for speeding 20 or more miles over the maximum speed limit if a passenger in the vehicle was required to be transported in a child safety seat;
7. Allow for the submission of motor vehicle accident forms to the Chief of the State Police via electronic format; and
8. Repeal the prohibition against breaking the seal on a refrigerated load.

Committee Amendment "A" (H-371) proposed to change the designation of rules adopted by the Chief of the State Police and authorized under the Maine Revised Statutes, Title 29-A, section 1769 to routine technical rules. It proposed to change the definition of "power booster system" to "nitrous oxide system." It also proposed to allow a person to operate a motor vehicle with a nitrous oxide system on a public way if all canisters of nitrous oxide have been removed from the vehicle. It further proposed to strike language in the bill that would double the normal fine for speeding 20 or more miles over the maximum speed limit if a passenger in the speeding vehicle is required to be transported in a child safety seat.

Enacted Law Summary

Public Law 2003, chapter 340 amends the motor vehicle statutes as follows:

1. It changes an incorrect reference from the Commissioner of Public Safety to the Bureau of State Police in regard to rule-making authority;
2. It changes the designation of rules adopted by the Chief of the State Police and authorized under the Maine Revised Statutes, Title 29-A, section 1769 to routine technical rules;
3. It clarifies the provisions regarding fog lights;
4. It defines a "nitrous oxide system" and allows its use on a public way if all canisters of nitrous oxide have been removed from the motor vehicle;
5. It requires that the dump body of a dump truck either be lowered to the down position, locked or blocked in the up position when the dump truck is being repaired or when it is unattended;
6. It prohibits a motor vehicle operator from passing in the breakdown lane or on the shoulder of a limited-access highway;
7. It allows for the submission of motor vehicle accident forms to the Chief of the State Police via electronic format; and

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8. It repeals the prohibition against breaking the seal on a refrigerated load.

LD 1565

**An Act To Authorize a Pilot Project To Allow Commercial
Vehicles at Canadian Weight Limits Access to the Woodland
Commercial Park in Baileyville**

PUBLIC 362

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	OTP-AM MAJ	H-410
SHOREY	ONTP MIN	

LD 1565 proposed to authorize the Commissioner of Transportation to conduct a pilot project that would allow certain commercial vehicle configurations at Canadian weight limits to travel from the planned Calais - St. Stephen Bridge to the junction of U.S. Route 1 and U.S. Route 9 in Baileyville.

Committee Amendment "A" (H-410), the committee majority report, proposed to require trucks participating in the pilot project to display a credential obtained for a fee from the Secretary of State. The amendment also proposed to direct the Secretary of State to adopt routine technical rules to implement the credentialing process.

Enacted Law Summary

Public Law 2003, chapter 362 authorizes the Commissioner of Transportation to conduct a pilot project allowing certain commercial vehicle configurations at Canadian weight limits to travel from the planned Calais - St. Stephen Bridge to the junction of U.S. Route 1 and U.S. Route 9 in Baileyville. The law requires trucks participating in the pilot project to display a credential obtained for a fee from the Secretary of State. The law also directs the Secretary of State to adopt routine technical rules to implement the credentialing process.

LD 1590

An Act To Amend the Motor Vehicle Laws

**PUBLIC 434
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH USHER	OTP-AM	S-237

LD 1590 proposed to make the following changes to the motor vehicle laws:

1. Require manufacturers and distributors of motor vehicles to apply for a license for each franchise;
2. Require the Secretary of State to adopt rules establishing fees for records of databases pertaining to driver's licenses and motor vehicles and for the electronic transmittal of records;
3. Make sensitive records and information concerning information technology systems confidential;
4. Allow a for hire passenger vehicle to temporarily replace a disabled vehicle without having hire plates on the substitute vehicle, provided that the substitute vehicle is covered by adequate insurance;

Joint Standing Committee on Transportation

5. Allow the Secretary of State to restrict the issuance of certain vanity plate configurations;
6. Provide that a licensed recycler is exempt from additional licensing fees if already licensed as a used or new vehicle or equipment dealer;
7. Allow a licensed motor vehicle dealer to operate a vehicle weighing more than 10,000 pounds with dealer plates if the vehicle does not contain a load;
8. Prohibit a motor vehicle dealer or an owner of a body shop, transmission shop or garage from charging a customer a fee for the use of a loaner plate;
9. Clarify that in the case of a conflict between federal and state law, rule or regulation concerning the implementation and enforcement of the federal Commercial Motor Vehicle Safety Act and regulations adopted under that Act, federal law or regulation must apply and take precedence;
10. Provide that a license applicant who has not been licensed to operate a motor vehicle in this State or in another jurisdiction within the past 5 years must pass a complete examination;
11. Repeal the provision exempting persons 65 years of age and older from the picture license requirement;
12. Clarify the fee for duplicate licenses and would increase license renewal fees;
13. Repeal the requirement that a person involved in an accident file a written report with the Secretary of State within 48 hours after the accident;
14. Require the Chief of the State Police to send all police accident reports to the Secretary of State; and
15. Clarify the periods of license suspension that apply to administrative determinations for excessive blood-alcohol level made by the Secretary of State.

Committee Amendment "A" (S-237) proposed to make the following changes to the bill.

1. Clarify that manufacturers and distributors of motor vehicles must apply for a license for each line make rather than each franchise;
2. Amend the definitions of "commercial motor vehicle" and "hazardous material" to comply with federal definitions;
3. Establish a 5-year commercial driver's license for persons under 65 years of age consistent with American Association of Motor Vehicle Administrators and Federal Motor Carrier Safety Administration recommendations;
4. Delay the effective date for the implementation of the electronic notification of insurance cancellation to January 1, 2005 and required that the Secretary of State report to the Joint Standing Committee on Transportation by April 1, 2004 on the status of its implementation.
5. Increase the fee assessed for failure to appear for a scheduled driver's license examination;
6. Clarify that an accident report may be submitted to the Chief of State Police in electronic format;

Joint Standing Committee on Transportation

7. Clarify that the one-day grace provision for a violation of statutes regarding fuel tax identification decals applies only to the display of fuel decals and not to the filing of fuel tax reports and the payment of fuel taxes;
8. Implement the requirements of the federal USA PATRIOT ACT relating to security threat assessment for individuals applying for or receiving hazardous material endorsement for a commercial driver's license; and
9. Add an emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2003, chapter 434 makes the following changes to the motor vehicle laws.

1. It requires manufacturers and distributors of motor vehicles to apply for a license for each line make;
2. It amends the definitions of "commercial motor vehicle" and "hazardous material" to comply with federal definitions;
3. It requires the Secretary of State to adopt rules establishing fees for records of databases pertaining to driver's licenses and motor vehicles and for the electronic transmittal of records;
4. It makes sensitive records and information concerning information technology systems confidential;
5. It allows a for hire passenger vehicle to temporarily replace a disabled vehicle without having hire plates on the substitute vehicle, provided that the substitute vehicle is covered by adequate insurance;
6. It allows the Secretary of State to restrict the issuance of certain vanity plate configurations;
7. It clarifies that the one-day grace provision for a violation of statutes regarding fuel tax identification decals applies only to the display of fuel decals and not to the filing of fuel tax reports and the payment of fuel taxes;
8. It provides that a licensed recycler is exempt from additional licensing fees if already licensed as a used or new vehicle or equipment dealer;
9. It clarifies that vehicles weighing more than 10,000 pounds may be operated with dealer plates provided the vehicle does not contain a load;
10. It prohibits a motor vehicle dealer or an owner of a body shop, transmission shop or garage from charging a customer a fee for the use of a loaner plate;
11. It clarifies that in the case of a conflict between federal and state law, rule or regulation concerning the implementation and enforcement of the federal Commercial Motor Vehicle Safety Act and regulations adopted under that Act, federal law or regulation must apply and take precedence;
12. It provides that a license applicant who has not been licensed to operate a motor vehicle in this State or in another jurisdiction within the past 5 years must pass a complete examination;
13. It increases the fee assessed for failure to appear for a scheduled driver's license examination;
14. It repeals the provision exempting persons 65 years of age and older from the picture license requirement;

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15. It clarifies the fee for duplicate licenses and increases license renewal fees;
16. It establishes a 5-year commercial driver's license for persons under 65 years of age consistent with American Association of Motor Vehicle Administrators and Federal Motor Carrier Safety Administration recommendations;
17. It clarifies that an accident report may be submitted to the Chief of State Police in electronic format and requires the Chief of the State Police to send all police accident reports to the Secretary of State;
18. It repeals the requirement that a person involved in an accident file a written report with the Secretary of State within 48 hours after the accident;
19. It clarifies the periods of license suspension that apply to administrative determinations for excessive blood-alcohol level made by the Secretary of State;
20. It implements the requirements of the federal USA PATRIOT ACT relating to security threat assessment for individuals applying for or receiving hazardous material endorsement for a commercial driver's license;
21. It delays the effective date for the implementation of the requirement that a company insuring a motor vehicle notify the Secretary of State when insurance coverage is cancelled to January 1, 2005. This provision was enacted as an emergency measure effective June 5, 2003; and
22. It requires that the Secretary of State report to the Joint Standing Committee on Transportation by April 1, 2004 on the status of the implementation of the electronic notification of insurance cancellation.

Unless otherwise noted above, this law takes effect October 1, 2003.

LD 1599

**An Act To Declare Maine Aviation and Aerospace Education
Week**

PUBLIC 256

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1599 proposed to designate the 3rd week in April as Maine Aviation and Aerospace Education Week. This bill was not referred to committee but was enacted.

Enacted Law Summary

Public Law 2003, chapter 256 designates the 3rd week in April as Maine Aviation and Aerospace Education Week.

Joint Standing Committee on Transportation

LD 1632

Resolve, To Ratify the Endorsement of the Towns of Otisfield and Harrison in Renaming the Bolsters Mills Bridge

RESOLVE 94

Sponsor(s)
BENNETT R
HEIDRICH

Committee Report

Amendments Adopted
S-270 HATCH PH

LD 1632 proposed to change the name of the Bolsters Mills Road bridge between the towns of Harrison and Otisfield that crosses the Crooked River to Kerry Grover Memorial Bridge. This bill was not referred to committee but was enacted.

Senate Amendment "A" (S-270) proposed to add an emergency preamble and clause to the resolve and requires the affected towns to work with the Department of Transportation when placing the signs naming the bridge.

Enacted Law Summary

Resolve 2003, chapter 94 changes the name of the Bolsters Mills Road bridge between the towns of Harrison and Otisfield that crosses the Crooked River to Kerry Grover Memorial Bridge. The law also requires the affected towns to work with the Department of Transportation when placing the signs naming the bridge.

Resolve 2003, chapter 94 was passed as an emergency measure effective June 23, 20

*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Utilities and Energy*

July 2003

Members:

*Sen. Christopher G. L. Hall, Chair
Sen. Lynn Bromley
Sen. Edward M. Youngblood*

*Rep. Lawrence Bliss, Chair
Rep. Herbert Adams
Rep. Albion D. Goodwin
Rep. Peter L. Rines*

*Rep. Jacqueline A. Lundeen
Rep. Donald P. Berry, Sr.
Rep. Philip A. Cressey, Jr.
Rep. Kenneth C. Fletcher
Rep. Stanley A. Moody
Rep. Maitland E. Richardson*

Staff:

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**JOINT STANDING COMMITTEE ON
UTILITIES AND ENERGY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	71	89.9%	4.3%
<u><i>Bills Carried Over</i></u>	<u>8</u>	<u>10.1%</u>	<u>0.5%</u>
Total Bills referred	79	100.0%	4.8%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	79	100.0%	4.8%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. Committee reports	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	7.0%	0.3%
<i>Ought to Pass as Amended</i>	21	29.6%	1.4%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>25</u>	<u>35.2%</u>	<u>1.7%</u>
Total unanimous reports	51	71.8%	3.5%
B. Divided committee reports			
<i>Two-way reports</i>	20	28.2%	1.4%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	20	28.2%	1.4%
Total committee reports	71	100.0%	4.8%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	30.4%	1.5%
<i>Private and Special Laws</i>	8	10.1%	0.5%
<i>Resolves</i>	6	7.6%	0.4%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	38	48.1%	2.3%
B. Resolves to authorize major substantive rules			
<i>Rules authorized without legislative changes</i>	1	50.0%	6.7%
<i>Rules authorized with legislative changes</i>	1	50.0%	6.7%
<u><i>Rules not authorized by the Legislature</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	2	100.0%	13.3%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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

Prepared by the Office of Policy and Legal Analysis
121st Legislature, First Regular Session

Joint Standing Committee on Utilities and Energy

SUBJECT INDEX

Electricity

Enacted

LD 163	An Act To Provide Energy Opportunities to Northern Maine	PUBLIC 506 Page 1039 EMERGENCY
LD 231	An Act To Strengthen Delivery of Electricity Conservation Programs	PUBLIC 217 Page 1041
LD 352	An Act To Encourage Energy Efficiency and Security	PUBLIC 219 Page 1047
LD 371	An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans	PUBLIC 45 Page 1048
LD 668	Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity	RESOLVE 5 Page 1053
LD 805	An Act To Protect Conservation Trust Funds	PUBLIC 275 Page 1059
LD 1030	An Act To Allow Consumer-owned Utilities To Purchase Power at Negotiated Wholesale Rates, Terms and Conditions	PUBLIC 141 Page 1062
LD 1184	Resolve, To Encourage Use of Alternative Energy Sources	RESOLVE 50 Page 1065
LD 1312	Resolve, Relating to Renewable Resources	RESOLVE 45 Page 1068
LD 1494	Resolve, Regarding Legislative Review of Chapter 306: Information Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 46 Page 1076 EMERGENCY
LD 1495	Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 22 Page 1077 EMERGENCY

LD 1595 **An Act To Enhance Electric Utility Consumer Protections** **PUBLIC 412 Page 1078**

Not Enacted

LD 87 **An Act to Ensure That all State Residential and Commercial Customers are Able to Purchase Electricity Through the Competitive Market** **ONTP Page 1038**

LD 183 **An Act To Ensure Lower Electricity Costs in Maine** **ONTP Page 1040**

LD 298 **An Act To Define Standard-offer Service as a Service of Last Resort** **ONTP Page 1045**

LD 302 **An Act To Make Adjustments to the Renewable Energy Portfolio** **ONTP Page 1045**

LD 330 **An Act To Clarify the Ability of Transmission and Distribution Utilities To Market Electricity at Retail** **ONTP Page 1046**

LD 343 **An Act To Reduce the Electric Bill of Persons Requiring Daily Use of Electric Oxygenators** **ONTP Page 1047**

LD 355 **An Act To Require That Residential Customers Be Given Contracts for Utility Line Extensions** **ONTP Page 1048**

LD 546 **An Act To Ensure Consideration of Accurate Long-term Customer Power Alternatives** **ONTP Page 1051**

LD 547 **An Act To Increase Bill Reductions for Electricity Customers in Maine** **CARRIED OVER Page 1051**

LD 548 **An Act To Require Fair Treatment of Ratepayers When Electric Utilities Are Sold** **ONTP Page 1052**

LD 639 **An Act To Ensure Accurate Electric Rates for the Ski Industry** **CARRIED OVER Page 1052**

LD 671 **An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State** **CARRIED OVER Page 1055**

LD 811	An Act To Prevent the Gaming of Special Rate Contracts by Utilities	ONTP Page 1061
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LD 1157	An Act To Promote Clean and Efficient Energy	CARRIED OVER Page 1064
LD 1201	An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino	CARRIED OVER Page 1066
LD 1261	An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment	CARRIED OVER Page 1067

Energy

Enacted

LD 231	An Act To Strengthen Delivery of Electricity Conservation Programs	PUBLIC 217 Page 1041
LD 233	An Act To Promote Energy Conservation	PUBLIC 497 Page 1042
LD 238	An Act to Amend the Energy Resources Council Membership	PUBLIC 9 Page 1043
LD 352	An Act To Encourage Energy Efficiency and Security	PUBLIC 219 Page 1047
LD 668	Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity	RESOLVE 5 Page 1053
LD 669	An Act To Strengthen the Energy Resources Council	PUBLIC 487 Page 1054 EMERGENCY
LD 1184	Resolve, To Encourage Use of Alternative Energy Sources	RESOLVE 50 Page 1065
LD 1312	Resolve, Relating to Renewable Resources	RESOLVE 45 Page 1068
LD 1321	An Act Regarding Energy Efficiency Standards	PUBLIC 151 Page 1070
LD 1495	Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 22 Page 1077 EMERGENCY

Not Enacted

LD 302	An Act To Make Adjustments to the Renewable Energy Portfolio	ONTP Page 1045
LD 540	Resolve, To Ensure Optimal Energy Efficiency in State-funded Construction	ONTP Page 1051
LD 546	An Act To Ensure Consideration of Accurate Long-term Customer Power Alternatives	ONTP Page 1051
LD 671	An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State	CARRIED OVER Page 1055
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LD 1157	An Act To Promote Clean and Efficient Energy	CARRIED OVER Page 1064
LD 1187	An Act To Establish Minimum Energy Efficiency Standards for Products Sold in the State	ONTP Page 1065
LD 1261	An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment	CARRIED OVER Page 1067
LD 1373	Resolve, To Establish the Commission on Comprehensive Energy Planning	ONTP Page 1072

E911

Enacted

LD 397	Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals	RESOLVE 78 Page 1049 EMERGENCY
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LD 724	An Act To Enhance Homeland Security	PUBLIC 124 Page 1056
LD 771	An Act To Provide Parity in Funding for Enhanced 9-1-1 Services	PUBLIC 194 Page 1057
LD 1423	An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System	PUBLIC 359 Page 1072
LD 1444	An Act To Facilitate E-9-1-1 for Multiline Telephone Systems	PUBLIC 478 Page 1073

Not Enacted

None

General Utility/Miscellaneous

Enacted

LD 238	An Act to Amend the Energy Resources Council Membership	PUBLIC 9 Page 1043
LD 371	An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans	PUBLIC 45 Page 1048
LD 397	Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals	RESOLVE 78 Page 1049 EMERGENCY
LD 1184	Resolve, To Encourage Use of Alternative Energy Sources	RESOLVE 50 Page 1065

Not Enacted

LD 67	An Act to Ensure that Utility Property is used to Further the Public Interest	ONTP Page 1037
LD 306	An Act To Ensure Recovery of Extraordinary, Terrorism-related Security Costs for Public Utilities	ONTP Page 1045
LD 479	An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate	ONTP Page 1050

LD 1201	An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino	CARRIED OVER Page 1066
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Natural Gas

Enacted

LD 163	An Act To Provide Energy Opportunities to Northern Maine	PUBLIC 506 Page 1039 EMERGENCY
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LD 371	An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans	PUBLIC 45 Page 1048
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Not Enacted

None

PUC/Public Advocate/Energy Resources Council

Enacted

LD 238	An Act to Amend the Energy Resources Council Membership	PUBLIC 9 Page 1043
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LD 371	An Act To Require Review of Utility Rates Prior to Approval of Alternative Rate Plans	PUBLIC 45 Page 1048
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LD 669	An Act To Strengthen the Energy Resources Council	PUBLIC 487 Page 1054 EMERGENCY
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LD 805	An Act To Protect Conservation Trust Funds	PUBLIC 275 Page 1059
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LD 1042	An Act To Ensure Proper Funding of the Public Utilities Commission and the Public Advocate	PUBLIC 272 Page 1063 EMERGENCY
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LD 1184	Resolve, To Encourage Use of Alternative Energy Sources	RESOLVE 50 Page 1065
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LD 1312	Resolve, Relating to Renewable Resources	RESOLVE 45 Page 1068
LD 1483	An Act To Improve the Ability of the Public Utilities Commission To Enforce State Laws, Rules and Requirements	PUBLIC 505 Page 1074
LD 1494	Resolve, Regarding Legislative Review of Chapter 306: Information Disclosure Rule Amendment, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 46 Page 1076 EMERGENCY
LD 1495	Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 22 Page 1077 EMERGENCY

Not Enacted

LD 214	An Act to Streamline Utility Consumer Advocacy	ONTP Page 1041
LD 479	An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate	ONTP Page 1050
LD 569	An Act To Allow the Public Utilities Commission To Exempt Certain Telephone Utilities from the Requirement To Obtain Approval for Special Contracts	ONTP Page 1052

Telecommunications/Internet

Enacted

LD 255	An Act to Control Internet "Spam"	PUBLIC 327 Page 1043
LD 265	An Act To Promote Affordable Telephone Service for Business and Residential Customers in Rural Maine	PUBLIC 101 Page 1044 EMERGENCY
LD 331	An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls	PUBLIC 70 Page 1046
LD 724	An Act To Enhance Homeland Security	PUBLIC 124 Page 1056

LD 771	An Act To Provide Parity in Funding for Enhanced 9-1-1 Services	PUBLIC 194 Page 1057
LD 775	An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities	PUBLIC 153 Page 1057
LD 776	An Act To Eliminate Potential Restrictions to the Establishment of an Alternative Form of Regulation for Some Telephone Utilities	PUBLIC 48 Page 1058 EMERGENCY
LD 1444	An Act To Facilitate E-9-1-1 for Multiline Telephone Systems	PUBLIC 478 Page 1073

Not Enacted

LD 29	An Act to Eliminate the Telephone Service Tax Dedicated to Libraries and Schools	ONTP Page 1037
LD 90	An Act to Create Broadband Internet Access in Rural Areas of the State	ONTP Page 1038
LD 392	An Act To Prohibit Use of Computerized Calls by Telemarketers	ONTP Page 1049
LD 481	An Act To Preserve Competition in the Long-distance Telephone Market	ONTP Page 1050
LD 508	An Act To Transfer Regulation of Towers and Transmitters to Municipalities	ONTP Page 1051
LD 569	An Act To Allow the Public Utilities Commission To Exempt Certain Telephone Utilities from the Requirement To Obtain Approval for Special Contracts	ONTP Page 1052
LD 577	An Act To Facilitate Access to Dial-up Internet Service for Telephone Customers throughout the State	ONTP Page 1052
LD 843	An Act To Ensure Equal Treatment of Telecommunications Customers under Maine's Universal Service Fund	ONTP Page 1061

LD 1188	An Act To Control Unsolicited Commercial E-mail	ONTP Page 1066
LD 1317	An Act To Strengthen Maine's "Do Not Call" List	ONTP Page 1069
LD 1360	An Act To Create a No-contact List and Prohibit Unsolicited E-mail	CARRIED OVER Page 1071

Cable TV

Enacted

None

Not Enacted

LD 222	An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission	CARRIED OVER Page 1041
LD 947	An Act To Create the Cable Television Franchise Board	ONTP Page 1061

Water/Sewer (non-charter)

Enacted

LD 804	An Act To Amend the Standard Water District Enabling Act	PUBLIC 147 Page 1059
LD 1252	An Act To Authorize Water and Wastewater Districts To Lease Their Assets	PUBLIC 267 Page 1067

Not Enacted

LD 437	An Act To Ensure Opportunity for Public Comment at Meetings of Sanitary Districts	ONTP Page 1050
LD 479	An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate	ONTP Page 1050

LD 1359 **An Act To Establish the Locally Governed Water District Act** **INDEF PP Page 1070**

Water and Sewer Charters

Enacted

LD 7 **An Act to Address Funding of the North Jay Water District** **P & S 10 Page 1037
EMERGENCY**

LD 655 **An Act To Revise the Charter of the Brunswick Sewer District** **P & S 19 Page 1053**

LD 678 **An Act To Amend the Charter of the Lubec Water and Electric District** **P & S 15 Page 1055
EMERGENCY**

LD 967 **An Act To Amend the Charter of the Madawaska Water District** **P & S 16 Page 1061
EMERGENCY**

LD 1212 **An Act To Create the Bayside Utilities District** **P & S 9 Page 1066**

LD 1594 **An Act Repealing the Charter of the Brewer Water District** **P & S 26 Page 1077**

LD 1608 **An Act To Amend the Charter of the Baileyville Utilities District** **P & S 25 Page 1078
EMERGENCY**

LD 1620 **An Act to Amend the Charter of the New Portland Water District** **P & S 28 Page 1079
EMERGENCY**

Not Enacted

None

Joint Standing Committee on Utilities and Energy

LD 7 An Act to Address Funding of the North Jay Water District

**P & S 10
EMERGENCY**

<u>Sponsor(s)</u> PINEAU		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-111
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LD 7 proposed to increase the debt limit of the North Jay Water District from \$500,000 to \$900,000.

Committee Amendment "A" (H-111) proposed to make a technical correction to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 10 increases the debt limit of the North Jay Water District from \$500,000 to \$900,000.

Private and Special Law 2003, chapter 10 was enacted as an emergency measure effective May 6, 2003.

**LD 29 An Act to Eliminate the Telephone Service Tax Dedicated to
Libraries and Schools**

ONTP

<u>Sponsor(s)</u> GAGNE-FRIEL BENNETT R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 29 proposed to repeal the schools and libraries program funded by the telecommunications education access fund. The fund is funded by a .5% fee on telecommunications services. The program provides discounted telecommunications services, internet access, internal connections, computers and training to qualified libraries and schools.

**LD 67 An Act to Ensure that Utility Property is used to Further the
Public Interest**

ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 67 proposed to change the law governing the exercise of eminent domain by transmission and distribution utilities by:

1. Removing the territorial limit in which a transmission and distribution utility may exercise eminent domain to take land for transmission lines;
2. Eliminating a provision requiring the permission of line owners and adding a provision requiring the permission of the Public Utilities Commission before a transmission and distribution utility may use eminent

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domain in acquiring lands or easements so closely paralleling existing wire lines of other utilities that the proposed transmission lines would substantially interfere with service rendered over the existing lines; and

3. Prohibiting a transmission and distribution utility from using property that it acquires through the exercise of eminent domain or property that it acquires by other means but that it had authority to take by eminent domain for any purpose other than the purpose for which the property was acquired, and also prohibit the transmission and distribution utility from transferring its interest in that property to any other entity, including an affiliate, without the permission of the commission.

Committee Amendment "A" (H-318) was the minority report of the Joint Standing Committee on Utilities and Energy. With regard to property acquired by eminent domain, or property acquired by other means but taken under the threat of eminent domain, this amendment proposed to prohibit a transmission and distribution utility from using the property for purposes other than those for which it was acquired. The amendment proposed to authorize the Public Utilities Commission to allow public uses of covered property or, by rule, incidental uses of covered property. (Not adopted)

LD 87	An Act to Ensure That all State Residential and Commercial Customers are Able to Purchase Electricity Through the Competitive Market	ONTP
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<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 87 proposed to:

1. Require the Public Utilities Commission to establish by rule the same consumer credit protections for competitive electricity providers as are provided under standard offer service (credit management and bad debt are absorbed in a standard offer premium and transmission and distribution rates); and
2. Require payments on a consolidated generation/delivery bill to be divided proportionally for each element of the service, unless the consumer otherwise specifies in written instructions to a transmission and distribution utility.

LD 90	An Act to Create Broadband Internet Access in Rural Areas of the State	ONTP
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<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 90 proposed to require the Public Utilities Commission to direct telecommunications carriers subject to commission jurisdiction to provide broadband Internet access services to rural areas of the State that are comparable to those services provided in urban areas.

Joint Standing Committee on Utilities and Energy

LD 163

An Act To Provide Energy Opportunities to Northern Maine

PUBLIC 506
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND YOUNG	OTP-AM	S-290 CATHCART S-48

LD 163 proposed the following.

1. Public Law 1999, chapter 513 authorized the Finance Authority of Maine to issue up to \$35,000,000 in bonds to finance the construction of transmission lines. This authorization was repealed, before it took effect, by Public Law 1999, chapter 531. This bill proposed to reinstate that authority and increase the bonding limit to \$100,000,000.
2. It proposed to expand the stated purposes of the Northern Maine Transmission Corporation to include facilitation of the transmission of natural gas.
3. It proposed to enact language to allow the Northern Maine Transmission Corporation to conduct studies.
4. It proposed to repeal language enacted in Public Law 2001, chapter 714 that requires that funds in the Northern Maine Transmission Corporation Fund be transferred to the General Fund.

Committee Amendment "A" (S-48) proposed to replace the bill. This amendment proposed:

1. To authorize the Finance Authority of Maine to issue up to \$100,000,000 in moral obligation bonds to fund transmission facilities projects, including projects approved by the Northern Maine Transmission Corporation or other electric or gas transmission or energy generation facilities, to benefit northern Maine;
2. To establish certain criteria for the issuance of such bonds, allow the Finance Authority of Maine to charge certain fees of applicants and require electric transmission projects of 69 kilovolts or more proposed to be financed by the NMTC or FAME to receive a certificate of public convenience and necessity from the Public Utilities Commission;
3. To expand the purposes of the Northern Maine Transmission Corporation to include financing, permitting, constructing, owning, operating or otherwise facilitating the construction or operation of facilities for the transmission of natural gas and generation or production and transfer of any other energy source in northern Maine;
4. To clarify that the records of the Northern Maine Transmission Corporation are subject to the same confidentiality provisions as the records of the Finance Authority of Maine;
5. To authorize the Northern Maine Transmission Corporation to adopt rules and enter into contracts;
6. To allow the Public Utilities Commission to deny a certificate of public convenience and necessity for an electric transmission line proposed to be financed by the Northern Maine Transmission Corporation or the Finance Authority of Maine if the commission finds the line is reasonably likely to adversely affect any transmission and distribution utility or its ratepayers; and

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7. To provide funds for the operation of the Northern Maine Transmission Corporation and for it to conduct certain studies.

Senate Amendment "A" to Committee Amendment "A" (S-290) proposed to strike the section of Committee Amendment "A" that provided a General Fund appropriation for the operation of the Northern Maine Transmission Corporation.

Enacted Law Summary

Public Law 2003, chapter 506 accomplishes the following:

1. Authorizes the Finance Authority of Maine to issue up to \$100,000,000 in moral obligation bonds to fund transmission facilities projects, including projects approved by the Northern Maine Transmission Corporation or other electric or gas transmission or energy generation facilities, to benefit northern Maine;
2. Establishes certain criteria for the issuance of such bonds, allows the Finance Authority of Maine to charge certain fees of applicants and requires electric transmission projects of 69 kilovolts or more to receive a certificate of public convenience and necessity from the Public Utilities Commission;
3. Expands the purposes of the Northern Maine Transmission Corporation to include financing, permitting, constructing, owning, operating or otherwise facilitating the construction or operation of facilities for the transmission of natural gas and generation or production and transfer of any other energy source in northern Maine;
4. Clarifies that the records of the Northern Maine Transmission Corporation are subject to the same confidentiality provisions as the records of the Finance Authority of Maine;
5. Authorizes the Northern Maine Transmission Corporation to adopt rules and enter into contracts; and
1. Allows the Public Utilities Commission to deny a certificate of public convenience and necessity for an electric transmission line proposed to be financed by the Northern Maine Transmission Corporation or the Finance Authority of Maine if the commission finds the line is reasonably likely to adversely affect any transmission and distribution utility or its ratepayers.

Public Law 2003, chapter 506 was enacted as an emergency measure effective June 26, 2003.

LD 183

An Act To Ensure Lower Electricity Costs in Maine

ONTP

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

LD 183 proposed to require the Public Utilities Commission to:

1. Implement only those electricity conservation programs that actually reduce the cost of electricity to consumers in the State; and

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2. Choose as standard-offer provider the provider or providers that submit the lowest responsible bid or bids that meet the criteria set by the commission for standard-offer service providers.

LD 214 **An Act to Streamline Utility Consumer Advocacy** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 214 proposed to abolish the Office of the Public Advocate. It proposed to direct the Attorney General, in consultation with the Public Utilities Commission, to develop and present to the Legislature a report, together with any necessary implementing legislation, regarding which functions, if any, of the Office of the Public Advocate need to continue to be performed and by whom they should be performed.

LD 222 **An Act Providing for Regulation of the Cable Television Industry** **CARRIED OVER**
by the Public Utilities Commission

<u>Sponsor(s)</u> GERZOFSKY EDMONDS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 222 proposes to subject basic tier cable tv service rates and services to regulation by the Public Utilities Commission. The bill also proposes to establish hearing and complaint procedures for rate increases or product or service changes by a cable system operator and to direct the commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes that the commission finds to be unreasonable.

LD 231 **An Act To Strengthen Delivery of Electricity Conservation** **PUBLIC 217**
Programs

<u>Sponsor(s)</u> HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-88
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LD 231 proposed to eliminate language that limits the Public Utilities Commission's ability to increase an assessment on a transmission and distribution utility for the cost of electricity conservation programs.

Committee Amendment "A" (S-88) proposed to replace the bill and require that proportional equivalency in the Public Utilities Commission's conservation assessments on transmission and distribution utilities be based on a per-kilowatt-hour calculation rather than total transmission and distribution utility revenues.

Enacted Law Summary

Public Law 2003, chapter 217 requires that proportional equivalency in the Public Utilities Commission's conservation assessments on transmission and distribution utilities be based on a per-kilowatt-hour calculation rather than total transmission and distribution utility revenues.

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LD 233

An Act To Promote Energy Conservation

PUBLIC 497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ ONTP MIN	S-145

LD 233 proposed to establish an assessment on all electricity delivered by Maine's transmission and distribution utilities in the amount of \$.0015 per kilowatt hour for the purposes of funding energy conservation.

Committee Amendment "A" (S-145), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to:

1. Require the State Board of Education, by July 1, 2004, to adopt rules regarding state-funded school construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
2. Require that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;
3. Require the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
4. Require any agency responsible for approving state-funded construction to withhold such approval unless the agency or other entity proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable; and
5. Direct the Public Utilities Commission, in consultation with the Energy Resources Council, to form a working group to review current state building energy standards and their enforcement and submit a report to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004 and authorize the committee to report out legislation on energy policy to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 497:

1. Requires the State Board of Education, by July 1, 2004, to adopt rules regarding state-funded school construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
2. Requires that approval by the State Board of Education of state-funded school construction be withheld unless the local school authority shows that it has duly considered the most energy-efficient and environmentally efficient designs suitable;

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3. Requires the Department of Administrative and Financial Services, Bureau of General Services, by July 1, 2004, to adopt rules regarding state-funded construction to require planning and design for such construction to include a life-cycle cost analysis and an energy-use target that exceeds by at least 20% the energy efficiency values established in the state building energy standards;
4. Requires any agency responsible for approving state-funded construction to withhold such approval unless the agency or other entity proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable; and
5. Directs the Public Utilities Commission, in consultation with the Energy Resources Council, to form a working group to review current state building energy standards and their enforcement and submit a report to the Joint Standing Committee on Energy and Utilities not later than February 1, 2004 and authorizes the committee to report out legislation on energy policy to the Second Regular Session of the 121st Legislature.

LD 238 An Act to Amend the Energy Resources Council Membership PUBLIC 9

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

LD 238 proposed to expand the membership of the Energy Resources Council to include the Commissioner of Conservation.

Enacted Law Summary

Public Law 2003, chapter 9 expands the membership of the Energy Resources Council to include the Commissioner of Conservation.

LD 255 An Act to Control Internet "Spam" PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN TREAT	OTP-AM MAJ ONTP MIN	H-70

LD 255 proposed to restrict unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions. The bill proposed to require such e-mail to contain a valid return e-mail address to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The sender would be prohibited from sending further unsolicited commercial e-mail to a recipient that had so indicated. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. The bill also proposed to require unsolicited commercial e-mail to include in the subject line specified labels, so that recipients are made aware of the nature of the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation of these provisions would be considered an unfair trade practice.

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This bill was virtually identical to the committee amendment to LD 2041 which ultimately died between the bodies in the 2002 session.

Committee Amendment "A" (H-70), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to add a provision to the bill to prohibit a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information.

Enacted Law Summary

Public Law 2003, chapter 327 restricts unsolicited commercial e-mail ("spam"), defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction does not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail must include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. The law prohibits a person from sending an unsolicited commercial e-mail that uses another person's Internet address or domain name without permission or that contains false routing information. Each unsolicited commercial e-mail sent to a recipient in violation of this law is considered an unfair trade practice.

LD 265

**An Act To Promote Affordable Telephone Service for Business
and Residential Customers in Rural Maine**

**PUBLIC 101
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL GROSE	OTP-AM	S-21

LD 265 proposed to require the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies and to prohibit the PUC from implementing access rate reductions when the effect would compel an increase in local rates or the Universal Service Fund of more than 10%.

Current law requires that intrastate access rates be equal to or less than interstate access rates. The Public Utilities Commission has directed the full reduction in access rates for Verizon but has given the independent local exchange carriers more time to phase in the rate reductions. The commission has directed that the local exchange carriers achieve the reductions by May 31, 2003, which will result in substantial local rate increases for these companies.

Committee Amendment "A" (S-21) proposed to provide for a 2-year delay in the reduction of intrastate access rates to the interstate level as of January 1, 2003. The amendment also proposed to provide that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Enacted Law Summary

Public Law 2003, chapter 101 requires the Public Utilities Commission to balance the potentially conflicting access rate and toll rate policies. The law provides for a 2-year delay in the reduction of intrastate access rates to

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the interstate level as of January 1, 2003. The amendment also provides that if further reductions occur in interstate access rates, the commission may further reduce intrastate access rates provided that in any 2-year period the further reductions do not result in an increase of more than 50% in the price of local telephone service or in the collection rate for the state universal service fund.

Public Law 2003, chapter 101 was enacted as an emergency measure effective May 2, 2003.

LD 298 An Act To Define Standard-offer Service as a Service of Last Resort ONTP

<u>Sponsor(s)</u> BERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 298 proposed to require the Public Utilities Commission to establish a single standard-offer service as a service of last resort for all customers that are unable or elect not to purchase their electricity from a competitive electricity provider.

LD 302 An Act To Make Adjustments to the Renewable Energy Portfolio ONTP

<u>Sponsor(s)</u> BERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 302 proposed to amend the energy portfolio requirements of the electric restructuring law.

Under current law, renewable resources that qualify under the portfolio requirement include any facility that qualifies as a small power production facility under the Federal Energy Regulatory Commission rules and generators of less than 100 megawatts that rely on renewable resources. LD 302 proposed to remove the 100 megawatt limitation.

Under current law, 30% of a competitive electricity provider's portfolio of supply sources for retail electricity sales in this State must be accounted for by eligible resources, as defined by the law. LD 302 proposed to reduce this percentage to 20%.

LD 306 An Act To Ensure Recovery of Extraordinary, Terrorism-related Security Costs for Public Utilities ONTP

<u>Sponsor(s)</u> BERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 306 proposed to require the Public Utilities Commission to adjust rates to allow public utilities to collect security-related expenditures.

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LD 330

An Act To Clarify the Ability of Transmission and Distribution Utilities To Market Electricity at Retail

ONTP

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

LD 330 proposed to amend current law regarding electric industry restructuring to clarify that marketing of electricity by an entity acquiring a Maine electric utility is prohibited even if the market entity was established after the date of merger. This bill proposed to overturn a ruling of the Public Utilities Commission, subsequently upheld by the Law Court, with respect to the creation of a marketing affiliate by Emera after Emera's acquisition of Bangor-Hydro Electric.

LD 331

An Act Restricting Telemarketers from Blocking Their Telephone Numbers When Making Solicitation Calls

PUBLIC 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS HUTTON	OTP-AM MAJ ONTP MIN	S-15

LD 331 proposed to prohibit a telemarketer from blocking the telephone number so that it will not display on the receiving party's caller identification device. The bill proposed to provide exceptions for a person making a limited number of solicitation calls, a person who has an established business relationship with the receiver of the call and charitable organizations.

Committee Amendment "A" (S-15), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. This amendment proposed to require intrastate telemarketers to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call. The amendment proposed to subject telemarketers who failed to comply with this requirement to penalties under the Utilities Trade Protection Act. The Federal Trade Commission adopted by rule a similar provision relating to interstate telemarketing calls; full compliance with the federal rule provision is not required until January 29, 2004; the amendment proposed to make the Maine provision effective on the same date.

Enacted Law Summary

Public Law 2003, chapter 70 requires intrastate telemarketers to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call. The Federal Trade Commission has recently adopted by rule a similar provision relating to interstate telemarketing calls under the FTC's jurisdiction. Full compliance with the federal rule provision is not required until January 29, 2004; this Maine provision is effective on the same date.

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LD 343

An Act To Reduce the Electric Bill of Persons Requiring Daily Use of Electric Oxygenators

ONTP

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

LD 343 proposed to allow a person who uses an electric oxygen pump for a minimum of 8 hours a day every day to apply to the Public Utilities Commission to direct that person's transmission and distribution utility and competitive electricity provider to remove from that person's bill the amount attributable to the cost of serving the electric oxygen pump.

Committee Amendment "A" (H-86) proposed to narrow the application of the bill by adding an income eligibility requirement. The amendment proposed to direct the Public Utilities Commission to establish a program to provide assistance to any residential customer who for health reasons must use an electric oxygen pump and whose income is at or below 200% of the federal poverty line. Under the program, a customer who meets the eligibility requirements would be able to apply to have the cost of serving the electric oxygen pump removed from the customer's bill. The program would be funded by allocation from the Fund for a Healthy Maine. (Not adopted)

LD 352

An Act To Encourage Energy Efficiency and Security

PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM	S-87
BERRY		

LD 352 proposed to direct the Public Utilities Commission, in determining transmission and distribution utility rates or in establishing any rate-adjustment mechanism or in developing and implementing conservation programs, to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State.

LD 352 also proposed to require the Public Utilities Commission to undertake an investigation of how to create incentives for transmission and distribution utilities to promote energy efficiency and construct and maintain adequate infrastructure. The bill proposed to direct the commission to report its findings to the Joint Standing Committee on Utilities and Energy by December 1, 2003.

Committee Amendment "A" (S-87) proposed to replace the bill. This amendment proposed to:

1. Require the Public Utilities Commission, in adopting conservation programs, to seek to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State; and
2. Require the Public Utilities Commission to undertake an investigation to identify rate designs, mechanisms or other means that provide incentives for transmission and distribution utilities to promote energy efficiency and that promote the security and robustness of the electric grid. The amendment proposed to direct the

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Public Utilities Commission to submit a report of the results of its investigation to the Utilities and Energy Committee by February 1, 2004.

Enacted Law Summary

Public Law 2003, chapter 219:

1. Requires the Public Utilities Commission, in adopting conservation programs, to seek to encourage efficiency in electricity use, provide incentives for the development of new, energy-efficient business activity in the State and take into account the costs and benefits of energy efficiency and conservation to existing business activity in the State; and
2. Requires the Public Utilities Commission to undertake an investigation to identify rate designs, mechanisms or other means that provide incentives for transmission and distribution utilities to promote energy efficiency and that promote the security and robustness of the electric grid. The Commission is required to submit its report to the Utilities and Energy Committee by February 1, 2004.

LD 355 **An Act To Require That Residential Customers Be Given** **ONTP**
Contracts for Utility Line Extensions

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

LD 355 proposed to require transmission and distribution utilities and private line extension contractors to provide residential customers with contracts for line extensions that include at least the names of the parties, location of the work, estimated work dates, contract price, payment method and general description of the work.

LD 371 **An Act To Require Review of Utility Rates Prior to Approval of** **PUBLIC 45**
Alternative Rate Plans

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-85
HALL		

LD 371 proposed to require the Public Utilities Commission to conduct a rate case ensuring the justness of rates before authorizing or reauthorizing a price cap plan for electric, natural gas or telephone utilities.

Committee Amendment "A" (H-85) proposed to limit application of this bill to natural gas and electric utilities and to allow the Public Utilities Commission to conduct rate reviews in a manner that limits costs to ratepayers.

Enacted Law Summary

Public Law 2003, chapter 45 requires the Public Utilities Commission to conduct a rate review ensuring the justness of rates before authorizing or reauthorizing a price cap plan for a natural gas or a transmission and

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distribution utility. The law allows the Public Utilities Commission to conduct the reviews in a manner that limits the costs to ratepayers.

LD 392 **An Act To Prohibit Use of Computerized Calls by Telemarketers** **ONTP**

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

LD 392 proposed to generally to prohibit the use of automated telephone solicitation calls to persons in this State. The bill proposed to provide exceptions for calls made on behalf of a charitable organization or on behalf of a political party or candidate. It also proposed to preserve those portions of existing law that limit and prohibit certain uses of automated telephone solicitation calls and the exceptions to those limits and prohibitions.

LD 397 **Resolve, To Create the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals** **RESOLVE 78 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	H-551 RICHARDSON J
KOFFMAN		S-40

LD 397 was a concept draft pursuant to Joint Rule 208.

This bill proposed to study the development of an emergency alert notification system for deaf and hard-of-hearing individuals. The study would be conducted in conjunction with federal and state homeland security groups and would contemplate notification for all types of emergencies, including weather emergencies.

Committee Amendment "A" (S-40) proposed to establish the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals. The study group would consist of 17 members and would be chaired and staffed by the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management. The study group would be directed to invite the participation of any interested members of the Joint Standing Committee on Utilities and Energy. The study group would be authorized to report out legislation related to the study.

House Amendment "A" to Committee Amendment "A" (H-551) proposed to authorize the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals to report out only a single bill related to the study. It proposed to remove the provision allowing the study group an extension of time to complete its study.

Enacted Law Summary

Resolve 2003, chapter 78 establishes the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals. The study group consists of 17 members and is chaired and staffed by the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management. The study group is directed to invite the participation of any interested members of the Joint

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Standing Committee on Utilities and Energy. The Study Group is authorized to report out a single bill related to the study. The study group is not allowed to seek an extension of time to complete its study.

Resolve 2003, chapter 78 was enacted as an emergency effective June 17, 2003.

LD 437 **An Act To Ensure Opportunity for Public Comment at Meetings of Sanitary Districts** **ONTP**

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

LD 437 proposed to require that the public be allowed an opportunity to comment on any change to a sanitary district's public services, fees, rates or facility plans prior to the board of trustee's final vote on the change.

LD 479 **An Act To Revise the Funding Formula for the Public Utilities Commission and the Public Advocate** **ONTP**

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

LD 479 proposed to increase the cap on the assessment collected by the Public Utilities Commission and to change the method of determining the assessment on water utilities for funding of the Public Utilities Commission and the Public Advocate's office.

Committee Amendment "A" (S-52), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to remove any changes to the cap on the Public Utilities Commission assessment on utilities. The amendment proposed to preserve those portions of the bill that change the method of determining the assessment on water utilities. The level of the cap on the total Public Utilities Commission assessment was the subject of LD 1042. (Not adopted)

LD 481 **An Act To Preserve Competition in the Long-distance Telephone Market** **ONTP**

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

LD 481 proposed to prohibit employees of telephone utilities that provide both local exchange and interstate interexchange service who are involved in the marketing of local exchange services from being involved in the marketing of interstate interexchange services.

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LD 508 **An Act To Transfer Regulation of Towers and Transmitters to Municipalities** **ONTP**

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

LD 508 proposed to authorize municipalities to adopt and enforce ordinances or regulations concerning the placement, height, size, width and output of towers and transmitters for wireless communications and require such ordinances be submitted to the Public Utilities Commission for its record.

Committee Amendment "A" (H-87), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to remove the requirement in the bill that a copy of the local ordinance be submitted to the Public Utilities Commission. (Not adopted)

LD 540 **Resolve, To Ensure Optimal Energy Efficiency in State-funded Construction** **ONTP**

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

LD 540 proposed to direct the Department of Administrative and Financial Services to adopt rules to ensure optimal energy efficiency in state-funded construction. (See LD 233.)

LD 546 **An Act To Ensure Consideration of Accurate Long-term Customer Power Alternatives** **ONTP**

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

LD 546 proposed to require a transmission and distribution utility, in reviewing or renegotiating a special rate contract to "assume" that the customer's self-generation or other alternative sources of power was installed or obtained as originally proposed and has been operated in a commercially reasonable means and that it would continue to be so operated through the period of the proposed contract.

LD 547 **An Act To Increase Bill Reductions for Electricity Customers in Maine** **CARRIED OVER**

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

Current law provides for the exercise of some discretion by the Public Utilities Commission in setting assessment rates for funding electricity conservation programs for Maine's electricity customers. LD 547 proposes to

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establish a single rate, .25 cent per kilowatt-hour, for all investor-owned utilities in the State but to leave with the commission discretion in setting an assessment rate for consumer-owned utilities.

LD 548 **An Act To Require Fair Treatment of Ratepayers When Electric Utilities Are Sold** **ONTP**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 548 proposed to prohibit electric utilities that are purchased after January 1, 2003 at a price above their book value per share from charging to ratepayers the "acquisition premium" (amount paid above the book value).

LD 569 **An Act To Allow the Public Utilities Commission To Exempt Certain Telephone Utilities from the Requirement To Obtain Approval for Special Contracts** **ONTP**

<u>Sponsor(s)</u> BLISS HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 569 proposed to authorize the Public Utilities Commission to grant exemptions from the requirement that telephone utilities obtain commission approval for special rate contracts with their customers.

LD 577 **An Act To Facilitate Access to Dial-up Internet Service for Telephone Customers throughout the State** **ONTP**

<u>Sponsor(s)</u> BLISS HALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 577 proposed to require that local service telephone lines be capable of providing dial-up Internet access at speeds of 28.8 kilobytes or greater.

LD 639 **An Act To Ensure Accurate Electric Rates for the Ski Industry** **CARRIED OVER**

<u>Sponsor(s)</u> MCGLOCKLIN HATCH PH		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 639 proposes to require the Public Utilities Commission to establish rates for transmission and distribution utility service to ski areas in the State for lift operation and snowmaking that accurately reflect the costs of service.

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LD 655

An Act To Revise the Charter of the Brunswick Sewer District

P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY EDMONDS	OTP-AM	H-180

LD 655 proposed to extend the territory of the Brunswick Sewer District to include the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map and to provide that the territory of the district expands with the growth area as zoned by the town. The bill also proposed to amend the charter to include a provision already in state law requiring the trustees to acquire written assurance from the town council that any sewer extension is in conformity with the Town of Brunswick Comprehensive Plan, Zoning Ordinance.

Committee Amendment "A" (H-180) proposed to clarify certain language of the bill and remove a provision redundant of requirements imposed under state law. It also proposed to add a referendum clause relating to that portion of the bill that expands the territory of the Brunswick Sewer District.

Enacted Law Summary

Private and Special Law 2003, chapter 19 extends the boundary limit of the Brunswick Sewer District to include the growth area defined by the growth/rural area boundary on the Town of Brunswick zoning map. It provides that the Town Council may expand the territory further to address threats to public health and safety. The law also amends the charter to make clear the trustees must comply with current law that requires the trustees to acquire written assurance from the town council that any sewer extension is in conformity with the Town of Brunswick Comprehensive Plan, Zoning Ordinance. That portion of the bill that expands the territory of the Brunswick Sewer District is subject to local referendum approval within the district.

LD 668

Resolve, Regarding the Reduction of Barriers to the Transmission of Electricity

RESOLVE 5

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

LD 668 proposed to direct the Public Utilities Commission to work with the government of the Province of New Brunswick, Canada on ways to reduce or eliminate transaction costs and barriers to the free flow of electricity between Maine and Atlantic Canada.

Enacted Law Summary

Resolves 2003, chapter 5 directs the Public Utilities Commission to work with the government of the Province of New Brunswick, Canada on ways to reduce or eliminate transaction costs and barriers to the free flow of electricity between Maine and Atlantic Canada.

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LD 669

An Act To Strengthen the Energy Resources Council

PUBLIC 487
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-200 H-567 RICHARDSON J

LD 669 proposed to require the Energy Resources Council to undertake a comprehensive review of state energy and energy-related policy and prepare and submit a report of its findings and recommendations to the Joint Standing Committee on Utilities and Energy by December 1, 2003. The bill also proposed to provide funding from the conservation program fund established pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A, subsection 5 to provide staff for the council.

Committee Amendment "A" (S-200), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to do the following:

1. Change the funding support for the Energy Resources Council. Currently funding is provided by member agencies. This amendment proposed to direct the council to seek federal funding. To the extent such funding is insufficient, member agencies would be directed to enter into an agreement to share the costs of staff. It also proposed to authorize the council to seek, and the Public Utilities Commission to provide, up to \$200,000 from the conservation program fund to support legislatively directed activities of the council and projects generally consistent with the purposes of the program fund;
2. Direct the council to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. It proposed to provide for 4 members of the Legislature to be appointed to participate in the council's study. It proposed to require the council to hold a hearing outside of Augusta and to issue its report by January 31, 2004;
3. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation in response to the report; and
4. Add an emergency preamble and emergency clause to the bill and an allocation section.

House Amendment "A" to Committee Amendment "A" (H-567) proposed to change the reporting date of the Energy Resources Council and specify the number of times it can meet for the purpose of energy study (4 meetings). It proposed to remove the requirement that the council hold a public hearing once in Augusta, and it proposed to remove language that allows the council to request assistance from the Legislative Council. It also proposed to decrease the Other Special Revenue Funds allocation and the amount of funds to be transferred from the Public Utilities Commission's conservation program for the purpose of paying the per diem and expenses of legislators' involvement in the study.

Enacted Law Summary

Public Law 2003, chapter 487 does the following:

1. It changes the funding support for the Energy Resources Council. Currently funding is provided by member agencies. This amendment directs the council to seek federal funding. To the extent such funding is insufficient, member agencies are directed to enter into an agreement to share the costs of staff. It also authorizes the council to seek, and the Public Utilities Commission to provide, up to \$200,000 from the

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conservation program fund to support legislatively directed activities of the council and projects generally consistent with the purposes of the program fund.

2. It directs the council to undertake a study of energy-related policy and its implementation, with particular focus on energy efficiency and renewable energy. It provides for 4 members of the Legislature to be appointed to participate in the council's study.

Public Law 2003, chapter 487 is an emergency measure effective June 23, 2003.

LD 671 **An Act To Facilitate the Development of Cost-effective Distributed Electricity Generation in the State** **CARRIED OVER**

<u>Sponsor(s)</u> HALL	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 671 proposes to:

1. Establish a regulatory structure for distributed generation designed to remove unnecessary barriers to the development of distributed generation in this State;
2. Require the Public Utilities Commission to establish rules governing the retail sale of excess electricity from a distributed generator;
3. Authorize the commission to require a transmission and distribution utility to purchase excess electricity from a distributed generator and resell it at wholesale;
4. Direct the commission to allow certain distributed generators to elect a net energy billing arrangement; and
5. Direct the commission to examine and address issues related to distributed generation and report back to the Joint Standing Committee on Utilities and Energy by January 1, 2004.

LD 678 **An Act To Amend the Charter of the Lubec Water and Electric District** **P & S 15 EMERGENCY**

<u>Sponsor(s)</u> SHOREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-46
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LD 678 proposed to amend the Charter of the Lubec Water and Electric District to take into account the sale of the district's electric business on August 1, 1990. The bill proposed to make the charter amendment subject to approval of the voters at referendum. The bill also proposed to amend the charter to require the trustees to be residents of the district and to limit the election of trustees to the ratepayers of the district.

Committee Amendment "A" (S-46) proposed to:

1. Provide that a municipal officer of the Town of Lubec would not be eligible to be a trustee of the district but allow holders of other town offices to be eligible;

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2. Provide that all voters in the district would be eligible to vote in trustee elections;
3. Provide that trustee elections are held at the annual town meeting of the Town of Lubec; and
4. Remove the referendum clause from the bill, and modify the language of the emergency preamble to reflect changes to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 15 amends the Charter of the Lubec Water and Electric District to take into account the sale of the district's electric business on August 1, 1990. The law also provides that a municipal officer of the Town of Lubec is not eligible to be a trustee of the district but removes the current ineligibility for holders of other town offices; provides that all voters in the district are eligible to vote in trustee elections; and provides that trustee elections are held at the annual town meeting of the Town of Lubec.

Private and Special Law 2003, chapter 15 was enacted as an emergency measure effective May 13, 2003.

LD 724

An Act To Enhance Homeland Security

PUBLIC 124

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM MAJ	H-131
TREAT	ONTP MIN	

LD 724 proposed to amend the confidentiality provisions of the E-9-1-1 law to permit the use or disclosure of E-9-1-1 system information to public safety agencies to the extent necessary to allow the use of the system to make outgoing emergency calls (known as "reverse 911").

Committee Amendment "A" (H-131), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. The amendment proposed to clarify that confidential information in E-9-1-1 databases that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remain subject to existing confidentiality provisions and that a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services (e.g., reverse 911). The amendment also proposed to provide that the name, address and telephone number of any person to whom any outgoing emergency notification call is made using confidential information acquired pursuant to 47 United States Code, Section 222(g) are confidential in the same manner as that information in the E-9-1-1 database.

Enacted Law Summary

Public Law 2003, chapter 124 clarifies that confidential information in E-9-1-1 databases that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remains subject to existing confidentiality provisions and that a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services. The amendment also provides that the name, address and telephone number of any person to whom any outgoing emergency notification ("reverse 911") call is made using confidential

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information acquired pursuant to 47 United States Code, Section 222(g) are confidential in the same manner as that information in the E-9-1-1 database.

LD 771 **An Act To Provide Parity in Funding for Enhanced 9-1-1 Services** **PUBLIC 194**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-217

LD 771 proposed to provide cellular and wireless telecommunications service providers reimbursement for the costs of implementing E-9-1-1 service in the State. Currently, cellular and wireless customers contribute to the E-9-1-1 fund, but only landline telephone service providers are entitled to reimbursement for implementation costs.

Committee Amendment "A" (H-217) proposed to specify that cellular and wireless telecommunications service providers may only receive reimbursement for eligible expenses related to the E-9-1-1 system if the provider does not separately bill customers for the expenses and the provider is not otherwise reimbursed for the expenses.

Enacted Law Summary

Public Law 2003, chapter 194 provides that cellular and wireless telecommunications service providers may only receive reimbursement for eligible expenses related to the E-9-1-1 system if the provider does not separately bill customers for the expenses and the provider is not otherwise reimbursed for the expenses. Currently, cellular and wireless customers contribute to the E-9-1-1 fund, but only landline telephone service providers are entitled to reimbursement for implementation costs.

LD 775 **An Act To Clarify That All Companies Offering Telephone Services for Compensation, Including Switchless Resellers, Are Telephone Utilities** **PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-125

LD 775 proposed to clarify that all persons offering telephone services for compensation, including so-called "switchless resellers," are telephone utilities. The bill proposed to revise the definition of "telephone utility" to include a telephone utility that offers "telephone service" and to remove any reference to ownership or control of a "telephone line"; to establish a new definition of "telephone service"; and to repeal the definition of "telephone line."

Committee Amendment "A" (H-125) proposed to clarify that the term "telephone utility" does not include entities excluded from the definition of "public utility."

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Enacted Law Summary

Public Law 2003, chapter 153 clarifies that all persons offering telephone services for compensation, including so-called "switchless resellers," are telephone utilities. The law revises the definition of "telephone utility" by specifying that a telephone utility offers "telephone service", establishes a new definition of "telephone service", repeals the definition of "telephone line" and clarifies that the term "telephone utility" does not include entities excluded from the definition of "public utility."

LD 776 **An Act To Eliminate Potential Restrictions to the Establishment** **PUBLIC 48**
 of an Alternative Form of Regulation for Some Telephone Utilities **EMERGENCY**

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

LD 776 proposed to repeal a section of law that contemplates the Public Utilities Commission concluding any proceeding establishing an "alternative form of regulation" for a telephone utility by 1996. Removing the provision would allow the commission to adopt an alternative form of regulation for telephone utilities other than Verizon.

Enacted Law Summary

Public Law 2003, chapter 48 repeals a section of law that provides for certain procedural requirements if the Public Utilities Commission concludes a proceeding establishing an "alternative form of regulation" for a telephone utility before certain dates in 1995 and 1996. Repealing this clarifies that the commission may establish an alternative form of regulation for telephone utilities for which the commission has not yet established an alternative form of regulation.

Public Law 2003, chapter 48 was enacted as an emergency measure effective April 17, 2003.

LD 799 **Resolve, To Improve Energy Efficiency in New School Buildings** **ONTP**

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

This resolve proposed to direct the Commissioner of Education to amend the Department of Education's rules on construction of new schools or school buildings to require that all new school construction proposals be based on the most energy and environmentally efficient designs suitable. The commissioner would be required to submit a report to the Second Regular Session of the 121st Legislature. (The concept of this bill was addressed in the committee amendment to LD 233.)

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LD 804

An Act To Amend the Standard Water District Enabling Act

PUBLIC 147

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-51

LD 804 proposed to do the following:

1. Grant to each water district authority to protect the volume and quality of water within its territory;
2. Clarify that the registrar of a standard water district must keep a list of all registered voters within the district;
3. Remove a provision relating to water district trustee compensation that requires that such compensation be specified in the bylaws and be for meetings attended and reimbursement for expenses;
4. Allow a water district to increase its debt limit through a referendum procedure; and
5. Impose a lien on property services by water districts to secure payment for unpaid rates.

Committee Amendment "A" (S-51), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to remove that portion of the bill that proposed to grant water districts authority to regulate the volume and water quality of water within their territories. The amendment also proposed to make a technical correction in the bill.

Enacted Law Summary

Public Law 2003, chapter 147 does the following:

1. It clarifies that the registrar of a standard water district must keep a list of all registered voters within the district;
2. It removes a provision of law relating to water district trustee compensation that requires that such compensation be specified in the bylaws and be for meetings attended and reimbursement for expenses; under the new provision trustee compensation is set by the trustees as approved by the municipal officers of the municipalities;
3. It allows a water district to increase its debt limit through a referendum procedure; and
4. It imposes a lien on property served by water districts to secure payment for unpaid rates.

LD 805

An Act To Protect Conservation Trust Funds

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ OTP-AM MIN	S-133

LD 805 proposed to do the following:

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1. Establish the Sustainable Energy Trust Fund to provide loans or other financial assistance to support sustainable energy projects;
2. Direct the Finance Authority of Maine, with the advice and guidance of the Energy Resources Council, to adopt rules governing eligibility, project feasibility and terms and conditions for the granting of financial assistance from the trust fund;
3. Direct the Public Utilities Commission to assess transmission and distribution utilities to collect funds for deposit in the trust fund;
4. Direct that at least 75% of the trust fund be spent on projects in accordance with priorities established by the Energy Resources Council and at least 20% of the funds be used to support demonstration community projects approved by the Executive Department, State Planning Office that use sustainable, renewable or clean energy technologies;
5. Permit up to 5% of the trust fund to be used to cover administrative expenses; and
6. Eliminate the Renewable Resource Fund and transfer all money into the Sustainable Energy Trust Fund.

Committee Amendment "A" (S-133), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and change the title to reflect the changes to the bill. This amendment proposed to deem funds collected from electricity consumers pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A to be held "in trust" for the purposes of benefiting electricity consumers. It also proposed that, in the event these funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the Public Utilities Commission to return the value of those funds to consumers by reducing the assessment it collects from transmission and distribution utilities pursuant to Title 35-A, section 3211-A.

Committee Amendment "B" (S-134), which was the minority report of the Joint Standing Committee on Utilities and Energy, proposed to repeal the conservation program at the Public Utilities Commission. (Not adopted)

Enacted Law Summary

Public Law 2003, chapter 275 deems funds collected from electricity consumers pursuant to the Maine Revised Statutes, Title 35-A, section 3211-A to be held in trust for the purposes of benefiting electricity consumers. In the event these funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the Public Utilities Commission is directed to return the value of those funds to consumers by reducing the assessment it collects from transmission and distribution utilities pursuant to Title 35-A, section 3211-A.

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LD 811 **An Act To Prevent the Gaming of Special Rate Contracts by Utilities** **ONTP**

<u>Sponsor(s)</u> BERRY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 811 proposed to prohibit a transmission and distribution utility, while under an alternative rate plan that "provides certain limits on diesel deferral rates" from discontinuing or refusing to renew special rate contracts without the customer's consent, regardless of termination provisions in those contracts.

LD 843 **An Act To Ensure Equal Treatment of Telecommunications Customers under Maine's Universal Service Fund** **ONTP**

<u>Sponsor(s)</u> RINES DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 843 proposed to remove the requirement in Public Utilities Commission rules that customers of mobile carriers contribute financially to Maine's universal service fund, also established in commission rules. Under those rules, only rural local exchange carriers or competitive local exchange carriers serving rural areas, may be eligible to receive USF funds.

LD 947 **An Act To Create the Cable Television Franchise Board** **ONTP**

<u>Sponsor(s)</u> GLYNN BLAIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 947 proposed to create the Cable Television Franchise Oversight Board to license cable television companies and to oversee and regulate the cable television franchising process between municipalities and cable television companies. The board would have 7 members appointed by the Governor. The board would have rulemaking and regulatory authority, would be authorized to hire staff and would be authorized to assess cable television companies to fund its operations.

LD 967 **An Act To Amend the Charter of the Madawaska Water District** **P & S 16
EMERGENCY**

<u>Sponsor(s)</u> MARTIN PARADIS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-45
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LD 967 proposed to authorize the Madawaska Water District to collect rates from properties immediately adjacent to its service lines even though owners of such properties may opt not to connect to the wastewater

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treatment services and to authorize the district to use statutory lien procedures to assist in the collection of outstanding rates and services.

Committee Amendment "A" (S-45) proposed to replace the bill. This amendment proposed to authorize a referendum within the Madawaska Water District to allow it to charge readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 are improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater but that do not connect to the district's water lines.

Enacted Law Summary

Private and Special Law 2003, chapter 16 authorizes a referendum within the Madawaska Water District to allow it to charge readiness-to-serve charges against properties abutting on or accessible to the water lines of the district that on or after January 1, 2004 are improved with new residential or commercial structures requiring systems for the disposal of sewage and wastewater but that do not connect to district's water lines.

Private and Special Law 2003, chapter 16 was enacted as an emergency measure effective May 14, 2003.

LD 1030 **An Act To Allow Consumer-owned Utilities To Purchase Power at** **PUBLIC 141**
Negotiated Wholesale Rates, Terms and Conditions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY HATCH PH	OTP-AM	H-124

LD 1030 proposed to provide explicit permission for consumer-owned transmission and distribution utilities to enter into wholesale power purchase agreements for the purpose of providing retail generation service within their service territories.

Committee Amendment "A" (H-124) proposed to clarify that a consumer-owned transmission and distribution utility that purchases power at wholesale for resale to its customers must comply with the portfolio and information disclosure requirements applicable to competitive electricity providers.

Enacted Law Summary

Public Law 2003, chapter 141 provides explicit permission for consumer-owned transmission and distribution utilities to enter into wholesale power purchase agreements for the purpose of providing retail generation service within their service territories and clarifies that a consumer-owned transmission and distribution utility that purchases power at wholesale for resale to its customers must comply with the portfolio and information disclosure requirements applicable to competitive electricity providers.

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LD 1042

**An Act To Ensure Proper Funding of the Public Utilities
Commission and the Public Advocate**

**PUBLIC 272
EMERGENCY**

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

LD 1042 proposed to increase the maximum amount that the commission may assess utilities to fund the commission's operations. LD 1042 also proposed to allow the Public Utilities Commission to use unexpended funds remaining at the end of the prior year.

Committee Amendment "A" (H-319), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill and amend the title to reflect the content of the amendment. This amendment proposed to do the following:

1. Authorize the Public Utilities Commission to assess public utilities to fund the commission's budget on a going forward basis at the same rate as was authorized for the 2004 fiscal year;
2. Authorize the Public Utilities Commission and the Public Advocate to carry forward 100% of unspent funds at the end of fiscal years 2003 and 2004;
3. Direct the Public Utilities Commission to report to the Joint Standing Committee on Utilities and Energy by January 1, 2004 its activities for the prior fiscal year and its evaluation of the adequacy of the assessment and the appropriateness of the current apportionment of the assessment among utilities; and
4. Authorize the Joint Standing Committee on Utilities and Energy to report out legislation relating to the Public Utilities Commission assessment to the Second Regular Session of the 121st Legislature.

Enacted Law Summary

Public Law 2003, chapter 272:

1. Authorizes the Public Utilities Commission to assess public utilities to fund the commission's budget on a going forward basis at the same rate as was authorized for the 2004 fiscal year;
2. Authorizes the Public Utilities Commission and the Public Advocate to carry forward 100% of unspent funds at the end of fiscal years 2003 and 2004;
3. Directs the Public Utilities Commission to report to the Joint Standing Committee on Utilities and Energy by January 1, 2004 its activities for the prior fiscal year and its evaluation of the adequacy of the assessment and the appropriateness of the current apportionment of the assessment among utilities; and
4. Authorizes the Joint Standing Committee on Utilities and Energy to report out legislation relating to Public Utilities Commission assessment to the Second Regular Session of the 121st Legislature.

Public Law 2003, chapter 272 was enacted as an emergency measure effective May 23, 2003.

Joint Standing Committee on Utilities and Energy

LD 1053

An Act To Enhance Renewable Power

ONTP

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1053 proposed to impose, beginning January 1, 2004, assessments on the retail sale of electricity generated by the use of coal, oil and natural gas and direct the Public Utilities Commission to establish by rule a program to use the revenues from this assessment to reduce the cost to consumers of electricity generated by the use of renewable resources. This bill also proposed to change the name of the Renewable Resource Fund to the Voluntary Eligible Renewable Resource Fund to distinguish it from the Maine Renewable Resource Fund created by the bill.

LD 1148

Resolve, To Establish the Maine Networked Services Task Force

ONTP

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1148 proposed to establish the Maine Networked Services Task Force to study and evaluate the delivery system for networked services such as telecommunications, Internet service, cable television services and electricity.

LD 1157

An Act To Promote Clean and Efficient Energy

CARRIED OVER

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1157 was a concept draft pursuant to Joint Rule 208.

This bill proposed to support clean and efficient energy in Maine by:

1. Increasing funding for energy efficiency by establishing a single, statewide system benefit charge for Maine's electricity efficiency program of .15 cents per kilowatt hour in 2003, .25 cents per kilowatt hour in 2006 and .30 cents per kilowatt hour starting in 2008;
2. Establishing new appliance and equipment energy standards for 15 products not currently covered by federal standards;
3. Increasing renewable energy production in Maine by amending the State's renewable energy portfolio standard to gradually increase the percentage of electricity products sold in Maine that are composed of clean, new renewable energy; and
4. Increasing energy efficient building construction by requiring that the so-called "LEED Green Building Standards" be established as the new residential building code in Maine and requiring the State to use this standard for all new state buildings and renovations of state buildings. The bill proposed also to increase enforcement of building codes to ensure compliance. (See LD 1261.)

Joint Standing Committee on Utilities and Energy

LD 1184

Resolve, To Encourage Use of Alternative Energy Sources

RESOLVE 50

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-132

LD 1184 proposed to direct the Energy Resources Council to study the State's policy options to allow 5% of the State's vehicle and heating fuel needs to be met from renewable sources by the end of 2010 and to report to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Transportation no later than January 1, 2004.

Committee Amendment "A" (S-132), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the resolve. This amendment proposed to direct the Energy Resources Council, in consultation with the Department of Environmental Protection, to undertake a study of alternative transportation and heating fuels, alternatively fueled vehicles and biofuels and to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters with interim findings and recommendations by January 31, 2004 and with final recommendations by January 31, 2005. The reports must recommend production and usage goals for alternative transportation fuels and biofuels and recommend strategies for achieving those goals.

Enacted Law Summary

Resolve 2003, chapter directs the Energy Resources Council, in consultation with the Department of Environmental Protection, to undertake a study of alternative transportation and heating fuels, alternatively fueled vehicles and biofuels and to report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters with interim findings and recommendations by January 31, 2004 and with final recommendations by January 31, 2005. The reports must recommend production and usage goals for alternative transportation fuels and biofuels and recommend strategies for achieving those goals.

LD 1187

An Act To Establish Minimum Energy Efficiency Standards for Products Sold in the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL O'NEIL	ONTP	

LD 1187 proposed to set minimum energy efficiency standards for products in Maine, including exit signs, traffic signals and ceiling fans. LD 1187 proposed to authorize the Public Utilities Commission to establish higher energy efficiency standards and to adopt standards for additional products and to direct the Public Utilities Commission to monitor and enforce compliance with the standards. (See LD 1261.)

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LD 1188

An Act To Control Unsolicited Commercial E-mail

ONTP

<u>Sponsor(s)</u> SHOREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1188 proposed to prohibit certain forms of computer trespass such as using a computer or computer network without authority and with the intent to disable or damage computer software, data, or programs; to make an unauthorized copy of computer software, data or programs; to falsify e-mail transmission information in connection with unsolicited bulk e-mail; or to possess with the intent to distribute software designed to facilitate the falsification of e-mail transmission information. The bill proposed to address matters addressed in current law (17-A MRSA ch. 18) and by LD 255 (see summary of that bill).

LD 1201

An Act To Require the Owner or Operator of a Casino To Improve or Replace Utilities and Infrastructure in the Vicinity of the Casino

CARRIED OVER

<u>Sponsor(s)</u> COLLINS WESTON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1201 proposes to provide that an owner or operator of a facility at which casino-style gambling is conducted is responsible for the costs to improve or replace utilities, including, but not limited to, water, sewer and electrical service, and infrastructure, including, but not limited to, roads, intersections and highway exits, located within a 25-mile radius of the facility at which casino-style gambling is conducted. The decision whether to make such improvements or refinements would be made by the municipality in which the utilities or infrastructure was located.

LD 1212

An Act To Create the Bayside Utilities District

P & S 9

<u>Sponsor(s)</u> ASH HATCH PH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1212 proposed to create the Bayside Utilities District and allow the Northport Village Corporation to convey its water-related and sewer-related assets to the Bayside Utilities District.

Enacted Law Summary

Private and Special Law 2003, chapter 9, if approved by local referendum, creates the Bayside Utilities District and allows the Northport Village Corporation to convey its water-related and sewer-related assets to the Bayside Utilities District.

Joint Standing Committee on Utilities and Energy

LD 1252

An Act To Authorize Water and Wastewater Districts To Lease Their Assets

PUBLIC 267

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM MAJ	H-316
MAYO	ONTP MIN	

LD 1252 proposed to provide that a consumer-owned water or wastewater district may enter into lease and leaseback or sale and leaseback transactions and to provide certain property tax exemptions for property subject to such transactions.

Committee Amendment "A" (H-316), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to replace the bill. It proposed to remove references to property tax exemptions, eliminate references to sale and leaseback transactions, limit leaseback transactions to property other than land and define leases to include leases of any length, including leases that may be defined as sales for income tax purposes.

Enacted Law Summary

Public Law 2003, chapter 267 provides that a consumer-owned water or wastewater district may enter into lease and leaseback transactions with respect to property other than land. It also defines leases to include leases of any length, including leases that may be defined as sales for income tax purposes.

LD 1261

An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment **CARRIED OVER**

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

LD 1261 proposed to:

1. Establish minimum energy efficiency standards for certain products, such as ceiling fans, illuminated exit signs, traffic signal lights and digital cable television boxes. The bill proposed that, beginning January 1, 2005, the sale of a product that does not meet the energy efficiency standards would be prohibited and, beginning January 1, 2006, installation of such a product would be prohibited. (This portion of the bill is substantively identical to the provisions of LD 1187);
2. Increase the assessment imposed by the Public Utilities Commission on transmission and distribution utilities to 0.2¢ per kilowatt-hour to fund energy conservation programs;
3. Impose an additional assessment on transmission and distribution utilities of 0.1¢ per kilowatt-hour to fund a Clean Energy Fund in the Public Utilities Commission to encourage the development, construction and operation of new renewable energy resources projects, defined as electrical generation powered by fuel cells using renewable fuels; tidal, ocean or wave power; solar arrays and installations; wind power; and geothermal power. (See LD 1312);

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4. Establish progressively higher goals for new renewable energy generation installed in the State ranging from 50 mw by the end of 2006 to 500 mw by the end of 2015. (See LD 1312);
5. Establish the Clean Energy Advisory Committee to review and assess the progress of the State in promoting the development of new renewable energy and in meeting the goals set for increasing new renewable energy generation; and
6. Direct the Energy Resources Council, in consultation with the PUC, to develop recommendations for means of encouraging renewable energy and, in consultation with the PUC and the DECD, to study the need for revisions to building codes used in Maine (See LDs 233 & 1321).

LD 1312

Resolve, Relating to Renewable Resources

RESOLVE 45

<u>Sponsor(s)</u> COLWELL WESTON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-317
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LD 1312 proposed to amend the laws governing electric industry restructuring as they relate to the 30% renewable portfolio standard. The bill proposed to define "eligible renewable resource" to mean an electrical generator facility that relies on certain specific fuel sources. The bill proposed to require that, beginning March 1, 2005, no less than 0.5% of supply sources for retail electricity sales in this State is accounted for by eligible renewable resources that are constructed after January 1, 2002. This percentage would increase 0.5% per year until it reached 5% in 2014. The bill proposed to direct the Public Utilities Commission to establish the Maine Renewable Resource Fund to support eligible renewable resources in this State, renewable resource research and development and to fund demonstration community projects using renewable energy technologies.

Committee Amendment "A" (H-317) proposed to replace the bill. This amendment proposed to direct the Public Utilities Commission to examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. The commission would be directed to submit the results of its examination to the Joint Standing Committee on Utilities and Energy by December 31, 2003 and the committee would be authorized to report out legislation in response to the commission's examination.

Enacted Law Summary

Resolve 2003, chapter 45 directs the Public Utilities Commission to examine mechanisms designed to ensure a secure, adequate and reliable supply of electricity for state residents and to maintain and increase the State's use of renewable and indigenous resources. The commission is directed to submit the results of its examination to the Joint Standing Committee on Utilities and Energy by December 31, 2003 and the committee is authorized to report out legislation in response to the commission's examination.

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LD 1317

An Act To Strengthen Maine's "Do Not Call" List

ONTP

Sponsor(s)
SULLIVAN
BROMLEY

Committee Report
ONTP

Amendments Adopted

LD 1317 proposed to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes. The bill also proposed the following:

1. To change the scope of the application of telemarketing laws to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. To prohibit a telemarketer from blocking the display of its phone number from the consumer being called (See LD 331);
3. To continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls;
4. To require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database;
5. To require the Attorney General to establish, either in-house or through a contract with a private vendor, the Maine do-not-call list, a database of names, addresses and telephone numbers of consumers in this State who object to receiving unsolicited telemarketing or telephone calls;
6. To allow telemarketers to purchase the Maine do-not-call list from the Attorney General for a fee not to exceed \$75 and prohibit telemarketers from calling consumers listed on the Maine do-not-call list;
7. To allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation; and
8. To require the Attorney General to report to the Legislature every 2 years regarding the Maine do-not-call list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing.

(See LD 1360.)

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LD 1321

An Act Regarding Energy Efficiency Standards

PUBLIC 151

<u>Sponsor(s)</u> ADAMS HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-179
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LD 1321 proposed to update references to ASHRAE standards in Maine laws pertaining to energy efficiency and indoor air quality in new construction or substantial renovation of conditioned space in commercial or industrial buildings and residential buildings of more than 2 dwelling units.

Committee Amendment "A" (H-179) proposed to make technical corrections to the bill to make the effective date of the ASHRAE standards consistent (January 1, 2004).

Enacted Law Summary

Public Law 2003, chapter 151 updates Maine law pertaining to energy efficiency standards and indoor air quality. After January 1, 2004 new construction or substantial renovations of conditioned space in residential buildings of more than 2 dwelling units must conform to the 2001 ASHRAE standards.

LD 1359

An Act To Establish the Locally Governed Water District Act

INDEF PP

<u>Sponsor(s)</u> DAGGETT SUSLOVIC	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1359 proposed to create a 4-year pilot program under which the Public Utilities Commission would designate up to 10% of the state's consumer-owned water utilities, including at least one large district, one medium-sized district, and one small district, to opt out of regulation by the Public Utilities Commission with respect to their rates, terms of service and most other affairs. The pilot program would expire on June 1, 2007. The bill proposed to require the Public Utilities Commission to submit a report on the success of the pilot program by October 31, 2006 to the joint standing committee of the Legislature having jurisdiction over public utilities matters.

Committee Amendment "A" (S-131) proposed to make the following changes to the bill. It proposed to:

1. Clarify that municipal water departments may participate in the local governance pilot project;
2. Require participants in the pilot project to continue to pay Public Utilities Commission and Public Advocate assessments;
3. Provide that sale of land by a pilot project participant remains subject to Public Utilities Commission oversight;
4. Remove the provision of the bill authorizing a pilot project participant to adopt a local appeal process and replace it with a directive that the Public Utilities Commission establish procedures to review customer complaints concerning denial or termination of service, terms and conditions of service, billing, metering or collection for service and any other matters the commission determines appropriate; and

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5. Provide that a pilot project participant may take advantage of any authorization under existing law for a consumer-owned water utility to enter a lease and leaseback transaction, subject to Public Utilities Commission approval. (See LD 1252.) (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-536) proposed to prohibit a consumer-owned water utility from participating in the pilot project unless participation in the pilot project has been approved by the consumers of the utility's service territory at a local referendum. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-541) proposed to require a water utility district that wishes to participate in the local governance pilot project to first undergo an independent management audit. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-248) proposed to change the service size requirement under the provision requiring inclusion of a large water district in the pilot project from a service size of more than 100,000 people to a service size of more than 25,000 people. It proposed to reduce the number of participants in the pilot project from 10% of the consumer-owned water utilities operating in the State to 8 utilities. The amendment proposed, in the case of a locally governed water district's selling water to an adjacent water utility at wholesale, to maintain the Public Utilities Commission jurisdiction to establish fair rates for the sale of water by the locally governed water districts. (Not adopted)

LD 1360 **An Act To Create a No-contact List and Prohibit Unsolicited E-mail** **CARRIED OVER**

<u>Sponsor(s)</u> DOUGLASS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1360 proposes to regulate telephone solicitation by consolidating various laws regarding telemarketers found in different sections of the Maine Revised Statutes and do the following:

1. Change the scope of the application to include all telemarketers, regardless of their place of business. Calls made by nonprofit charitable organizations and political organizations would be exempt;
2. Prohibit a telemarketer from blocking the display of its phone number from the consumer being called. (see LD 331);
3. Continue the current restrictions on the use of automated telephone calling devices to make telemarketing calls. (see LD 392);
4. Require telemarketers making solicitations via facsimile to provide the name and address of the person making the solicitation, as well as a toll-free telephone number that must be answered by an individual on weekdays between the hours of 9 a.m. and 5 p.m. or that automatically deletes the specified telephone number of the caller from the telemarketer's database. (current law prohibits unsolicited fares);
5. Require the Attorney General to establish, either in-house or through a contract with a private vendor, the Maine no-contact list, a database of names, addresses, telephone numbers and e-mail addresses of consumers in this State who object to receiving unsolicited telemarketing or telephone calls or commercial e-mail. The Attorney General would be required to provide information about the list and forms for enrolling on the list. The Attorney General would be permitted to charge a fee of no more than \$3 for inclusion on the list; a

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consumer would remain on the list for 3 years or until the consumer is assigned a new number or e-mail address;

6. Allow telemarketers and commercial e-mail senders to purchase the Maine no-contact list from the Attorney General for a fee not to exceed \$75 and prohibit telemarketers from calling consumers listed on the Maine no-contact list;
7. Allow an action to be brought against a telemarketer by the Attorney General, by a state agency that licenses the telemarketer, or by the affected consumer. A violation would be punishable by a civil penalty or administrative penalty of up to \$3,000 for each violation;
8. Require the Attorney General to report to the Legislature every 2 years regarding the Maine no-contact list, complaints and enforcement actions and any suggested changes for improving the regulation of telemarketing; and
9. Restrict unsolicited commercial e-mail, defined as e-mail that is sent for the purpose of advertising or conveying information about real property, goods or services or extending credit or soliciting contributions, by requiring the e-mail to contain a valid toll-free telephone number, physical postal address and a return e-mail address maintained by the sender to which the recipient may respond indicating that the recipient does not wish to receive further unsolicited commercial e-mail from the sender. The restriction would not apply to e-mail sent to persons with whom the sender has a prior relationship or who have requested the information from the sender. Unsolicited commercial e-mail would need to include in the subject line a label, as specified, so that recipients are made aware of the nature of the e-mail. Each unsolicited commercial e-mail sent to a recipient in violation would be considered an unfair trade practice. (see LDs 255 and 1317.)

LD 1373 Resolve, To Establish the Commission on Comprehensive Energy Planning ONTP

<u>Sponsor(s)</u> ADAMS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1373 proposed to establish the Commission on Comprehensive Energy Planning. (See LDs 669, 352, 233, 1312 and 1184.)

LD 1423 An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System PUBLIC 359

<u>Sponsor(s)</u> BLISS STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-451
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LD 1423 proposed to remove a "sunset" provision that would reduce the surcharge for Enhanced 9-1-1 service from 50¢ to 32¢, and proposed to increase the surcharge to 66¢. It also proposed to amend a provision of law relating to the Emergency Service Communication Bureau's responsibilities in cases in which a local government chooses not to participate in the E 9-1-1 system.

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Committee Amendment "A" (H-451) proposed to:

1. Move the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission;
2. Keep the current surcharge at 50¢ per month per line or number by removing the "sunset" provision in current law that reduces the surcharge to 32¢ 90 days after the adjournment of the First Regular Session of the 121st Legislature; and
3. Direct the Emergency Services Communication Bureau to seek to reduce the total number of public service answering points to between 16 and 24.

Enacted Law Summary

Public Law 2003, chapter 359:

1. Moves the Emergency Services Communication Bureau from the Department of Public Safety to the Public Utilities Commission;
2. Keeps the current surcharge at 50¢ per month per line or number by removing the "sunset" provision in current law that reduces the surcharge to 32¢ 90 days after the adjournment of the First Regular Session of the 121st Legislature; and
3. Directs the Emergency Services Communication Bureau to seek to reduce the total number of public service answering points (currently 48) to between 16 and 24.

LD 1444

An Act To Facilitate E-9-1-1 for Multiline Telephone Systems

PUBLIC 478

Sponsor(s)
BLISS
HALL

Committee Report
OTP-AM

Amendments Adopted
H-425

LD 1444 proposed to require privately owned or leased multiline telephone systems to provide to end users the same level of E-9-1-1 service that nonmultiline end users receive, which include: automatic number identification signaling, station identification data and updates to E-9-1-1 databases. This bill proposed to require multiline telephone systems that are newly installed or replaced to be compliant with routine technical rules adopted by the Department of Public Safety, Emergency Services Communication Bureau.

Committee Amendment "A" (H-425) proposed to replace the bill. This amendment proposed to permit the Emergency Services Communications Bureau to adopt rules to establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. The amendment proposed to establish parameters for any such rules, to make them major substantive rules subject to legislative approval and require them to be approved by the Public Utilities Commission prior to their submission to the Legislature.

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Enacted Law Summary

Public Law 2003, chapter 478 permits the Emergency Services Communications Bureau to adopt rules to establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. The amendment establishes parameters for any such rules, makes them major substantive rules subject to legislative approval and requires them to be approved by the Public Utilities Commission prior to their submission to the Legislature.

LD 1483

An Act To Improve the Ability of the Public Utilities Commission To Enforce State Laws, Rules and Requirements

PUBLIC 505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-342
HALL	ONTP MIN	

LD 1483 proposed to change most of the penalty provisions that apply to violations of laws administered by the Public Utilities Commission. It proposed:

1. To repeal a variety of specific penalties related to violations of certain laws administered by the PUC (ranging from a \$500/day civil forfeiture for a utility that fails to pay the PUC assessment to a Class B crime for a utility officer that knowingly makes a false statement regarding the issuance of stocks and bonds) and to make such violations subject to a new set of general penalties (see below);
2. To leave in place current administrative penalties for certain violations (violations of T&D codes of conduct and marketing restrictions, violations of the “slamming” law, violations of the “cramming” law, violations of the “dig safe” law, and violations of the E-911 law);
3. To increase penalties that apply to violations by gas utilities and gas pipelines of safety laws, make them administrative rather than civil, and add more specificity to the factors to be weighed in determining amount of the penalty;
4. To amend the “slamming” law to allow the PUC to order a telephone utility acting as billing agent to withhold payments to a suspected slammer pending administrative penalty proceedings;
5. To amend the “cramming” law to expand and change provisions relating to revocation of registration of a company that violates that law;
6. To allow the PUC to issue cease and desist orders under the “dig safe” law to prevent damage to underground facilities (currently the PUC can seek a temporary restraining order in court);
7. To repeal the current general penalty provision (civil forfeiture of up to \$1,000/offense) that applies in cases in which a specific penalty for a violation is not otherwise specified;
8. To create a class C crime for knowingly making a false or misleading statement in PUC proceeding;

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9. To enact new general penalty provisions that: create administrative penalties (imposed and collected by the PUC) for violations of Title 35-A, PUC rules or PUC orders, in cases in which a specific penalty for a violation is not otherwise specified, of up to \$25,000/violation/day to a maximum of \$500,000 for violations by a public utility or competitive electricity provider and up to \$1,000/violation/day to a maximum of \$25,000 for violations by any person; and require the PUC to “take into account” various factors in determining the amount of a penalty (severity of violation, intent, history of prior violations, good faith attempts to comply after notification, other matters as justice requires);
10. To authorize the PUC to suspend or revoke the authority of a public utility to provide service on a finding that the utility is unfit to provide adequate service and authorize the PUC to order a person to cease and desist from providing service if the person hasn’t obtained necessary PUC approvals; and
11. To require that all administrative penalties collected by the PUC be deposited in a reimbursement fund to pay the PUC’s costs of enforcement; excess funds to go to the general fund.

Committee Amendment "A" (H-342) was the majority report of the Joint Standing Committee on Utilities and Energy. The amendment proposed to change the section of the bill that authorizes the Public Utilities Commission to impose administrative penalties, in cases in which no other penalty is provided, for violations of the Maine Revised Statutes, Title 35-A or commission rules or orders. It proposed to provide that in the case of a violation by a public utility or a competitive electricity provider, the violation must be willful, and to lower the maximum per violation amount to the lesser of \$5,000 or .25% of the annual gross in-state revenue of the violator. It proposed to clarify that the provision allowing the commission to impose administrative penalties of a lower amount (\$1,000/violation/day) applies to persons that are not public utilities or competitive electricity providers. It proposed to add an additional standard to those to be considered by the commission in setting the amount of administrative penalties: the reasonableness of the violator’s belief that the act was not a violation. It proposed to add a provision providing that in addition to the administrative penalties, the commission may require disgorgement of profits or revenues realized as a result of the violation.

The amendment also proposed to limit the portion of the bill that creates a Class C crime for making false or misleading statements in a PUC proceeding to only false statements and to remove reference to misleading statements.

The amendment also proposed to add a provision authorizing the commission to condition its approval of a public utility to provide service on the submission of a bond to ensure the utility has the financial ability to meet its obligations.

Enacted Law Summary

Public Law 2003, chapter 505 changes most of the penalty provisions that apply to violations of laws administered by the Public Utilities Commission.

It repeals a variety of specific penalties related to violations of certain laws administered by the PUC; such violations, under the law, fall under new general penalties (see below). The law leaves in place current administrative penalties for certain violations. The law increases penalties that apply to violations by gas utilities and gas pipelines of safety laws, makes them administrative rather than civil, and adds more specificity to the factors to be weighed in determining the amount of a penalty. The law amends the “slamming” law to allow the PUC to order a telephone utility acting as billing agent to withhold payments to a suspected slammer pending administrative penalty proceedings. It also amends the “cramming” law to expand and change provisions relating to revocation of registration of a company that violates that law. The law allows the PUC to issue cease and

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desist orders under the dig safe law to prevent damage to underground facilities (currently the PUC can seek a temporary restraining order in court).

The law repeals the current general penalty provision (civil forfeiture of up to \$1,000/offense) that applies in cases in which a specific penalty for a violation is not otherwise specified. The law creates new general penalty provisions. It establishes a new Class C crime for knowingly making a false statement in a PUC proceeding. It establishes new and much more substantial administrative penalties (imposed and collected by the PUC) for violations of Title 35-A, PUC rules or PUC orders in cases where no other specific penalty is provided. The PUC is also authorized to order disgorgement of any profit or revenue resulting from any such violations. The law directs the PUC to take into account various factors in determining the amount of a penalty (e.g., severity of violation, intent, history of prior violations, etc.)

The law authorizes the PUC to suspend or revoke the authority of a public utility to provide service on a finding that the utility is unfit to provide adequate service, authorizes the PUC to order a person to cease and desist from providing service if person hasn't obtained necessary PUC approvals, and allows the PUC to require an applicant to submit a bond as a condition for PUC approval of the applicant to provide public utility service

The law requires that all administrative penalties collected by the PUC are deposited in a reimbursement fund to pay the PUC's costs of enforcement; excess funds go to the general fund.

LD 1494 **Resolve, Regarding Legislative Review of Chapter 306:
Information Disclosure Rule Amendment, a Major Substantive
Rule of the Public Utilities Commission** **RESOLVE 46
EMERGENCY**

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

LD 1494 proposed to provide for legislative review of Chapter 306: Information Disclosure Rule Amendment, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-294) proposed to authorize the adoption of Chapter 306: Information Disclosure Rule Amendment, a provisionally adopted major substantive rule of the Public Utilities Commission, if a provision is removed that provides that fuel cells and geothermal, solar, tidal and wind power are separately identified on the label only if contained in the competitive electricity provider's actual fuel mix. With this amendment, the rule would require separate identification of these fuel sources on the label, even if no such fuel sources are in the provider's actual fuel mix.

Enacted Law Summary

Resolve 2003, chapter 46 authorizes the adoption of Chapter 306: Information Disclosure Rule Amendment, a provisionally adopted major substantive rule of the Public Utilities Commission, if a provision is removed that provides that fuel cells and geothermal, solar, tidal and wind power are separately identified on the label only if contained in the competitive electricity provider's actual fuel mix. With this amendment, the rule will require separate identification of these fuel sources on the label, even if no such fuel sources are in the provider's actual fuel mix.

Resolve 2003, chapter 46 was enacted as an emergency measure effective May 23, 2003.

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LD 1495 **Resolve, Regarding Legislative Review of Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 22 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1495 proposed to approve Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a major substantive rule of the Public Utilities Commission.

Enacted Law Summary

Resolve 2003, chapter 22 approves Chapter 311: Eligible Resource Portfolio Requirements Rule Amendment, a major substantive rule of the Public Utilities Commission.

Resolve 2003, chapter 22 was enacted as an emergency measure effective May 15, 2003.

LD 1594 **An Act Repealing the Charter of the Brewer Water District** **P & S 26**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> S-176
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LD 1594, required by Private and Special Law 2001, chapter 66, proposed to dissolve the Brewer Water District. All powers, property and obligations of the Brewer Water District have been transferred to the City of Brewer pursuant to Private and Special Law 2001, chapter 66. Section 3 of the bill proposed to establish 3 sources of supply for use by the City of Brewer that were mentioned in a 1909 Brewer Water District charter that failed to be approved in a referendum (Private and Special Law 1909, chapter 265).

Committee Amendment "A" (S-176), which was the majority report of the Joint Standing Committee on Utilities and Energy, proposed to make the following changes to the bill.

1. It proposed to make a technical change to clarify the extent of the repeal of the law creating the Brewer Water District.
2. It proposed to remove section 3 of the bill, which would have authorized the City of Brewer to take water from several ponds from which the former Brewer Water District did not have authority to take water.
3. It proposed to preserve a provision from the charter of the former Brewer Water District relating to the water quality of Hatcase Pond.

Enacted Law Summary

Private and Special 2003, chapter 26, as required by Private and Special Law 2001, chapter 66, dissolves the Brewer Water District. All powers, property and obligations of the Brewer Water District have been transferred

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to the City of Brewer pursuant to Private and Special Law 2001, chapter 66. The law preserves a provision from the charter of the former Brewer Water District relating to the water quality of Hatcase Pond.

LD 1595 **An Act To Enhance Electric Utility Consumer Protections** **PUBLIC 412**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL HALL	OTP-AM	H-426

LD 1595 proposed to require a transmission and distribution utility providing electricity to its customers to read and record on a monthly basis the reasonably accessible meters furnished to that utility's customers.

Committee Amendment "A" (H-426) proposed to replace the bill. This amendment proposed to require an investor-owned transmission and distribution utility to adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that proposed to adopt a different policy, such as bimonthly meter reading, would be required to receive prior approval of the commission.

Enacted Law Summary

Public Law 2003, chapter 412 requires an investor-owned transmission and distribution utility to adopt and ordinarily follow as a general operating policy a schedule of reading customer meters on a monthly basis. Any investor-owned transmission and distribution utility that plans to adopt a different policy, such as bimonthly meter reading, must receive prior approval of the commission.

LD 1608 **An Act To Amend the Charter of the Baileyville Utilities District** **P & S 25
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP-AM	H-424

The Baileyville Utilities District is currently empowered to operate only water and electric utilities within the Town of Baileyville. This bill proposed to empower the district to manage the town's sewer department, currently managed by an outside independent contractor. LD 1608 also proposed to allow the district to acquire the sewer system if the town and district determine that this arrangement would better serve the 2 entities and the residents.

Committee Amendment "A" (H-424) proposed to remove portions of the bill, but proposed to preserve the portion that would permit the Baileyville Utilities District to contract with the Town of Baileyville for the management, oversight and billing related to the town's sewer department.

Enacted Law Summary

Private and Special Law 2003, chapter 28 permits the Baileyville Utilities District to contract with the Town of Baileyville for the management, oversight and billing related to the town's sewer department.

Private and Special Law 2003, chapter 28 was enacted as an emergency measure effective June 3, 2003.

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LD 1620

An Act to Amend the Charter of the New Portland Water District

P & S 28
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN HATCH PH	OTP-AM	H-530

LD 1620 proposed to amend the territorial limits of the New Portland Water District.

Committee Amendment "A" (H-530) proposed to make clarifying changes to the description of the expanded territory of the New Portland Water district and add a referendum clause to the bill.

Enacted Law Summary

Private and Special Law 2003, chapter 28 expands the territorial limits of the New Portland Water District, subject to local referendum approval.

Private and Special Law 2003, chapter 28 was enacted as an emergency measure effective June 5, 2003.

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LD 144	572	LD 195	320
LD 145	242	LD 196	524
LD 146	892	LD 197	972
LD 147	387	LD 198	894
LD 148	644	LD 199	320
LD 149	317	LD 200	692
LD 150	970	LD 201	388
LD 151	242	LD 202	894
LD 152	970	LD 203	321
LD 153	692	LD 204	894

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LD 206	894	LD 257	392
LD 207	740	LD 258	172
LD 208	895	LD 259	897
LD 209	895	LD 260	694
LD 210	835	LD 261	897
LD 211	835	LD 262	322
LD 212	693	LD 263	172
LD 213	459	LD 264	53
LD 214	1041	LD 265	1044
LD 215	774	LD 266	897
LD 216	895	LD 267	836
LD 217	524	LD 268	173
LD 218	895	LD 269	898
LD 219	896	LD 270	526
LD 220	389	LD 271	740
LD 221	973	LD 272	741
LD 222	1041	LD 273	575
LD 223	242	LD 274	576
LD 224	243	LD 275	173
LD 225	171	LD 276	741
LD 226	389	LD 277	741
LD 227	389	LD 278	836
LD 228	53	LD 279	53
LD 229	172	LD 280	836
LD 230	322	LD 281	393
LD 231	1041	LD 282	694
LD 232	693	LD 283	837
LD 233	1042	LD 284	645
LD 234	573	LD 285	394
LD 235	574	LD 286	576
LD 236	525	LD 287	173
LD 237	525	LD 288	695
LD 238	1043	LD 289	898
LD 239	390	LD 290	974
LD 240	644	LD 291	460
LD 241	391	LD 292	54
LD 242	775	LD 293	974
LD 243	694	LD 294	460
LD 244	973	LD 295	394
LD 245	11	LD 296	174
LD 246	896	LD 297	12
LD 247	574	LD 298	1045
LD 248	12	LD 299	577
LD 249	243	LD 300	12
LD 250	974	LD 301	323
LD 251	896	LD 302	1045
LD 252	835	LD 303	526
LD 253	525	LD 304	526
LD 254	391	LD 305	898
LD 255	1043	LD 306	1045

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LD 308	837	LD 358	324
LD 309	577	LD 359	528
LD 310	837	LD 360	14
LD 311	244	LD 361	647
LD 312	975	LD 362	977
LD 313	975	LD 363	395
LD 314	899	LD 364	742
LD 315	12	LD 365	977
LD 316	461	LD 366	462
LD 317	838	LD 367	579
LD 318	975	LD 368	529
LD 319	13	LD 369	529
LD 320	899	LD 370	530
LD 321	54	LD 371	1048
LD 322	975	LD 372	245
LD 323	976	LD 373	695
LD 324	245	LD 374	978
LD 325	838	LD 375	247
LD 326	323	LD 376	580
LD 327	13	LD 377	580
LD 328	577	LD 378	900
LD 329	394	LD 379	978
LD 330	1046	LD 380	247
LD 331	1046	LD 381	696
LD 332	395	LD 382	900
LD 333	838	LD 383	175
LD 334	646	LD 384	176
LD 335	174	LD 385	775
LD 336	54	LD 386	324
LD 337	175	LD 387	978
LD 337	55	LD 388	530
LD 338	14	LD 389	839
LD 339	646	LD 390	325
LD 340	578	LD 391	176
LD 341	175	LD 392	1049
LD 342	461	LD 393	978
LD 343	1047	LD 394	56
LD 344	324	LD 395	776
LD 345	899	LD 396	176
LD 346	527	LD 397	1049
LD 347	900	LD 398	648
LD 348	14	LD 399	840
LD 349	579	LD 400	56
LD 350	55	LD 401	177
LD 351	579	LD 402	743
LD 352	1047	LD 403	901
LD 353	55	LD 404	248
LD 354	527	LD 405	57
LD 355	1048	LD 406	979
LD 356	56	LD 407	580

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LD 409	462	LD 460	531
LD 410	980	LD 461	249
LD 411	648	LD 462	983
LD 412	980	LD 463	983
LD 413	248	LD 464	983
LD 414	649	LD 465	842
LD 415	580	LD 466	698
LD 416	841	LD 467	902
LD 417	841	LD 468	532
LD 418	841	LD 469	250
LD 419	842	LD 470	464
LD 420	325	LD 471	397
LD 421	395	LD 472	177
LD 422	980	LD 473	465
LD 423	462	LD 474	532
LD 424	981	LD 475	251
LD 425	325	LD 476	650
LD 426	696	LD 477	326
LD 427	249	LD 478	253
LD 428	463	LD 479	1050
LD 429	396	LD 480	398
LD 430	981	LD 481	1050
LD 431	15	LD 482	984
LD 432	396	LD 483	58
LD 433	697	LD 484	843
LD 434	463	LD 485	465
LD 435	464	LD 486	699
LD 436	901	LD 487	466
LD 437	1050	LD 488	466
LD 438	57	LD 489	843
LD 439	396	LD 490	581
LD 440	397	LD 491	776
LD 441	982	LD 492	466
LD 442	326	LD 493	984
LD 443	776	LD 494	467
LD 444	397	LD 495	253
LD 445	901	LD 496	253
LD 446	531	LD 497	468
LD 447	901	LD 498	179
LD 448	531	LD 499	327
LD 449	57	LD 500	179
LD 450	697	LD 501	179
LD 451	902	LD 502	902
LD 452	581	LD 503	85
LD 453	177	LD 504	903
LD 454	698	LD 505	903
LD 455	531	LD 506	985
LD 456	842	LD 507	699
LD 457	649	LD 508	1051
LD 458	982	LD 509	87

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LD 510	650	LD 560	469
LD 511	985	LD 561	651
LD 512	180	LD 562	843
LD 513	699	LD 563	469
LD 514	904	LD 564	779
LD 515	581	LD 565	532
LD 516	700	LD 566	470
LD 517	777	LD 567	907
LD 518	985	LD 568	844
LD 519	582	LD 569	1052
LD 520	985	LD 570	15
LD 521	904	LD 571	986
LD 522	777	LD 572	907
LD 523	582	LD 573	908
LD 524	986	LD 574	908
LD 525	778	LD 575	652
LD 526	904	LD 576	987
LD 527	327	LD 577	1052
LD 528	651	LD 578	700
LD 529	254	LD 579	908
LD 530	905	LD 580	180
LD 531	778	LD 581	583
LD 532	398	LD 582	88
LD 533	986	LD 583	908
LD 534	87	LD 584	402
LD 535	399	LD 585	402
LD 536	700	LD 586	583
LD 537	583	LD 587	909
LD 538	15	LD 588	909
LD 539	180	LD 589	652
LD 540	1051	LD 590	780
LD 541	328	LD 591	743
LD 542	905	LD 592	329
LD 543	583	LD 593	16
LD 544	743	LD 594	584
LD 545	905	LD 595	88
LD 546	1051	LD 596	780
LD 547	1051	LD 597	329
LD 548	1052	LD 598	743
LD 549	87	LD 599	987
LD 550	651	LD 600	909
LD 551	906	LD 601	910
LD 552	779	LD 602	402
LD 553	328	LD 603	989
LD 553	399	LD 604	989
LD 554	400	LD 605	990
LD 555	906	LD 606	844
LD 556	468	LD 607	181
LD 557	401	LD 608	845
LD 558	401	LD 609	403
LD 559	907	LD 610	254

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LD 612	470	LD 663	182
LD 613	910	LD 664	992
LD 614	470	LD 665	90
LD 615	471	LD 666	472
LD 616	403	LD 667	473
LD 617	254	LD 668	1053
LD 618	255	LD 669	1054
LD 619	404	LD 670	782
LD 620	16	LD 671	1055
LD 621	990	LD 672	653
LD 622	404	LD 673	653
LD 623	781	LD 674	703
LD 624	330	LD 675	586
LD 625	701	LD 676	473
LD 626	533	LD 677	90
LD 627	88	LD 678	1055
LD 628	330	LD 679	534
LD 629	585	LD 680	17
LD 630	472	LD 681	911
LD 631	845	LD 682	182
LD 632	781	LD 683	846
LD 633	781	LD 684	405
LD 634	89	LD 685	846
LD 635	255	LD 686	474
LD 636	255	LD 687	331
LD 637	990	LD 688	183
LD 638	255	LD 689	256
LD 639	1052	LD 690	992
LD 640	701	LD 691	993
LD 641	330	LD 692	183
LD 642	701	LD 693	783
LD 643	910	LD 694	256
LD 644	991	LD 695	783
LD 645	781	LD 696	784
LD 646	256	LD 697	784
LD 647	533	LD 698	911
LD 648	744	LD 699	332
LD 649	181	LD 700	846
LD 650	89	LD 701	586
LD 651	782	LD 702	17
LD 652	89	LD 703	744
LD 653	331	LD 704	703
LD 654	911	LD 705	257
LD 655	1053	LD 706	911
LD 656	702	LD 707	785
LD 657	585	LD 708	184
LD 658	652	LD 709	786
LD 659	702	LD 710	184
LD 660	331	LD 711	405
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LD 714	18	LD 765	335
LD 715	332	LD 766	994
LD 716	91	LD 767	407
LD 717	18	LD 768	590
LD 718	654	LD 769	474
LD 719	847	LD 770	591
LD 720	587	LD 771	1057
LD 721	912	LD 772	475
LD 722	257	LD 773	914
LD 723	18	LD 774	847
LD 724	1056	LD 775	1057
LD 725	912	LD 776	1058
LD 726	912	LD 777	19
LD 727	406	LD 778	534
LD 728	258	LD 779	591
LD 729	258	LD 780	408
LD 730	705	LD 781	914
LD 731	587	LD 782	591
LD 732	406	LD 783	914
LD 733	587	LD 784	915
LD 734	91	LD 785	994
LD 735	184	LD 786	535
LD 736	588	LD 787	592
LD 737	993	LD 788	995
LD 738	18	LD 789	535
LD 739	993	LD 790	535
LD 740	92	LD 791	92
LD 741	588	LD 792	260
LD 742	847	LD 793	847
LD 743	786	LD 794	536
LD 744	332	LD 795	995
LD 745	787	LD 796	475
LD 746	912	LD 797	654
LD 747	259	LD 798	592
LD 748	185	LD 799	1058
LD 749	92	LD 800	408
LD 750	994	LD 801	915
LD 751	333	LD 802	706
LD 752	654	LD 803	787
LD 753	913	LD 804	1059
LD 754	705	LD 805	1059
LD 755	534	LD 806	536
LD 756	913	LD 807	260
LD 757	706	LD 808	260
LD 758	259	LD 809	655
LD 759	19	LD 810	915
LD 760	589	LD 811	1061
LD 761	913	LD 812	848
LD 762	260	LD 813	93
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LD 816	706	LD 867	538
LD 817	788	LD 868	917
LD 818	996	LD 869	595
LD 819	996	LD 870	20
LD 820	706	LD 871	745
LD 821	476	LD 872	917
LD 822	335	LD 873	477
LD 823	655	LD 874	917
LD 824	20	LD 875	538
LD 825	336	LD 876	263
LD 826	186	LD 877	707
LD 827	537	LD 878	409
LD 828	336	LD 879	478
LD 829	788	LD 880	656
LD 830	848	LD 881	656
LD 831	655	LD 882	745
LD 832	997	LD 883	657
LD 833	186	LD 884	264
LD 834	656	LD 885	93
LD 835	745	LD 886	595
LD 836	997	LD 887	187
LD 837	997	LD 888	539
LD 838	262	LD 889	478
LD 839	998	LD 890	337
LD 840	593	LD 891	265
LD 841	848	LD 892	596
LD 842	336	LD 893	265
LD 843	1061	LD 894	999
LD 844	707	LD 895	265
LD 845	788	LD 896	410
LD 846	594	LD 897	478
LD 847	186	LD 898	849
LD 848	187	LD 899	708
LD 849	409	LD 900	746
LD 850	337	LD 901	708
LD 851	789	LD 902	479
LD 852	476	LD 903	410
LD 853	789	LD 903	480
LD 854	537	LD 904	189
LD 855	915	LD 905	480
LD 856	262	LD 906	999
LD 857	477	LD 907	266
LD 858	916	LD 908	93
LD 859	707	LD 909	849
LD 860	537	LD 910	708
LD 861	998	LD 911	917
LD 862	998	LD 912	596
LD 863	263	LD 913	189
LD 864	999	LD 914	918
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LD 917	266	LD 968	192
LD 918	189	LD 969	192
LD 919	657	LD 970	270
LD 920	918	LD 971	598
LD 921	596	LD 972	850
LD 922	267	LD 973	411
LD 923	1000	LD 974	659
LD 924	1000	LD 975	921
LD 925	1000	LD 976	271
LD 926	20	LD 977	921
LD 927	790	LD 978	1000
LD 928	21	LD 979	193
LD 929	709	LD 980	709
LD 930	481	LD 981	710
LD 931	338	LD 982	412
LD 932	539	LD 983	921
LD 933	21	LD 984	851
LD 934	597	LD 985	193
LD 935	709	LD 986	598
LD 936	481	LD 987	340
LD 937	918	LD 988	1001
LD 938	919	LD 989	196
LD 939	746	LD 990	659
LD 940	919	LD 991	1001
LD 941	267	LD 992	660
LD 942	849	LD 993	94
LD 943	657	LD 994	197
LD 944	268	LD 995	197
LD 945	190	LD 996	922
LD 946	191	LD 997	922
LD 947	1061	LD 998	1001
LD 948	790	LD 999	599
LD 949	269	LD 1000	540
LD 950	919	LD 1001	746
LD 951	920	LD 1002	94
LD 952	21	LD 1003	747
LD 953	539	LD 1004	197
LD 954	658	LD 1005	272
LD 955	658	LD 1006	198
LD 956	270	LD 1007	481
LD 957	338	LD 1008	710
LD 958	192	LD 1009	660
LD 959	597	LD 1010	922
LD 960	539	LD 1011	790
LD 961	597	LD 1012	851
LD 962	850	LD 1013	661
LD 963	540	LD 1014	272
LD 964	540	LD 1015	1001
LD 965	850	LD 1016	791
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LD 1021	711	LD 1071	924
LD 1021	94	LD 1072	600
LD 1022	711	LD 1073	412
LD 1023	277	LD 1074	853
LD 1024	95	LD 1075	412
LD 1025	198	LD 1076	853
LD 1026	277	LD 1077	601
LD 1027	711	LD 1078	96
LD 1028	1003	LD 1079	601
LD 1029	599	LD 1080	924
LD 1030	1062	LD 1081	1005
LD 1031	923	LD 1082	343
LD 1032	340	LD 1083	541
LD 1033	199	LD 1084	793
LD 1034	791	LD 1085	199
LD 1035	599	LD 1086	199
LD 1036	341	LD 1087	483
LD 1037	600	LD 1088	747
LD 1038	661	LD 1089	97
LD 1039	600	LD 1090	413
LD 1040	541	LD 1091	279
LD 1041	341	LD 1092	200
LD 1042	1063	LD 1093	661
LD 1043	481	LD 1094	924
LD 1044	923	LD 1095	1005
LD 1045	791	LD 1096	483
LD 1046	342	LD 1097	602
LD 1047	852	LD 1098	22
LD 1048	95	LD 1099	413
LD 1049	1003	LD 1100	925
LD 1050	1004	LD 1101	602
LD 1051	482	LD 1102	603
LD 1052	96	LD 1103	343
LD 1053	1064	LD 1104	1006
LD 1054	199	LD 1105	414
LD 1055	22	LD 1106	23
LD 1056	22	LD 1107	662
LD 1057	712	LD 1108	414
LD 1058	482	LD 1109	279
LD 1059	792	LD 1110	279
LD 1060	923	LD 1111	280
LD 1061	541	LD 1112	343
LD 1062	1004	LD 1113	1006
LD 1063	852	LD 1114	23
LD 1064	96	LD 1115	713
LD 1065	277	LD 1116	343
LD 1066	412	LD 1117	662
LD 1067	793	LD 1118	853

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LD 1121	415	LD 1172	929
LD 1122	544	LD 1173	98
LD 1123	854	LD 1174	484
LD 1124	925	LD 1175	484
LD 1125	280	LD 1176	485
LD 1126	854	LD 1177	24
LD 1127	415	LD 1178	929
LD 1128	854	LD 1179	545
LD 1129	603	LD 1180	714
LD 1130	344	LD 1181	485
LD 1131	663	LD 1182	282
LD 1132	603	LD 1183	606
LD 1133	344	LD 1184	1065
LD 1134	747	LD 1185	664
LD 1135	926	LD 1186	282
LD 1136	605	LD 1187	1065
LD 1137	794	LD 1188	1066
LD 1138	605	LD 1189	855
LD 1139	280	LD 1190	485
LD 1140	854	LD 1191	546
LD 1141	926	LD 1192	283
LD 1142	23	LD 1193	665
LD 1143	24	LD 1194	24
LD 1144	713	LD 1195	546
LD 1145	926	LD 1196	714
LD 1146	200	LD 1197	416
LD 1147	927	LD 1198	345
LD 1148	1064	LD 1199	855
LD 1149	97	LD 1200	486
LD 1150	664	LD 1201	1066
LD 1151	928	LD 1202	345
LD 1152	201	LD 1203	607
LD 1153	1006	LD 1204	929
LD 1154	415	LD 1205	345
LD 1155	606	LD 1206	855
LD 1156	416	LD 1207	929
LD 1157	1064	LD 1208	930
LD 1158	795	LD 1209	930
LD 1159	795	LD 1210	856
LD 1160	281	LD 1211	607
LD 1161	544	LD 1212	1066
LD 1162	713	LD 1213	1007
LD 1163	664	LD 1214	607
LD 1164	281	LD 1215	25
LD 1165	664	LD 1216	856
LD 1166	545	LD 1217	931
LD 1167	97	LD 1218	608
LD 1168	484	LD 1219	25
LD 1169	928	LD 1220	417

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LD 1222	1007	LD 1272	717
LD 1223	665	LD 1273	717
LD 1224	284	LD 1274	718
LD 1225	665	LD 1275	609
LD 1226	857	LD 1276	798
LD 1227	546	LD 1277	666
LD 1228	26	LD 1278	203
LD 1229	346	LD 1279	747
LD 1230	284	LD 1280	549
LD 1231	201	LD 1281	718
LD 1232	98	LD 1282	26
LD 1233	1008	LD 1283	719
LD 1234	796	LD 1284	719
LD 1235	931	LD 1285	857
LD 1236	417	LD 1286	667
LD 1237	285	LD 1287	419
LD 1238	546	LD 1288	420
LD 1239	486	LD 1289	858
LD 1240	202	LD 1290	858
LD 1241	346	LD 1291	421
LD 1242	715	LD 1292	99
LD 1243	202	LD 1293	421
LD 1244	285	LD 1294	203
LD 1245	1008	LD 1295	610
LD 1246	608	LD 1296	347
LD 1247	931	LD 1297	798
LD 1248	666	LD 1298	610
LD 1249	932	LD 1299	933
LD 1249	98	LD 1300	719
LD 1250	346	LD 1301	422
LD 1251	715	LD 1302	347
LD 1252	1067	LD 1303	348
LD 1253	797	LD 1304	859
LD 1254	716	LD 1305	205
LD 1255	548	LD 1306	610
LD 1256	418	LD 1307	99
LD 1257	203	LD 1308	719
LD 1258	932	LD 1309	799
LD 1259	548	LD 1310	720
LD 1260	418	LD 1311	611
LD 1261	1067	LD 1312	1068
LD 1262	608	LD 1313	933
LD 1263	1009	LD 1314	422
LD 1264	419	LD 1315	667
LD 1265	609	LD 1316	205
LD 1266	286	LD 1317	1069
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LD 1269	347	LD 1320	933
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LD 1324	1010	LD 1375	1011
LD 1325	205	LD 1376	613
LD 1326	205	LD 1377	860
LD 1327	859	LD 1378	27
LD 1328	859	LD 1379	1012
LD 1329	1011	LD 1380	669
LD 1330	933	LD 1381	725
LD 1331	934	LD 1382	748
LD 1332	859	LD 1383	127
LD 1333	934	LD 1384	352
LD 1334	1011	LD 1385	207
LD 1335	611	LD 1386	488
LD 1336	720	LD 1387	749
LD 1337	934	LD 1388	749
LD 1338	935	LD 1389	750
LD 1339	721	LD 1390	211
LD 1340	348	LD 1391	352
LD 1341	423	LD 1392	1013
LD 1342	612	LD 1393	861
LD 1343	668	LD 1394	936
LD 1344	350	LD 1395	937
LD 1345	206	LD 1396	751
LD 1346	423	LD 1397	614
LD 1347	486	LD 1398	28
LD 1348	721	LD 1399	614
LD 1349	722	LD 1400	28
LD 1350	669	LD 1401	287
LD 1351	207	LD 1402	211
LD 1352	669	LD 1403	802
LD 1353	487	LD 1404	614
LD 1354	722	LD 1405	287
LD 1355	350	LD 1406	212
LD 1356	424	LD 1407	29
LD 1357	860	LD 1408	212
LD 1358	549	LD 1409	213
LD 1359	1070	LD 1410	213
LD 1360	1071	LD 1411	214
LD 1361	724	LD 1412	861
LD 1362	725	LD 1413	488
LD 1363	488	LD 1414	1013
LD 1364	425	LD 1415	751
LD 1365	350	LD 1416	752
LD 1366	550	LD 1417	752
LD 1367	801	LD 1418	938
LD 1368	748	LD 1419	615
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LD 1425	616	LD 1475	1018
LD 1426	550	LD 1476	671
LD 1427	1014	LD 1477	426
LD 1428	1015	LD 1478	426
LD 1429	862	LD 1479	617
LD 1430	29	LD 1480	427
LD 1431	863	LD 1481	490
LD 1432	354	LD 1482	551
LD 1433	938	LD 1483	1074
LD 1434	288	LD 1484	356
LD 1435	670	LD 1485	803
LD 1436	288	LD 1486	726
LD 1437	757	LD 1487	618
LD 1438	489	LD 1488	427
LD 1439	1015	LD 1489	491
LD 1440	757	LD 1490	492
LD 1441	214	LD 1491	428
LD 1442	128	LD 1492	942
LD 1443	863	LD 1493	804
LD 1444	1073	LD 1494	1076
LD 1445	864	LD 1495	1077
LD 1446	864	LD 1496	290
LD 1447	30	LD 1497	291
LD 1448	864	LD 1498	292
LD 1449	289	LD 1499	1019
LD 1450	290	LD 1500	32
LD 1451	758	LD 1501	672
LD 1452	1016	LD 1502	492
LD 1453	671	LD 1503	555
LD 1454	616	LD 1504	867
LD 1455	214	LD 1505	216
LD 1456	551	LD 1506	216
LD 1457	1017	LD 1507	493
LD 1458	490	LD 1508	356
LD 1459	30	LD 1509	1019
LD 1460	939	LD 1510	293
LD 1461	31	LD 1511	618
LD 1462	939	LD 1512	867
LD 1463	31	LD 1513	727
LD 1464	865	LD 1514	294
LD 1465	355	LD 1515	806
LD 1465	865	LD 1516	428
LD 1466	866	LD 1517	619
LD 1467	1018	LD 1518	32
LD 1468	866	LD 1519	760
LD 1469	215	LD 1520	1019
LD 1470	939	LD 1521	495
LD 1471	759	LD 1522	495
LD 1472	803	LD 1523	943
LD 1473	617	LD 1524	296

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LD 1525	619	LD 1576	675
LD 1526	297	LD 1577	359
LD 1527	428	LD 1578	220
LD 1528	868	LD 1579	622
LD 1529	807	LD 1580	430
LD 1530	358	LD 1581	731
LD 1531	32	LD 1582	623
LD 1532	673	LD 1583	36
LD 1533	728	LD 1584	623
LD 1534	495	LD 1585	624
LD 1535	673	LD 1586	431
LD 1536	729	LD 1587	951
LD 1537	729	LD 1588	431
LD 1538	619	LD 1589	221
LD 1539	620	LD 1590	1021
LD 1540	497	LD 1591	139
LD 1541	868	LD 1592	298
LD 1542	429	LD 1593	432
LD 1543	33	LD 1594	1077
LD 1544	674	LD 1595	1078
LD 1545	34	LD 1596	432
LD 1546	297	LD 1597	433
LD 1547	808	LD 1598	624
LD 1548	730	LD 1599	1024
LD 1549	810	LD 1600	555
LD 1550	869	LD 1601	498
LD 1551	218	LD 1602	433
LD 1552	675	LD 1603	731
LD 1553	498	LD 1604	813
LD 1554	218	LD 1605	499
LD 1555	869	LD 1606	625
LD 1556	870	LD 1607	434
LD 1557	870	LD 1608	1078
LD 1558	35	LD 1609	871
LD 1559	219	LD 1610	871
LD 1560	219	LD 1611	439
LD 1561	871	LD 1611	499
LD 1562	429	LD 1612	445
LD 1563	430	LD 1613	731
LD 1564	359	LD 1614	140
LD 1565	1021	LD 1615	361
LD 1566	128	LD 1615	872
LD 1567	621	LD 1616	36
LD 1568	622	LD 1617	814
LD 1569	131	LD 1618	676
LD 1570	812	LD 1619	676
LD 1571	943	LD 1620	1079
LD 1572	131	LD 1621	435
LD 1573	298	LD 1622	299
LD 1574	132	LD 1623	361
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LD 1625	222	LD 1634	436
LD 1626	814	LD 1635	556
LD 1627	677	HP 724	11
LD 1628	158	HP 725	506
LD 1629	951	HP 726	873
LD 1630	625	HP 772	159
LD 1631	435	SP 372	436
LD 1632	1025	SP 552	732
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