

LD 395

An Act to Protect Traditional Access to the Allagash Wilderness Waterway

ONTP

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

LD 395 proposed requiring the Bureau of Parks and Lands to continue allowing access to the Allagash Wilderness Waterway via trails and roads approved for use prior to June 30, 1998. It also proposed that access to the waterway be allowed at John's Bridge.

LD 407

An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules

PUBLIC 361

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY NUTTING J	OTP-AM	H-551

LD 407 proposed defining separation zone to allow an exception to the 250 foot minimum width between clearcuts when the area cut is within 250 feet of a property line. The bill also proposed allowing the Bureau of Forestry to exempt or modify through rulemaking the statutory requirements regarding signatures submitted on a harvest notification form. This bill was submitted on behalf of the Department of Conversation.

Committee Amendment "A" (H-551) proposed to replace the bill. It proposed changes in certain definitions and notification requirements for implementing the forest practices laws. It proposed requiring a forest management plan for clear-cuts over 20 acres. Currently a management plan is needed for clear-cuts over 35 acres.

Enacted law summary

Public Law 1999, chapter 361 reduces the minimum height of softwood trees that are counted when assessing a site after harvesting to determine if the definition of a clear-cut has been met. It requires a forest management plan for clear-cuts over 20 acres. Currently a management plan is needed for clear-cuts over 35 acres. It allows a separation zone to be less than 250 feet in width when a clear-cut is near a property line. It requires a separation zone to be equal to or greater than the clear-cut area. It exempts certain small area harvests from the notification requirement. It removes the requirement for a notarized statement to be submitted with certain notification forms. It allows the harvest notification number to be posted at a harvest site rather than a copy of the notification form.

LD 449

An Act Requiring Disclosures to be Made to Purchasers of Land Abutting Agricultural Land

CARRIED OVER

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

LD 449 proposes requiring prospective purchasers of land abutting registered farmland to receive notice of the characteristics of farming activities in that area.

LD 477

An Act Requiring Legislative Approval of Ecological Reserves

CARRIED OVER

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

LD 477 proposes requiring approval of the Legislature for creation of an ecological reserve on land under the jurisdiction of the Bureau of Parks and Lands or the Department of Inland Fisheries and Wildlife.

LD 478

An Act to Establish a Maine Agriculture Market and Production Development Program

INDEF PP

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

LD 478 proposed appropriating \$500,000 to the Department of Agriculture, Food and Rural Resources in each of fiscal years 1999-00 and 2000-01 for the implementation of a marketing campaign for Maine agribusinesses. Implementation efforts were proposed to include development of database and information technology resources, research of new market opportunities, technical assistance, strategic planning assistance, development of media strategies and development of new trade opportunities. **Note:** The Supplemental Budget enacted as P. L. 1999, c. 401 appropriates \$250,000 in each fiscal year of the biennium for increased effort in marketing Maine agribusiness. (See bill summary for LD 617 under Appropriations and Financial Affairs Committee)

LD 538

Resolve, to Ensure Equity in Public Land Acquisitions

ONTP

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

LD 538 proposed directing the Land for Maine's Future Board and the Bureau of Parks and Lands to develop a plan and revise acquisition criteria to ensure a more equitable distribution of public lands among rural and urban areas of the State and among the 16 counties.

LD 540

Resolve, Authorizing the Transfer of Certain State Historic Site Property

RESOLVE 10

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PINGREE	OTP-AM	H-22

LD 540 proposed authorizing the transfer of certain property associated with Montpelier, the General Henry Knox Museum, from the State to the Friends of Montpelier. The property includes a reproduction of the 1794 Montpelier

structure and a historical decorative and fine arts collection. The deed and gift agreement would require that the property and historical collections be used exclusively for historic preservation and public education purposes. This bill was submitted on behalf of the Department of Conversation.

Committee Amendment "A" (H-22) proposed to require the contract conveying the property to contain a reversion clause. It also proposed to add a deappropriation and a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 10 authorizes the transfer of certain property associated with Montpelier, the General Henry Knox Museum, from the State to the Friends of Montpelier. The deed and gift agreement provide for the property and historical collections to be used exclusively for historic preservation and public education purposes. The Resolve requires the contract conveying the property to contain a reversion clause to provide for the property to revert to the Bureau of Parks and Lands if it is not used for these purposes.

LD 575

An Act to Provide for Increased Penalties and Enforcement Regarding Dangerous Dogs

PUBLIC 350

<u>Sponsor(s)</u> GAGNON KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-488
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LD 575 proposed amending the provisions regarding dangerous dogs to extend the period during which a complaint of assault may be made from 10 to 90 days after the attack. It proposed removing the restriction that the assault must be unprovoked when the person assaulted is a child 12 years of age or younger. It proposed increasing the maximum fine for a violation of the dangerous dog statutes from \$100 to \$1,000. It proposed requiring the officer filing a complaint of a dangerous dog to send a copy of the complaint to the Department of Agriculture, Food and Rural Resources. It proposed allowing the officer making the complaint to determine where the animal must be confined pending the court hearing. It proposed directing the Department of Agriculture, Food and Rural Resources to collect information regarding assaults by dogs, to summarize that information in its annual report to the Legislature and provide this information to the Director of the Bureau of Health within the Department of Human Services. It proposed directing the Department of Human Services to establish a procedure for notifying the local animal control officer when a bite occurs.

It proposed requiring the Department of Education and the Department of Agriculture, Food and Rural Resources to develop a curriculum to teach children about safe behavior around dogs and other animals. It proposed requiring the Department of Agriculture, Food and Rural Resources and the Department of Human Services to develop public service announcements to increase awareness of safe behavior around animals. It proposed requiring the Department of Agriculture, Food and Rural Resources and the Department of Human Services to develop public service announcements to increase awareness of safe behavior around animals.

Committee Amendment "A" (H-488) proposed a definition of "dangerous dog." It proposed to make keeping a dangerous dog a civil violation and clarify the process for ordering a dog confined and for obtaining an ex parte order. It proposed making failure to abide by a court order regarding a dangerous dog a Class D crime. It removes provisions proposed in the original bill for additional reporting on dangerous dog complaints and for education about safe behavior around dogs. It also adds a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 350 enacts a definition of "dangerous dog." It makes keeping a dangerous dog a civil violation and clarifies the process for ordering a dog confined and for obtaining an ex parte order. It allows an animal control officer or law enforcement officer to order an owner to have the dog confined at a place determined by the officer

pending the court hearing. It clarifies the procedure for processing a complaint and removes the restriction that the assault must be unprovoked. It allows a person with knowledge of an assault against a minor to make a complaint. It extends from 10 to 30 days the period of time after an assault during which a complaint can be made. It makes failure to abide by a court order regarding a dangerous dog a Class D crime.

LD 603

An Act to Repeal the Licensing of Farmstead Cheese

ONTP

<u>Sponsor(s)</u> WATERHOUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 603 proposed repealing the inspection requirements and sales restrictions on farmstead cheese. (See bill summary for LD 799)

LD 623

Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

**RESOLVE 88
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-334 S-428 MICHAUD
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LD 623 proposed authorizing final adoption of Sec. 3(6), 8 and 9 of Chapter 565: Nutrient Management Rules, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-334) proposed that the rule be changed to reflect January 1, 2000 as the date by which livestock operations would be required to have a permit. This amendment also adds an appropriation section and a fiscal note to the resolve. (see bill summary for LD 2246)

Senate Amendment "A" to Committee Amendment "A" (S-428) proposed reducing the annual General Fund appropriation for the Department of Agriculture, Food and Rural Resources to administer nutrient management rules.

Enacted law summary

Resolve 1999, chapter 88 authorizes final adoption of Sec. 3(6), 8 and 9 of Chapter 565: Nutrient Management Rules, a major substantive rule of the Department of Agriculture, Food and Rural Resources. These sections of the rule relate to the application and review process for issuance of livestock operations permits. The resolve specifies that January 1, 2000 is the date by which certain livestock operations are required to have a permit.

Chapter 88 was enacted as an emergency measure effective June 17, 1999.

LD 626

An Act to Require Wildlife Management and Uneven-aged Forest Stand Management on Public Reserved Lands

ONTP

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

LD 626 proposed specifying that uneven-aged forest stand management be used on the public reserved lands. It also proposed requiring the Commissioner of Conservation to transfer management responsibility from the Bureau of Parks and Lands to Bureau of Forestry when the dominant use on a portion of public reserved lands is timber production.

LD 677

An Act to Change the Way Ginseng License and Registration Fees Are Established

ONTP

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

LD 677 proposed repealing the fees established in statute for cultivating ginseng and for conducting business as a ginseng dealer and authorizes the Commissioner of Agriculture, Food and Rural Resources to establish these fees by rule. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

LD 682

An Act to Increase the Late Fee for Licensing a Dog

PUBLIC 136

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

LD 682 proposed increasing the late fee for licensing a dog from \$3 to \$10 when a municipal warrant is issued for owners of unlicensed dogs.

Enacted law summary

Public Law 1999, chapter 136 increases the late fee for licensing a dog from \$3 to \$10. The \$10 fee applies to an owner whose name appears on a municipal warrant.

LD 694

An Act to Increase the Number of Elm Trees in the State

PUBLIC 98

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

LD 694 proposed appropriating \$1,000,000 to the Department of Conservation in fiscal year 1999-00 to be used to develop a program to increase the number of elm trees in the State. The appropriated funds were proposed to be used as grants to match on a one-to-one basis funds raised by municipally recognized tree boards. Grants were proposed to be made on the basis of recommendations received from the Community Forestry Council of Maine.

Committee Amendment "A" (H-94) proposed establishing a fund within the Bureau of Forestry to be used for grants to municipalities to plant and maintain disease-resistant cultivars of American elm and that the bureau develop a process to accept applications and award grants. It also proposed to add an allocation section and adds a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 98 establishes the Elm Tree Restoration Fund within the Bureau of Forestry to be used for grants to municipalities to plant and maintain disease-resistant cultivars of American elm. It authorizes the bureau to apply for and accept gifts and grants. It directs the bureau to develop a process to accept applications and award grants. It does not appropriate any General Fund dollars to this program but provides an initial allocation for dedicated revenue.

LD 705 **An Act to Prevent an Aggressive Dog from Doing Harm to People** **ONTP**

<u>Sponsor(s)</u> JONES	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 705 proposed provisions to declare a dog as a potentially dangerous dog and require to the owner or keeper to confine the dog. (See bill summary for LD 575)

LD 713 **An Act to Establish Mandatory Labeling for Genetically Engineered Foods** **INDEF PP**

<u>Sponsor(s)</u> BAGLEY CASSIDY	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 713 proposed requiring the labeling by retailers of genetically engineered food.

Committee Amendment "A" (H-490) was the majority report. It proposed amending the bill to require labeling only of “whole foods” that are genetically engineered foods, whole food meaning food that is unprocessed or minimally processed. It also proposed provisions for the voluntary labeling of foods that are not genetically engineered foods. This amendment also proposed to add a fiscal note to the bill. The majority report was not adopted.

LD 727 **An Act to Limit Publicly Owned Land** **ONTP**

<u>Sponsor(s)</u> JOY	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 727 proposed limiting publicly owned land in this State to no more than 7% of the total land area of the State or 10% of the land area in any county.

Committee Amendment "A" (H-753) was the minority report of the committee. This amendment proposed to allow the State to continue ownership in excess of 10% in Piscataquis County, but it could not increase its acres of ownership. The amendment proposed a section headnote for the new provision and adding a fiscal note to the bill. The minority report was not accepted.

LD 736

An Act to Further Discourage the Field Theft of Wild Blueberries

PUBLIC 194

<u>Sponsor(s)</u> POVICH GOLDTHWAIT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 736 proposed strengthening the laws concerning the illegal transportation of blueberries by extending responsibilities for issuing permits and record-keeping from owners to certified shippers or processors, limiting issuance of transportation permits to owners or owners' transportation agents and requiring the Wild Blueberry Commission of Maine to establish and administer the form and record-keeping requirements of transportation permits.

Enacted law summary

Public Law 1999, chapter 194 strengthens the laws concerning the illegal transportation of blueberries by extending liability from owners alone to any shipper or processor, limiting issuance of transportation permits to owners or owners' transportation agents and requiring the Wild Blueberry Commission of Maine to establish and administer the form and record-keeping requirements of transportation permits. The requirement for a transportation permit does not apply to shipments of wild blueberries that have been received by a shipper or processor, logged into a record-keeping system and reloaded into a vehicle for shipping under a bill of lading.

LD 742

An Act to Amend the Animal Welfare Laws

PUBLIC 254

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-444
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LD 742 proposed strengthening enforcement capabilities of humane agents within the Department of Agriculture, Food and Rural Resources. It proposed enacting a definition of a "dangerous dog," and amending the enforcement procedures for dangerous dogs. It proposed establishing an education requirement for humane agents. It proposed requiring that rabies tags verifying immunization be worn by dogs. It proposed expanding the provision concerning damage by animals to include all animals, and increasing the violation for failure to appear in court for a 3rd time on a civil violation. It proposed a fee for submitting calf and pig scramble applications.

It proposed a new violation of animal cruelty laws for administering a substance that is a detriment to the animal's health to enhance the animal's performance. It proposed granting the court the ability to prohibit a person who commits a civil violation of cruelty to animals from owning an animal. It proposed allowing the court to increase an animal abuse violation from a Class C crime to a Class D crime if, in the opinion of the court, the act of cruelty warranted the greater penalty. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-444) proposed several changes to the bill including removing sections of the bill relating to dangerous dogs, making technical changes to the bill and adding a fiscal note. (See bill summary for LD 575)

Enacted law summary

Public Law 1999, chapter 254 establishes an education requirement for humane agents. It requires that a dog wear a rabies tag to verify immunization. It removes the restrictions on when an animal control officer may take a dog whose owner is known to an animal shelter instead of returning the dog to its owner. It expands the provision concerning damage by dogs to include all animals. It sets a fee of \$10 to be submitted with a calf or pig scramble application.

It establishes a violation of animal cruelty laws for administering a substance that is a detriment to the animal's health to enhance the animal's performance. It grants the court the ability to prohibit a person who commits a civil violation of cruelty to animals from owning an animal. It expands the provision concerning damage by dogs to include all animals and specifies that the owner or keeper of the animal is liable for damages if the damage was due to that owner's or keeper's negligence.

It extends the animal trespass laws to apply to all animals. It clarifies that criminal violations of failure to provide sustenance, necessary medical care and shelter are Class D crimes. It imposes restrictions on the transportation of dogs in open vehicles. A violation is a traffic infraction as provided in the Maine Revised Statutes, Title 29-A.

LD 743 **An Act to Make Confidential Certain Information Collected from Maine Farmers and Agricultural Business** **PUBLIC 140**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM MAJ ONTP MIN	H-129 H-164 CAMERON

LD 743 proposed making business information reported to the Department of Agriculture, Food and Rural Resources confidential. It proposed to allow the department to publish a compilation of the information provided it does not identify an individual farmer or agricultural business and proposed to authorize federal and state agencies to still have access to the information. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-129) proposed to clarify the types of information designated as confidential.

House Amendment "A" to Committee Amendment "A" (H-164) proposed on behalf of the Committee on Bills in the Second Reading corrects a formatting error.

Enacted law summary

Public Law 1999, chapter 140 makes information provided to the Department of Agriculture, Food and Rural Resources confidential if the person providing the information requests that it be designated as confidential and the department determines that the information would provide competitors an advantage. It allows the department to publish a compilation of the information provided it does not identify the activities of an individual person or company.

LD 744 **An Act to Change the Way Nursery License Fees Are Established** **PUBLIC 179**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER NUTTING J	OTP-AM	H-309 PIEH H-75

LD 744 proposed deleting the fee structure specified in law for a nursery license and requiring the Commissioner of Agriculture, Food and Rural Resources to establish these fees by rule. The bill also proposed making it a civil violation

Resolve 1999, chapter 6 allows the Director of the Bureau of Parks and Lands to convey a well and waterline easement over state-owned land for the purpose of developing a potable water supply for a residence in New Sweden. The land was acquired with funds from the Land for Maine's Future Fund and, under the Maine Revised Statutes, Title 5, section 6209, subsection 6 and the Constitution of Maine, Article IX, section 23. This change of use was approved by a 2/3 majority of the Legislature.

LD 799

An Act Requiring Labeling of Unpasteurized Milk Products

PUBLIC 418

<u>Sponsor(s)</u> NUTTING J PIEH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-346
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LD 799 proposed requiring that all unpasteurized milk products be labeled "This product has not been pasteurized."

Committee Amendment "B" (S-346) proposed replacing the bill. It proposed amendments to the statute governing farmstead cheese. It proposed labeling requirements for unpasteurized milk and products made from unpasteurized milk. It proposed prohibiting the sale of unpasteurized milk at restaurants and other eating establishments. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 418 establishes labeling requirements for unpasteurized milk and products made from unpasteurized milk. The label must contain the word "not pasteurized". It prohibits the sale of unpasteurized milk at restaurants and other eating establishments. It amends the statute governing farmstead cheese. It changes the term "farmstead cheese" to "farm cheese" and removes the restriction that this product only be sold at farms, farm stands and farmer's markets. It specifies that farm cheese must be made from milk that has been heat-treated in accordance with standards established in statute and rule. It requires eating establishments to identify items on the menu that contain or are made with farm cheese. It defines the term "established producer" and allows the label on and menu identification of their products to use the words "heat-treated" only. Farm cheese from other than established producers must be labeled or identified as "heat treated, not pasteurized". The labeling provision which applies to established producers only is repealed June 30, 2004.

LD 853

An Act to Prohibit the Destruction of Structures in Baxter State Park Without Prior Legislative Approval

ONTP

<u>Sponsor(s)</u> CLARK DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 853 proposed prohibiting the Baxter State Park Authority from destroying, removing or closing a road, bridge, gate or other structure without gaining the prior approval of the Legislature.

LD 855

An Act to Improve the Management of the Allagash Wilderness Waterway

CARRIED OVER

Sponsor(s)
MARTIN

Committee Report

Amendments Adopted

LD 855 proposes requiring the principal administrative office of the Allagash Wilderness Waterway to be located at Churchill Dam.

LD 863

An Act to Amend the Pulling Event Laws

**PUBLIC 73
EMERGENCY**

Sponsor(s)
CHICK
CASSIDY

Committee Report
OTP-AM

Amendments Adopted
H-110

LD 863 proposed several changes to the laws governing pulling events. It proposed empowering humane agents to work with pulling event superintendents to enforce laws. The bill also proposed changing the composition of the Pull Events Commission. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-110) proposed replacing the original bill and adding an emergency preamble and emergency clause to the bill. It proposed requiring the Pull Events Commission to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 1, 2000. In addition, it proposed several clarifications and revisions to the laws governing pulling events. It proposed changes in the composition and responsibilities of the Pull Events Commission. It also proposed to remove the provision in the bill that authorized the commissioner to appoint all members of the commission.

Enacted law summary

Public Law 1999, chapter 73 requires the Department of Agriculture, Food and Rural Resources, Pull Events Commission to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 1, 2000. It clarifies that only horses and ponies must wear shoes, that a rope may be allowed on oxen in children's pull classes in accordance with rules and which provisions apply to distance pulls. It allows pulling superintendents to approve use of a goad in excess of four feet in length. It clarifies that pull superintendents or assistant pull superintendents may not officiate over classes in which they are competing. It specifies that the Pull Events Commission must send a copy of a report received regarding violations or other conduct to the person whose conduct is being reported. It adds two members appointed by the Commissioner of Agriculture, Food and Rural Resources to the Pull Events Commission. It requires the Pull Events Commission to meet a minimum of twice annually. It requires the commission to coordinate, develop and conduct training seminars for pulling superintendents.

Chapter 73 was enacted as an emergency measure effective April 16, 1999.

LD 912

Resolve, to Transfer Land in Edmunds

RESOLVE 11

<u>Sponsor(s)</u> GOODWIN CASSIDY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-89
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LD 912 proposed allowing the Director of the Bureau of Public Lands, once the bureau acquires title to a certain piece of property in Edmunds, to convey that property to the Dennys River Historical Society.

Committee Amendment "A" (H-89) proposed technical changes to the resolve providing a preamble and cross-references and clarifying that the property to be transferred to the Dennys River Historical Society is located in Edmunds. It also proposed providing that the property be conveyed to Edmunds if the township of Edmunds becomes incorporated as a town. It also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 11 allows the Director of the Bureau of Public Lands, once the bureau acquires title to a certain piece of property in Edmunds, to convey that property to the Dennys River Historical Society. It also provides that the property be conveyed to Edmunds if the township of Edmunds becomes incorporated as a town.

LD 931

An Act to Ensure Children's Safety from Uncontrolled Dogs

ONTP

<u>Sponsor(s)</u> DAVIS G	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 931 proposed allowing a humane agent, animal control officer or animal shelter to authorize the immediate euthanasia of a dog that caused serious bodily injury to a child 12 years of age or younger or presents a danger to the public. This bill proposed that the owner of the dog pay all expenses incurred by the victim of the assault and the costs of the euthanasia.

LD 950

An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors

**PUBLIC 72
EMERGENCY**

<u>Sponsor(s)</u> KIEFFER KNEELAND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-41
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LD 950 proposed consolidating administration of existing agricultural market and production development grant programs including the Agricultural Marketing Loan Fund, technology transfer and special research projects program and the market research and development grant program. The bill proposed combining these programs into a comprehensive agricultural development grant program including elements of the individual grant programs. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-41) proposed to add an emergency preamble and emergency clause to the bill. It proposed criteria for allocating grants. It proposed limiting the maximum amount of any single grant to \$30,000 and

Committee Amendment "A" (S-52) was the minority report. It proposed removing the emergency provisions in the resolve. It also proposed correcting a cross reference and the county. The minority report was not accepted.

LD 1008 **An Act to Require Labeling of Fruits and Vegetables to Identify Country of Origin** **PUBLIC 405**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-615
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LD 1008 proposed amending the laws requiring fresh fruit and vegetables sold in this State to be labeled with the country of origin.

Committee Amendment "A" (H-615) proposed adding a provision to Maine's Fair Packaging and Labeling Act to specify that produce grown in another country but packed in Maine must bear a label identifying the country of origin in letters equal in size to the letters identifying the packer. The amendment also proposed to remove the requirement that produce produced in the United States must be labeled as to country of origin. This amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 405 repeals provisions requiring the Commissioner of Agriculture, Food and Rural Resources to designate countries whose produce must be labeled prior to retail sale in Maine. Instead, it requires all fresh produce grown in a foreign country and sold in Maine to be labeled with the country of origin. It adds a provision to Maine's Fair Packaging and Labeling Act to specify that produce grown in another country but packed in Maine must bear a label identifying the country of origin in letters equal in size to the letters identifying the packer.

LD 1088 **An Act to Prohibit Permanent Committees Authorized by the Baxter State Park Authority** **ONTP**

<u>Sponsor(s)</u> CLARK DAVIS P		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1088 proposed prohibiting permanent advisory committees for the Baxter State Park Authority. It would have limited any advisory committee to a six-month appointment and prohibited preferential treatment of committee members.

LD 1093 **An Act to Provide Farm Cooperatives More Flexibility in Establishing Officers and Using Titles for Various Officers** **PUBLIC 48**

<u>Sponsor(s)</u> KNEELAND KIEFFER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1093 proposed providing farm cooperatives with greater flexibility in establishing officers.

Enacted law summary

Public Law 1999, chapter 48 provides farm cooperatives with greater flexibility in establishing officers.

LD 1144

An Act to Make Public Certain Information Regarding Forest Practices

ONTP

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

LD 1144 proposed changes to the laws governing reports concerning forest practices activities. It would have made annual wood processing reports submitted after October 1, 1999 available to the public. It proposed that landowners owning more than 20,000 acres report information regarding the establishment of plantations. It proposed to make harvest reports of landowners owning more than 20,000 acres available to the public and that individual landowner reports regarding stumpage prices and volumes of species harvested by product type would remain confidential. It proposed that the Maine Forest Service produce an annual report containing the forest practices information made public by this bill.

LD 1172

Resolve, Establishing a Task Force to Study the Need for an Agricultural Vitality Zone Program

**RESOLVE 81
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	S-196
COWGER		S-460 MICHAUD

LD 1172 proposed establishing the Task Force to Study the Need for an Agricultural Vitality Zone Program to identify areas of the State where there is substantial existing small-scale agricultural activity, definable networks of support services and regional markets that have been or are being developed. The proposed task force would also be required to target existing and potential state resources, including farmland conservation and protection measures, job training and beginning-farmer training programs, tax credits and incentives and grants and loans, to create and support these agricultural vitality zones.

Committee Amendment "A" (S-196) proposed changes to the membership of the Task Force to Study the Need for an Agricultural Vitality Zone Program and allowing the members to select a chair. It proposed a minimum of 4 public meetings, one in each of the State's 4 development districts. It also proposed adding an emergency preamble and emergency clause and an appropriation section and fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-460) proposed changing the membership of the task force to provide for 4 citizen members and 5 legislators as members and to require the task force to invite the participation of representatives of the State Planning Office, the Department of Agriculture, Food and Rural Resources, the Department of Economic and Community Development and representatives of regional development districts.

It also proposed changing the reporting date to December 1, 1999 and authorizing the Legislative Council to grant an extension upon request of the task force. It proposed that the Office of Policy and Legal Analysis provide staffing services and requires the Department of Agriculture, Food and Rural Resources and the State Planning Office to provide additional services as requested by the task force chairs.

Finally, the amendment proposed removing language in the committee amendment relating to public hearings and proposed a convening date of no later than July 30, 1999.

Enacted law summary

Resolve 1999, chapter 81 establishes a Task Force to Study the Need for an Agricultural Vitality Zone Program. The task force consists of 4 citizen members with experience in agriculture or agricultural marketing and 5 Legislators. The first named Senate member and the first named House member serve as chairs of the task force.

The task force is charged with identifying areas of the State where there is substantial existing small-scale agricultural activity, networks of support services and regional markets. The task force is also required to target existing and potential state resources, including farmland conservation and protection measures, job training and beginning-farmer training programs, tax credits and incentives and grants and loans, to create and support these agricultural vitality zones.

The task force is required to invite the participation of representatives of the State Planning Office, the Department of Agriculture, Food and Rural Resources, the Department of Economic and Community Development and representatives of regional development districts. The Office of Policy and Legal Analysis will provide staffing services. The State Planning Office and the Department of Agriculture, Food and Rural Resources will provide assistance as needed.

It requires the task force to report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 1, 1999. The committee is authorized to report out a bill during the Second Session of the 119th Legislature based on recommendations and findings of the task force.

Chapter 81 was enacted as an emergency measure effective June 17, 1999.

LD 1181

An Act to Amend the Laws Pertaining to Dangerous Dogs

ONTP

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

LD 1181 proposed to strengthen enforcement of the laws pertaining to dangerous dogs. The bill proposed changes in the process for filing a complaint of an assault by a dog. The bill proposed clarifying when an ex parte order might be entered. The bill proposed making it a Class D crime if an owner failed to abide by an order of the court for confining a dog. (See enacted law summary for LD 575)

LD 1183

An Act to Increase Harness Racing Opportunities

ONTP

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

LD 1183 proposed deregulating the race date assignment process and allowing all tracks, including fairs, to conduct live racing on any days they chose.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER CARR	OTP MAJ ONTP MIN	H-326 MARTIN

LD 1188 proposed codifying the current policy of the Department of Conservation that forest rangers may, under life-threatening emergency conditions, assist law enforcement officers and that they are entitled to the same immunity and benefits as rangers are when they are performing their regular forest ranger duties. This bill was submitted on behalf of the Department of Conversation.

House Amendment "A" (H-326) proposed requiring the Commissioner of Conservation to sell all bullet-proof vests, firearms, and related equipment, if any, purchased by the Department of Conservation for the use of certain Bureau of Forestry employees. The amendment also proposed that funds generated by the sale be deposited in the General Fund. This amendment also proposed requiring the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Appropriations and Financial Affairs concerning the specific amount of revenue generated by the sale. This amendment also proposed prohibiting the Commissioner of Conservation from purchasing bullet-proof vests, firearms and related materiel without explicit legislative authorization.

Enacted law summary

Public Law 1999, chapter 352 codifies the current policy of the Department of Conservation that forest rangers may, under the life-threatening emergency conditions, assist law enforcement officers and that they are entitled to the same immunity and benefits as rangers are in performing their regular forest ranger duties.

It requires the Commissioner of Conservation to sell all bullet-proof vests, firearms, and related equipment purchased by the Department of Conservation for the use of certain Bureau of Forestry employees. Funds generated by the sale will be deposited in the General Fund. It requires the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Appropriations and Financial Affairs concerning the specific amount of revenue generated by the sale. It specifically prohibits the Commissioner of Conservation from purchasing bullet-proof vests, firearms and related materiel without explicit legislative authorization.

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

LD 1193 proposed requiring that 10% of the funds expended by the Land for Maine's Future Board to acquire natural lands be used to acquire lands of local or regional significance.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY KIEFFER	OTP-AM	H-230 PIEH

LD 1239 proposed replacing archaic language regarding the election of soil and water conservation district supervisors and permitting temporary appointments to fill vacancies in unexpired terms of elected supervisors.

Committee Amendment "A" (H-111) proposed striking an unnecessary word in the bill.

House Amendment "A" (H-230) proposed clarification of the initial staggered terms for soil and water conservation district supervisors.

Enacted law summary

Public Law 1999, chapter 138 replaces archaic statutory language regarding the election of soil and water conservation district supervisors and permits temporary appointments to fill vacancies in unexpired terms of elected supervisors.

LD 1240 **Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation** **RESOLVE 49 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-552
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LD 1240, proposed authorization of final adoption of Chapter 20: Forest Regeneration and Clearcutting Standards, a major substantive rule of the Department of Conservation.

Committee Amendment "A" (H-552) proposed authorizing the Commissioner of Conservation to finally adopt Chapter 20: Forest Regeneration and Clearcutting Standards, a provisionally adopted major substantive rule of the Department of Conservation, provided that the changes indicated in the revised rule dated April 28, 1999 are incorporated. This amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 49 authorizes the Commissioner of Conservation to finally adopt Chapter 20: Forest Regeneration and Clearcutting Standards, a provisionally adopted major substantive rule of the Department of Conservation, providing that the rule is amended to incorporate changes indicated in the revised rule dated April 28, 1999. These changes pertain to clear-cut size categories, the required height of softwood for assessing a stand of acceptable growing stock, stocking and regeneration standards from a percent basis to a trees-per-acre basis. The rule as authorized by this resolve exempts landowners with fewer than 100 acres total ownership from certain standards for clear-cuts and changes the provisions for maintenance of separation zones. The Commissioner of Conservation is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

Chapter 49 was enacted as an emergency measure effective June 1, 1999.

LD 1248 **An Act to Resolve Technical Inconsistencies in the Nutrient Management Act** **ONTP**

<u>Sponsor(s)</u> COWGER NUTTING J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1248 proposed to require a farm that stores or utilizes by-products regulated by the Department of Environmental Protection to file a nutrient management plan with the Commissioner of Agriculture, Food and Rural Resources only if the Department of Agriculture, Food and Rural Resources determines that the by-product needs a nutrient management plan. (See bill summary for LD 2246)

LD 1267 **An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study** **PUBLIC 497**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM MAJ	S-212
AHEARNE	OTP-AM MIN	S-394 MICHAUD

LD 1267 proposed expanding the Aroostook Water and Soil Management Board’s responsibilities to include coordinating all irrigation activities in Aroostook County. This bill also proposed appropriating \$25,000 per year for the next 2 years to fund a low-flow study to be conducted by the United States Geological Survey.

Committee Amendment "A" (S-212) proposed technical changes in the appropriation section and adding a fiscal note to the bill.

Committee Amendment "B" (S-213) was the minority report of the committee. It proposed adding 4 members to the Aroostook Water and Soil Management Board: the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Environmental Protection; a member representing a conservation organization with membership in Aroostook County; and a representative of a sporting association with membership in Aroostook County. The amendment also proposed technical changes in the appropriation section and adding a fiscal note to the bill. The minority report was not accepted.

Enacted law summary

Public Law 1999, chapter 497 expands the Aroostook Water and Soil Management Board’s responsibilities to include coordinating all irrigation activities in Aroostook County. It appropriates \$25,000 per year for the next 2 years to the Office of Agricultural, Natural and Rural Resources to pay for a low-flow study to be conducted by the United States Geological Survey.

LD 1310 **An Act to Reduce the Administrative Requirements of the Forest Practices Laws** **ONTP**

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

LD 1310 proposed removing the requirement that a designated agent submit with a harvest notification a notarized statement of agreement signed by the landowner and the designated agent. (See bill summary for LD 407)

LD 1326

An Act to Clarify the Authority of the Maine Milk Commission

**PUBLIC 56
EMERGENCY**

Sponsor(s)
KILKELLY
GOOLEY

Committee Report
OTP-AM

Amendments Adopted
S-32

LD 1326 proposed clarifying the Legislature's intent that all Maine milk producers receive the minimum price established by the Maine Milk Commission. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-32) proposed alternative language to clarify that dealers must pay producers the minimum producer prices established by the Maine Milk Commission for milk sold in Maine.

Enacted law summary

Public Law 1999, chapter 56 clarifies that the Maine Milk Commission's authority to set minimum prices paid by dealers to producers for milk sold in Maine applies to dealers subject to federal milk pricing regulation as well as those subject to state pricing regulation.

Chapter 56 was enacted as an emergency measure effective April 7, 1999.

LD 1335

An Act to Simplify the Collection of Fees for the Maine Dairy Promotion Board and Maine Dairy Nutrition Council

**PUBLIC 161
EMERGENCY**

Sponsor(s)
KILKELLY
GREEN

Committee Report
OTP-AM

Amendments Adopted
S-104

LD 1335 proposed requiring milk dealers to forward the funds directly to the Maine Dairy Promotion Board and the Maine Dairy Nutrition Council. Under federal law, dairy farmers are assessed a fee of 15¢ per hundredweight, 10¢ of which dealers have sent to the Maine Milk Pool. Those funds are then forwarded to the Maine Dairy Promotion Board and the Maine Dairy Nutrition Council to fund milk promotion and nutrition programs. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-104) proposed technical corrections to the bill, removing sections that proposed changes to existing definitions. It specified an effective date of June 1, 1999 and added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 161 requires milk dealers to forward the per hundredweight fee for milk promotion and nutrition programs directly to the Maine Dairy Promotion Board and the Maine Dairy Nutrition Council instead of channeling the funds through the Maine Milk Pool.

Chapter 161 was enacted as an emergency measure effective June 1, 1999.

LD 1343

An Act to Establish Blueberry Weight Accountability

ONTP

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

LD 1343 proposed that blueberries transported out of the State be weighed prior to transportation and the weight recorded on the transportation permit form. (See bill summary for LD 736)

LD 1404

An Act to Amend the Laws Regarding Farmstead Cheese

ONTP

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

LD 1404 proposed to exempt a producer of farmstead cheese from sales restrictions if that producer had been producing farmstead cheese before the effective date of those restrictions and if the cheese were labeled to indicate that it was heat-treated, not pasteurized. (See bill summary for LD 799)

LD 1416

Resolve, to Encourage Replanting of Hardwood Trees

ONTP

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

LD 1416 proposed requiring the Maine Forest Service to study strategies to encourage the replanting of hardwood trees and report its findings to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 1, 1999.

LD 1418

Resolve, to Direct the Maine Agricultural Experiment Station to Conduct a Pilot Project on Blueberry Cultivation in the St. John River Valley

RESOLVE 27

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIROIS	OTP-AM	H-228

LD 1418 proposed authorizing burning of blueberry lands in the St. John River Valley without a permit.

Committee Amendment "A" (H-228) proposed replacing the bill with a resolve to direct the Director of the Maine Agricultural Experiment Station at the University of Maine to develop and conduct a pilot project on the cultivation of wild blueberries along the St. John River Valley using existing resources and grant money from appropriate sources.

Enacted law summary

Resolve 1999, chapter 27 directs the Director of the Maine Agricultural Experiment Station at the University of Maine to develop and conduct a pilot project on the cultivation of wild blueberries along the St. John River Valley using existing resources and grant money from appropriate sources.

LD 1420

An Act to Require All Landowners in LURC's Jurisdiction to Be Notified of Regulatory Restrictions

ONTP

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

LD 1420 proposed requiring the Land Use Regulation Commission to send notice by certified letter to a landowner whose property was being considered for a regulatory restriction or inclusion in a government inventory, map or plan that would result in a regulatory restriction. The bill proposed that the commission be required to prepare and maintain for public inspection a certificate listing the names and addresses of landowners to whom notice was mailed.

Committee Amendment "A" (H-553) was the minority report of the committee. It proposed to replace the original bill and to require written notice be mailed to all landowners with property affected by or abutting property affected by a proposed amendment to land use district boundaries. It also proposed to add an appropriation section and a fiscal note to the bill.

LD 1467

Resolve, to Authorize the Director of the Bureau of Parks and Lands to Exchange Land between the State and Pownal Relating to Bradbury Mountain State Park

RESOLVE 13

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL KONTOS	OTP-AM	H-109

LD 1467 proposed authorizing the Director of the Bureau of Parks and Lands to exchange 1.5 acres of Bradbury Mountain State Park with the Town of Pownal for 4.5 acres of land owned by the Town of Pownal.

Committee Amendment "A" (H-109) proposed to remove the emergency preamble and emergency clause from the resolve and to correct the acreage being exchanged.

Enacted law summary

Resolve 1999, chapter 13 authorizes the Director of the Bureau of Parks and Lands to exchange 1.5 acres of Bradbury Mountain State Park with the Town of Pownal for 4.5 acres of land owned by the Town of Pownal.

Chapter 13 was enacted as an emergency measure effective April 16, 1999.

LD 1474

An Act to Enhance Equity Under the Maine Milk Pool Laws

**PUBLIC 210
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP	S-94 KILKELLY

LD 1474 proposed requiring each Maine market dealer to make the initial payment according to the blend price calculated using the Federal Milk Order utilization rate or the Federal Milk Order Zone 1 blend price, whichever is

greater. Current law requires each Maine market dealer in milk to make an initial payment to the dealer's Maine market producers according to the blend price calculated using the Federal Milk Order utilization rate.

Senate Amendment "A" (S-94) proposed to add an emergency preamble and clause to the bill to make it effective June 1, 1999.

Enacted law summary

Public Law 1999, chapter 210 requires each Maine market dealer to make the initial payment according to the blend price calculated using the Federal Milk Order utilization rate or the Federal Milk Order Zone 1 blend price, whichever is greater.

Chapter 210 was enacted as an emergency measure effective June 1, 1999.

LD 1475 An Act to Clarify the Tree Growth Tax Law CARRIED OVER

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

LD 1475 proposed requiring landowners who own more than 100,000 acres of land in the State to harvest at or below a sustainable level on their forest land taxed under the Maine Tree Growth Tax Law. It proposed requiring the Department of Conservation to adopt rules to establish a procedure for determining landowner compliance. This bill was originally referred to the Joint Standing Committee on Taxation. (See bill summaries under that committee for a summary of proposed Committee Amendment "A" S-235) This bill was re-referred to the Joint Standing Committee on Agriculture, Conservation and Forestry on June 3rd.

LD 1497 An Act Authorizing the Maine Land Use Regulation Commission to Regulate Industrialized Farms within Unorganized and Deorganized Areas ONTP

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

LD 1497 proposed authorizing the Maine Land Use Regulation Commission to regulate agriculture in management districts if it meets the definition of an industrialized farm. It proposed a definition of industrialized farm.

LD 1535 An Act to Require Notice to Abutters Prior to Commercial Applications of Pesticides ONTP

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

LD 1535 proposed requiring commercial applicators of pesticides to provide a one-week advance notice of applications to residences on abutting property.

LD 1565

Resolve, Directing the Maine Forest Service to Examine the Excessive Cutting of Mature Maple Trees

ONTP

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

LD 1565 proposed requiring the Department of Conservation, Maine Forest Service to examine the issue of the excessive cutting of mature maple trees and report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 1, 1999.

LD 1567

An Act to Help Farmers to Protect the Quality of Milk

CARRIED OVER

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

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

LD 1642

An Act Regarding Equine Massage Therapy

ONTP

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

LD 1642 proposed allowing a person who is a certified or licensed equine massage therapist to perform massage therapy on horses. It proposed directing the Department of Agriculture, Food and Rural Resources to adopt rules regulating the education necessary to practice as an equine massage therapist.

LD 1654

An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State

PUBLIC 333

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY COWGER	OTP-AM	H-591 PIEH S-261

LD 1654 proposed eliminating redundancy in the permitting process between the Maine Land Use Regulation Commission and the Department of Environmental Protection.

Under provisions of this bill, large development projects that require extensive technical review would be regulated by the Department of Environmental Protection regardless of their location in the State. Within the unorganized and deorganized areas of the State, routine permitting decisions and all zoning considerations would be made by the Maine Land Use Regulation Commission. All activities governed by the natural resources protection laws, including the alteration of wetlands, would be regulated exclusively by the Maine Land Use Regulation Commission within the unorganized and deorganized areas of the State.

The bill also proposed modifying the membership requirements to serve on the Maine Land Use Regulation Commission. Rather than requiring that 4 members be residents of the commission's jurisdiction, the bill would require that all 7 members reside in, work in or have special knowledge of the needs and issues affecting the unorganized and deorganized areas of the State.

The bill proposed amending the process by which rezoning requests are approved by the commission and . expanding the requirements to maintain regional field offices for the benefit of residents of the unorganized and deorganized areas. It proposed extending the statutory time restrictions for certain actions by the commission. The bill also proposed many minor revisions to the statutes of the Maine Land Use Regulation Commission to delete or update obsolete language or unnecessary provisions and to clarify the commission's process for rulemaking and public hearings. This bill was submitted on behalf of the Department of Conversation.

Committee Amendment "A" (S-261) proposed removing provisions from the original bill that transferred certain regulatory review authority from LURC to the Department of Environmental Protection. It proposed modifications to the membership requirements to serve on the Maine Land Use Regulation Commission. It proposed requiring that all nominees to the commission have knowledge of the needs and issues affecting the unorganized and deorganized areas of the State, and that 2 members be residents of the commission's jurisdiction. It proposed shortening the time restrictions in the original bill. It proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session regarding reassigning regulatory authority for LURC and the Department of Environmental Protection.

House Amendment "A" (H-591) corrects an omission in the committee amendment regarding criteria for amendment of land use district boundaries.

Enacted law summary

Public Law 1999, chapter 333 provides that all activities governed by the natural resources protection laws, including the alteration of wetlands, be regulated exclusively by the Maine Land Use Regulation Commission within the unorganized and deorganized areas of the State. It modifies the membership requirements to serve on the Maine Land Use Regulation Commission; requiring that all nominees to the commission have knowledge of the needs and issues affecting the unorganized and deorganized areas of the State, and that 2 members be residents of the commission's jurisdiction. It extends time restrictions imposed on certain actions by the commission. It makes many minor revisions to the statutes of the Maine Land Use Regulation Commission to delete or update obsolete language or unnecessary provisions and to clarify the commission's process for rulemaking and public hearings. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources to report out legislation during the Second Regular Session regarding reassigning regulatory authority for LURC and the Department of Environmental Protection.

LD 1674 An Act to Exempt from Certain Regulations Crabmeat That Does Not CARRIED OVER
Cross State Lines

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

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

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

LD 1689

An Act to Protect Holders of Camp Lot Leases

ONTP

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

LD 1689 proposed limiting the annual rent charged under a camp lot lease to not more than three times the annual property taxes for that camp lot. The bill also proposed prohibiting the termination of a camp lot lease for any reason other than failure of the lessee to pay property taxes. The bill would require that a lessor clearly mark the boundaries of a camp lot and maintain a map of the frontage and boundary lines of the lot. Upon termination of the lease, the lessee would be entitled to reimbursement of costs incurred by the lessee during the term of the lease for improvements to the property.

The provisions of this bill would have applied to camp lots located within the jurisdiction of the Maine Land Use Regulation Commission and only to leases executed, renewed or extended after January 1, 2000.

Committee Amendment "A" (H-335) was the minority report of the committee. It proposed removing the provisions in the original bill that prohibited termination of a camp lot lease except for failure to pay property taxes, required the lessor to clearly mark boundaries and required reimbursement to the lessee for costs incurred by the lessee for improvements to the leased property. It proposed to retain the provision limiting the annual rent to not more than three times the annual property taxes of the camp lot. The minority report was not adopted.

LD 1699

An Act to Ensure Compliance With Disability Access Laws by the Baxter DIED BETWEEN State Park Authority BODIES

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

LD 1699 proposed to prohibit the Baxter State Park Authority from adopting rules that would not be in conformance with state and federal laws that deal with persons with disabilities. It proposed a process for public notice prior to rulemaking.

Committee Amendment "A" (H-381) was the committee minority report. It proposed removing the preadoption provisions for rulemaking in the original bill. It also proposed removing language in the bill that "notwithstands" the purpose section in law for Baxter State Park. The purpose section contains references to Governor Baxter's expressed desires for the park. The minority report was not adopted.

LD 1709

An Act to Strengthen Maine's Animal Welfare Laws

ONTP

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

LD 1709 proposed a definition of proper shelter in the criminal cruelty to animals statute. The proposed language tracked the language currently contained in the law governing civil violations. (See bill summary for LD 742)

LD 1737

An Act to Eliminate the Use of Nongovernmental Entities in Acquiring and Managing Lands

INDEF PP

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

LD 1737 proposed amending the law pertaining to the use of the Land for Maine's Future Fund and the Public Access to Maine Waters Fund for acquiring and managing significant natural lands in Maine. It would have prohibited distribution of these funds to private nonprofit organizations and other designated nongovernmental bodies for the purpose of acquiring lands. It also would have prohibited management of these lands by nongovernmental entities.

Committee Amendment "A" (H-491) was the minority report. It proposed to add a fiscal note to the bill. The minority report was not adopted.

LD 1738

Resolve, to Allow the Modification of a Conservation Easement on Property Leased to Robert Vadas

ONTP

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

LD 1738 proposed modifying a conservation easement to allow an outhouse to remain in its present location.

LD 1757

An Act to Support the Work of the Maine Rabies Work Group

ONTP

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

LD 1757 proposed requiring the Bureau of Health to coordinate and keep records of interdepartmental efforts to respond to the presence of rabies in the State. This bill also proposed that the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services and the Department of Inland Fisheries and Wildlife continue to collaborate on efforts to respond to the presence of rabies in the State including working with the informal Maine rabies work group. This bill proposed an appropriation of \$1,000 for the biennium to pay the administrative expenses incurred by the Bureau of Health to carry out the purposes of this bill.

LD 1844

An Act to Protect Taxpayers Against Open-ended Maintenance Expenditures on Property Transferred to the State

ONTP

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

LD 1844 proposed requiring a person or organization donating land to the State to provide for the future maintenance and upkeep of the land. If the provisions for the future maintenance and upkeep of the land were not adequate at the time of the proposed transfer, the bill proposed that the State or its designated agency be prohibited from accepting the donation.

LD 1854

An Act to Require Posting of Regulations on Public Lands

ONTP

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

LD 1854 proposed requiring the Bureau of Parks and Lands to post signs to detail any restrictions on use or access, such as "no hunting" or "no fishing," that the bureau has placed on a park, historic site, public reserved land or nonreserved public land.

LD 1868

An Act to Preserve Public Access and Job Opportunities in the Maine Woods

ONTP

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

LD 1868 proposed creating the Maine Woods Act and establishing the Maine Woods Board as a public instrumentality of the State. The board's central duties would have been to support sustainable forestry and provide public access and recreational opportunities through the acquisition and maintenance of forest lands. The bill proposed independent bonding authority to support the Maine Woods Fund, as established in this bill.

Committee Amendment "A" (H-554) was the minority report. It would have required the deed for all lands acquired under the Maine Woods Act to contain a clause specifying that the land be used for timber harvesting and management. It also proposed striking out the provisions in the bill regarding eminent domain. The minority report was not accepted.

LD 1888

An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances that Apply to Forestry Practices

PUBLIC 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	H-527 PIEH
COWGER	ONTP MIN	S-211

LD 1888 proposed amending the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions of forestry terms established in the Maine Revised Statutes, Title 12, section 8868 as well as those in rules adopted by the Department of Conservation. It also proposed a 90-day period within which the validity of the adoption of a timber harvesting ordinance could be challenged based on an alleged failure to comply with certain notice requirements. It also proposed minor changes to the notice and hearing procedures for adopting municipal timber harvesting ordinances.

Committee Amendment "A" (S-211) was the majority report of the committee. It proposed a section on funding and a fiscal note to the bill. The majority report was adopted.

House Amendment "A" (H-527) proposed changing the date by which municipal timber harvesting ordinances must meet the standard of compliance from January 1, 2000 to January 1, 2001.

Enacted law summary

Public Law 1999, chapter 263 amends the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions of forestry terms established in the Maine Revised Statutes, Title 12, section 8868 as well as those in rules adopted by the Department of Conservation by January 1, 2001. It requires notice of a public hearing to review a proposed forest practices ordinance or amendment to be mailed at least 14 days prior to the hearing to all landowners whose land is in or abuts a zone or district affected by the proposed ordinance or amendment. Mailed notice is not required when an ordinance is being amended for definitional compliance. It provides for a 90-day period within which the validity of the adoption of a timber harvesting ordinance may be challenged based on an alleged failure to comply with certain notice requirements.

It requires representatives of the Department of Conservation to be given the opportunity to present information at a public hearing on a forest practices ordinance. It requires the Department of Conservation to pay municipalities for costs associated with notification requirements.

LD 1889

An Act to Amend the Maine Milk Laws

PUBLIC 362

Sponsor(s)
NUTTING J
PIEH

Committee Report
OTP-AM

Amendments Adopted
S-272

LD 1889 proposed repealing and replacing certain statutes governing the production and distribution of milk and milk products. This bill proposed granting the Department of Agriculture, Food and Rural Resources continued regulatory authority to adopt rules that reflect the standards outlined by the United States Department of Health and Human Services, Food and Drug Administration in the Pasteurized Milk Ordinance and clarifying the licensing fee schedule for milk distributors. This bill was submitted on behalf of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (S-272) proposed replacing the original bill. It would retain several sections of statute proposed for repeal in the original bill. This bill proposed directing the Department of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules for the inspection, licensing, testing, labeling and sanitation of milk and milk products. It proposed authorizing the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation relating to the milk laws during the Second Regular Session of the 119th Legislature.

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

Enacted law summary

Public Law 1999, chapter 362 repeals several sections of a statute governing the production and distribution of milk and milk products. It directs the Department of Agriculture, Food and Rural Resources to provisionally adopt major substantive rules for the inspection, licensing, testing, labeling and sanitation of milk and milk products. It requires these rules to be submitted to the Legislature no later than January 3, 2000 and authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to report out legislation relating to the milk laws during the Second Regular Session of the 119th Legislature.

LD 1960 An Act to Change the Names of Divisions within the Bureau of Forestry PUBLIC 155
to More Accurately Reflect the Roles and Duties of Those Divisions

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

LD 1960 proposed changing the names of the Department of Conservation, Division of Forest Fire Control to the Division of Forest Protection and the Division of Insect and Disease Management to the Division of Forest Health and Monitoring to more accurately reflect the responsibilities of each division. This bill was submitted on behalf of the Department of Conversation.

Enacted law summary

Public Law 1999, chapter 155 changes the names of the Department of Conservation, Division of Forest Fire Control to the Division of Forest Protection and the Division of Insect and Disease Management to the Division of Forest Health and Monitoring to more accurately reflect the responsibilities of each division.

LD 1974 Resolve, to Transfer a Parcel of State Land to the Town of Carrabassett RESOLVE 41
Valley

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT MCGLOCKLIN	OTP-AM	H-538 PIEH S-210

LD 1974 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate the transfer of certain public reserved land owned by the State to the Town of Carrabassett Valley and requiring the proceeds from the sale to be used to acquire additional real estate in the same county as the transferred land.

Committee Amendment "A" (S-210) proposed changing the acreage of the transfer and removing language relating to a previously transferred parcel. It also proposed allowing the Town of Carrabassett Valley to lease portions of the property for uses consistent with the uses specified in the resolve. It proposed adding to those uses hunting and timber management and increasing the amount of land that the Town of Carrabassett Valley could develop under the terms of the deed.

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

House Amendment "A" to Committee Amendment "A" (H-538) proposes to correct the fiscal note on the committee amendment.

Enacted law summary

Resolve 1999, chapter 41 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to negotiate the transfer of certain public reserved land owned by the State to the Town of Carrabasset Valley. It requires the proceeds from the sale to be used to acquire additional real estate in the same county as the transferred land for the same purposes. The land to be transferred is subject to restrictions on development and must be used for public outdoor recreation. The Town of Carrabasset Valley may lease portions of the property for uses consistent with the uses specified in the resolve, including hunting and timber management. The Town of Carrabasset Valley can develop up to 25 acres under the terms of the deed.

LD 1979 **An Act to Limit the Percentage of Forest Products Harvested from Certain Lands That May Be Sold to a Foreign Country** **ONTP**

<u>Sponsor(s)</u> CASSIDY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1979 proposed limiting the amount of forest products harvested on certain lands that could be transported to foreign countries. The restrictions would have applied to people owning 5,000 acres of land or more. The bill would have limited exports to 10% of the total volume of annual forest products harvested on these ownerships.

LD 1980 **An Act to Provide Labeling for Cider** **PUBLIC 175
EMERGENCY**

<u>Sponsor(s)</u> KILKELLY RINES	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-119
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LD 1980 proposed mandatory labeling of unpasteurized cider to state that product was not pasteurized.

Committee Amendment "A" (S-119) proposed language to replace the original bill. It proposed specifying accepted processing methods for cider and requiring a warning label for cider that was not processed in accordance with these methods. It also proposed adding an emergency preamble and emergency clause. It also exempts hard cider from the cider labeling restrictions and requirements. It also adds a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 175 specifies accepted processing methods for cider and requires a warning label for cider that is not processed in accordance with these methods. Hard cider is exempted from the cider labeling restrictions and requirements.

Chapter 175 was enacted as an emergency measure effective May 13, 1999.

LD 1985 **An Act to Require the Labeling of Irradiated Food Sold at Retail** **CARRIED OVER**

<u>Sponsor(s)</u> ETNIER	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1985 proposed prohibiting the retail sale of irradiated food unless the food is labeled "irradiated food."

LD 1987

An Act to License Hikers, Canoeists, Kayakers and Off-road Bicyclists

ONTP

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1987 proposed establishing a recreational license to be issued by the Commissioner of Conservation to any resident or nonresident who engaged in hiking, canoeing, kayaking or off-road bicycling in the State. A person would be exempt from this requirement if the person were hiking, canoeing, kayaking or off-road bicycling on the land of the person or the person's immediate family or if the person possessed a valid hunting or fishing permit or a license to operate a snowmobile or all-terrain vehicle. Proposed fees for the recreational license ranged from \$5 for a resident who is under 16 years of age to \$48 for a nonresident who is 16 years of age or older. All fees would be used for trail maintenance and enforcement of the licensing provision to be divided between the Department of Conservation, Bureau of Parks and Lands and the Department of Inland Fisheries and Wildlife.

LD 1999

**Resolve, to Create a Committee to Establish a Memorial Dedicated to the
Civilian Conservation Corps**

RESOLVE 83

<u>Sponsor(s)</u> DUPLESSIE CATHCART		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-305 H-767 DUPLESSIE
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LD 1999 proposed creating a 9-member Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps.

Committee Amendment "A" (H-305) proposed adding an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-767) proposed changes in the composition of the committee. It proposed deauthorizing payment of any reimbursement or expenses to the members of the committee and amending the fiscal note and striking the appropriations section to reflect this change.

Enacted law summary

Resolve 1999, chapter 83 establishes the Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps. The committee is charged with studying issues relating to the funding, location and inscription of a memorial. The committee consists of 2 to 4 former members of the Civilian Conservation Corps and one member of the House of Representatives. The committee is required to submit its report to the Second Regular Session of the 119th Legislature by January 14, 2000.

LD 2005

**Resolve, to Establish the Maine Forest Policy Round Table Study
Commission**

CARRIED OVER

<u>Sponsor(s)</u> VOLENIK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2005 proposes establishing the Maine Forest Policy Round Table Study Commission to address and study key forestry issues, including economic and labor issues, and to make recommendations for changes in the State's forestry policy.

LD 2006

An Act to Eliminate the Dog Licensing Requirement

ONTP

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2006 proposed repealing licensing requirements for dogs.

LD 2007

An Act to Amend the Laws Concerning Abuse of Domesticated Animals

ONTP

<u>Sponsor(s)</u> AHEARNE BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2007 proposed amendments to the laws concerning abuse of domesticated animals. The bill proposed adding transporting an animal in a manner injurious to its health, safety or physical well-being and the crime of aggravated cruelty to animals as criminal violations of cruelty to animals. The bill proposed repealing the section of law that allows an owner to shoot a cat or dog. It proposed adding as a penalty for cruelty to animals that a court order a defendant to pay for the cost of caring for an animal pending the decision of the court. The bill also proposed changing the fine for a second or subsequent offense of cruelty to animals to not less than \$500. (See bill summary for LD 742)

LD 2065

An Act to Amend the Posting Requirements of Harvested Wood Lots

ONTP

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2065 proposed removing the requirement that notification forms containing certain information about timber harvesting be posted at the site of the harvesting. (See bill summary LD 407)

LD 2066

An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors

PUBLIC 332

<u>Sponsor(s)</u> COWGER KIEFFER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-524
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LD 2066 proposed amending the laws governing the disposal of slash by a landowner who cuts forest growth on land that is within or borders on the right-of-way of a public highway, railroad or utility and the laws governing the disposal of slash accumulated by utility line construction or maintenance. This bill was submitted on behalf of the Department of Conversation.

Committee Amendment "A" (H-524) proposed allowing useable timber products generated from right-of-way maintenance to be piled within the right-of-way of a public road for up to 30 days. It proposed clarifying that the permits referred to are burning permits. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 332 amends the laws governing the disposal of slash by a landowner who cuts forest growth on land that is within or borders on the right-of-way of a public highway, railroad or utility. It also amends the laws governing the disposal of slash accumulated by utility line construction or maintenance. amendment allows useable timber products generated from right-of-way maintenance to be piled within the right-of-way of a public road for up to 30 days. It clarifies that the permits referred to are burning permits.

LD 2085

**An Act to Update the Statutes and Provide for the Basic Needs of the
Maine Conservation Corps**

**VETO
SUSTAINED**

Sponsor(s)
KILKELLY
MCKEE

Committee Report
OTP-AM

Amendments Adopted
S-171

LD 2085 proposed updating the laws governing the Maine Conservation Corps Program to encourage greater diversity among participants, to allow partnerships between the Corps and private nonprofit organizations and to clarify the types of activities that program participants may participate in. The bill also proposed appropriating money for 2 new positions and for computer networking.

Committee Amendment "A" (S-171) proposed corrections in the appropriations section and adding a fiscal note to the bill.

LD 2086

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

CARRIED OVER

Sponsor(s)
PINGREE

Committee Report

Amendments Adopted

LD 2086 proposes creating the Maine Farms for the Future Program. This program would provide funds to assist farms in developing business plans. The plans would identify changes in farm management practices and investments in equipment and property that would increase the vitality of the farm. The Department of Agriculture, Food and Rural Resources would administer the program or contract with a suitable organization to administer the program.

The program as proposed would operate in 2 phases; the first phase allowing a farm that has 5 or more acres of land in agricultural use to apply for assistance in developing a business plan and the 2nd phase allowing a farm that has developed a business plan with the program to apply for investment support to implement the plan. Both selection processes would be conducted by a review panel organized by the department.

The duties of the department or the suitable organization the department contracted to administer the program would be to promote the program to farms in the State, organize the review panel, develop selection criteria for both phases of the program, administer the disbursement of funds, execute and enforce farmland protection agreements and make a yearly progress report on the program to the Legislature. This bill proposes appropriating \$1,000,000 to capitalize the program.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY PIEH	OTP-AM	S-305 S-379 KILKELLY

LD 2108 proposed repealing current law and enacting a new provision governing liability for equine activities. It proposed giving equine activity sponsors, equine professionals and other persons immunity from liability for property damage or damages arising from personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. The inherent risks of equine activities are defined in the bill. The bill proposed explicit exceptions to the liability protection.

Committee Amendment "A" (S-305) proposed an exception from the proposed liability protection when an equine activity occurs in a place designated for spectators or in a place where an equine activity would not be expected to occur.

Senate Amendment "C" (S-379) proposed several technical changes to the bill. The amendment proposed allowing an equine professional to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity only if the professional has posted a sign notifying the participant of those inherent risks and the limitation on the liability of the equine professional or has obtained a signed written statement from the person containing the notification of inherent risks and liability.

This amendment also proposed specifying that an equine activity sponsor, professional or other person is not immune from liability if that person causes injury or damage to another person by committing an act or omission that constitutes "reckless" disregard for the safety of others. The original bill specified that an equine activity sponsor, professional or other person is not immune from liability if that person causes injury or damage to another person by committing an act or omission that constitutes "intentional" disregard for the safety of others.

Enacted law summary

Public Law 1999, chapter 498 repeals current law and enacts a new provision governing liability for equine activities. Chapter 498 gives equine activity sponsors, equine professionals or other persons immunity from liability for property damage or for personal injury or death of a participant or spectator resulting from the inherent risks of equine activities. An equine professional is allowed to assert immunity from liability for injury or death of a person resulting from the inherent risks of equine activity only if the professional has posted a sign notifying the participant of those inherent risks and the limitation on the liability of the equine professional or has obtained a signed written statement from the person containing the same notification of inherent risks and liability limitations.

Specific exceptions to the liability limitations are provided. An equine activity sponsor, professional or other person is not eligible for immunity if that person causes injury or damage to another person by committing an act or omission that constitutes reckless disregard for the safety of others.

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

LD 2179 proposed directing the Maine Forest Service to develop recommendations to end the practice of liquidation harvesting in Maine's forests.

Committee Amendment "A" (H-640) proposed directing the Maine Forest Service to develop recommendations to address poor forest practices. The Maine Forest Service would be charged with defining poor forest practices including timber liquidation harvesting. It also proposed to add a fiscal note to the resolve. This amendment was the majority report. It was not adopted.

LD 2190 **Resolve, to Provide for the Implementation of a Maine Meat Inspection Program** **RESOLVE 68
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY PIEH	OTP-AM	S-274 S-388 MICHAUD

LD 2190 proposed reestablishing the Maine Meat Inspection Act.

Committee Amendment "A" (S-274) proposed replacing the original bill with a resolve directing the Department of Agriculture, Food and Rural Resources to study and develop an implementation plan for a Maine meat inspection program. It proposed requiring the department to make recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry and authorizing the committee to report out legislation as a result of this report. It proposed an appropriation of \$70,000 to carry out the study. This amendment also proposed to add an emergency preamble, emergency clause and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-388) proposed to clarify that this funding is on a one-time basis.

Enacted law summary

Resolve 1999, chapter 68 directs the Department of Agriculture, Food and Rural Resources to study and develop an implementation plan for a Maine meat inspection program. The department is required to make recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 3, 2000. The committee is authorized to report out legislation during the second session of the 119th Legislature. The department is appropriated \$70,000 to carry out this study.

Chapter 68 was enacted as an emergency measure effective June 11, 1999.

LD 2218 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **RESOLVE 50**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM	S-273

LD 2218 proposed authorizing two land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation; an exchange of the State's interest in land in the Town of Gray for a larger parcel in the Town of Gray that is adjacent to other lands held by the State and an exchange of rights of way to enhance access to state lands located in T10, S. D., Hancock County.

Committee Amendment "A" (S-273) proposed changes on the language pertaining to the exchange of rights of way in T10, S. D., in Hancock County. It proposed clarifying that the road constructed must meet the specifications of the Bureau of Parks and Lands and that the bureau must relinquish the existing rights-of-way upon approval of the road. It proposed clarifying that no other easements are being released by the State. It proposed a condition that the Hennigs convey two access easements to Fox Pond to allow continued traditional use and access at those sites. The amendment also added a fiscal note to the bill.

Enacted law summary

Resolve 1999, chapter 50 authorizes 2 land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation. This authorization is required under the Constitution of Maine, Article IX, Section 23. The first transaction involves an exchange of the State's interest in land in the Town of Gray for a larger parcel in the Town of Gray that is adjacent to other lands held by the State. The land exchange enables the bureau to add 53 acres to the Pineland Unit, while conveying 4 acres. The 53-acre parcel has approximately 3,000 feet of frontage on the Royal River and the property will be managed for multiple use.

The second transaction involves an exchange of the rights of way to enhance the access to state lands located in T10, S. D., Hancock County. It provides for continuing access to Fox Pond for traditional use.

LD 2246

An Act to Amend the Nutrient Management Laws

**PUBLIC 530
EMERGENCY**

Sponsor(s)
NUTTING

Committee Report
OTP

Amendments Adopted
S-430

LD 2246 was the unanimous committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry as authorized by P. L. 1997, chapter 642, An Act Regarding Nutrient Management. This bill proposed extending the moratorium on swine feeding operation until October 1, 2001. It proposed requiring the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to enter into a memorandum of agreement on a process for issuing permits under the National Pollutant Discharge Elimination System. It proposed several amendments to clarify the nutrient management laws and to facilitate implementation of the nutrient management program.

Senate Amendment "A" (S-430) proposed a mandate preamble to indicate that local governments will be required by this Act to modify their activities. The preamble is needed because of the property tax exemption for waste management facilities. This amendment also proposed eliminating the appropriation to fund 2 positions and operating costs to administer the nutrient management program. (See bill summary for LD 623 for funding approved for this program).

Enacted law summary

Public Law 1999, chapter 530 extends the moratorium on new swine feeding operation until October 1, 2001. It requires the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to enter into a memorandum of agreement on a process for issuing permits under the National Pollutant Discharge Elimination System.

In addition, it makes several changes to the nutrient management laws. It clarifies when utilization of a regulated residual requires a nutrient management plan. It provides processes for the Commissioner of Agriculture to revoke a certification to prepare nutrient management plans or a livestock operations permit. It clarifies that minimum setbacks required in a plan for manure storage, stacking and spreading must be site specific. It requires the nutrient management plan to provide for storage of manure for a minimum of 180 days. It establishes compliance dates for nutrient management plans and authorizes the Commissioner of Agriculture to grant variances.

Joint Standing Committee on Banking and Insurance

LD 2

An Act to Clarify the Application of Insurance Fraud Prevention Laws

**PUBLIC 5
EMERGENCY**

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2 proposed to clarify the definition of insurer under the insurance fraud prevention laws to ensure that authorized insurance companies fall within the definition. The bill applies this change retroactively to the effective date of enactment of the definition in Public Law 1997, chapter 675.

Enacted law summary

Public Law 1999, chapter 5 clarifies the definition of insurer under the insurance fraud prevention laws to ensure that authorized insurance companies fall within the definition. The law applies the change retroactively to June 30, 1998.

LD 32

An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures

PUBLIC 412

<u>Sponsor(s)</u> BROOKS GOLDTHWAIT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-649 S-343 MURRAY
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LD 32 proposed to establish a process for registered nurses to become certified as registered nurse first assistants. It also proposed to require health insurance policies, health care services plans and other contracts that provide for the payment for surgical assistants to pay registered nurse first assistants for surgical assisting performed.

Committee Amendment "A" (H-649) replaced the bill. It proposed to require individual and group health insurance policies, health care services plans and other contracts that provide for the payment of surgical assistants to pay registered nurse first assistants for surgical assisting performed. The amendment also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-343) was presented on behalf of the Committee on Bills in the Second Reading to correct a section number designation to avoid a conflict with Public Law 1999, chapter 256, Part Q, section 2.

Enacted law summary

Public Law 1999, chapter 412 requires individual and group health insurance policies, health care services plans and any other contracts that provide for the payment of surgical assistants to pay registered nurse first assistants for the surgical assisting performed.

The law applies to all individual and group health insurance policies, health care services plans and other contracts issued or renewed on or after January 1, 2000.

LD 33

An Act to Delay Implementation of a Separate Community Rate for Individuals Eligible for Medicare

**PUBLIC 44
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM MAJ ONTP MIN	H-36

LD 33 proposed to repeal the community rating law that applies to individual and small group health insurance plans.

Committee Amendment "A" (H-36) was the majority report of the committee and replaced the bill. The amendment amended the title and proposed to delay until July 1, 2000 implementation by insurers of a separate community rate for individuals eligible for Medicare Part A without paying a premium. The amendment makes the bill retroactive to September 19, 1997.

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

Enacted law summary

Beginning July 1, 2000, Public Law 1999, chapter 44 allows insurers to establish a separate community rate for individuals eligible for Medicare Part A without paying a premium. This law applies the change retroactively to September 19, 1997.

Chapter 44 was enacted as an emergency measure effective April 12, 1999.

LD 34

An Act to Protect the Choice of Hospital Care for HMO Enrollees

ONTP

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

LD 34 proposed to prohibit nonprofit hospital and medical service organizations, preferred provider organizations, health insurers and health maintenance organizations from denying a provider, including a hospital, the right to participate in a managed care plan if the provider is willing to meet the terms and conditions of the agreement established by the managed care plan.

LD 69

An Act to Ensure Choice of Accredited Health Care Providers in Managed Care Programs

ONTP

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

LD 69 proposed to prohibit nonprofit hospital and medical service organizations, preferred provider organizations, health insurers and health maintenance organizations from denying a health care provider the right to participate in a managed care plan if the provider provides health care services or supplies within the geographic coverage area of the plan and is willing to meet the terms and conditions of the managed care plan.

LD 79

An Act to Allow the Maine Association of Realtors to Purchase Insurance under Group Health Insurance Plans

ONTP

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

LD 79 proposed to allow the Maine Association of Realtors to purchase group health insurance.

LD 92

An Act to Create a Mandatory Auto Insurance Premium Discount for Safe, Mature Drivers

ONTP

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

LD 92 proposed to require insurance companies to provide a driver 55 years of age or older a discounted premium if the insured completes an accident prevention course approved by the Department of the Secretary of State, Bureau of Motor Vehicles.

Committee Amendment "A" (H-340) was the minority report of the committee and proposed to require the Bureau of Highway Safety within the Department of Public Safety to approve accident prevention courses for mature drivers. Currently, the Bureau of Highway Safety, not the Bureau of Motor Vehicles, oversees other defensive driving courses. The amendment also added a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 97

An Act to Require Mortgage Holders Who Escrow Property Taxes to Reduce the Escrow Due to the Homestead Exemption

ONTP

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

LD 97 proposed to require a mortgagee holding an escrow account for payment of real estate taxes on owner-occupied residential property to calculate the amount collected for that purpose taking into account the homestead property tax exemption.

LD 108

An Act to Protect Enrollees of Managed Care Plans

ONTP

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

LD 108 proposed to establish a duty and standard of ordinary care that must be provided by an insurance company, health maintenance organization, preferred provider organization or nonprofit hospital or medical service organization under a managed health care plan. It also proposed to authorize a person enrolled in a managed health care plan to bring a legal action for damages against a carrier if the person is harmed by a carrier's failure to exercise ordinary care.

See related bills LD 631, LD 750, LD 1619 and LD 1890.

LD 116

An Act to Protect Consumers in Real Estate Mortgage Transactions

PUBLIC 145

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN SAXL J	OTP-AM	H-235 SAXL J S-59

LD 116 proposed to require that mortgage lenders provide closing funds to settlement agents prior to or at the time of closing, to prevent further situations in which consumers in the State close on loans and then do not receive the funds.

This bill was submitted on behalf of the Department of Professional and Financial Regulation

Committee Amendment "A" (S-59) proposed to require that mortgage lenders provide closing funds to settlement agents prior to or at the time of closing. The amendment proposed to clarify that in the case of a refinancing or other loan where a right of rescission applies the lender must provide the funds to the settlement agent prior to noon of the first business day after the expiration of the rescission period. The amendment also proposed to clarify the remedies available to consumers in civil actions, add a limitation of recovery to actual damages if a lender or settlement agent demonstrates the violation was a bona fide error and require that civil actions be brought within two years after a violation occurred.

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

House Amendment "A" (H-235) proposed to correct a clerical error.

Enacted law summary

Public Law 1999, chapter 145 requires that mortgage lenders provide closing funds to settlement agents prior to or at the time of closing. It requires that in refinancing or other loans where a right of rescission applies the lender must provide the funds to the settlement agent prior to noon of the first business day after the expiration of the rescission period. It gives consumers the right to recover damages in a civil action against a lender or settlement agent if the civil action is brought within two years after a violation occurs. If a lender or settlement agent demonstrates the violation of the statutory requirements is a bona fide error, then the consumer's recovery is limited to actual damages.

LD 117

An Act to Amend Maine's Insurance Laws Regarding Gifts and Rebates

PUBLIC 8

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

LD 117 proposed to amend the insurance rebating law by capping the prize that may be offered in a raffle at a value of \$100. The bill also proposed to clarify that prizes and gifts may not be in the form of cash.

Enacted law summary

Public law 1999, chapter 8 amends the insurance rebating law by capping the prize that may be offered in a raffle at a value of \$100. It also provides that prizes and gifts may not be in the form of cash.

LD 119

An Act to Make Maine Medicare Supplement Insurance Laws Consistent with Federal Laws

**PUBLIC 36
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN SAXL J	OTP-AM	S-15

LD 119 proposed to amend the laws governing Medicare supplement insurance policies in order to conform to requirements in federal law. It proposed to make the continuity of coverage chapter of the insurance code inapplicable to Medicare supplement policies and enact an analogous continuity of coverage section in the Medicare supplement chapter. It proposed to repeal the law allowing a person who switches from a Medicare supplement to a Medicare managed care program to switch back within a 12-month period. It proposed an effective date of April 28, 1999.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-15) proposed to require the Superintendent of Insurance to adopt rules concerning guaranteed issuance and continuity of coverage under Medicare supplement insurance policies.

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

Enacted law summary

Public Law 1999, chapter 36 makes the continuity of coverage chapter of the insurance code inapplicable to Medicare supplement policies and enacts an analogous continuity of cover section in the Medicare supplement chapter in order to conform to requirements in federal law. It repeals the law allowing a person who switches from a Medicare supplement

to a Medicare managed care program to switch back within a 12-month period. It requires the Superintendent of Insurance to adopt rules concerning guaranteed issuance and continuity of coverage under Medicare supplement insurance policies.

The requirements of Public Law 1999, chapter 36 became effective on April 28, 1999.

LD 155

An Act to Amend the Health Plan Improvement Act

ONTP

<u>Sponsor(s)</u> MAYO LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 155 proposed to amend the Health Plan Improvement Act to prohibit carriers offering managed care plans from paying financial incentives to participating providers to deny, reduce or limit medically necessary health care services to enrollees. The bill also proposed to give health plan enrollees the right to an independent external review of a plan's coverage decision after all internal grievance and appeals procedures have been exhausted.

See related bills LD 531, 631, 750, 1619 and 1890.

LD 165

An Act Requiring Life Insurers to Have a Return of Premium Provision

ONTP

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 165 proposed to require that life insurance policies provide for a refund of the premium when a policyholder requests cancellation prior to the end of the period for which premiums have been paid.

LD 240

An Act to Amend the Maine Banking Code as it Pertains to ATM Surcharges

**PUBLIC 25
EMERGENCY**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-16
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LD 240 proposed to permit banks and credit unions to enter into agreements not to impose surcharges on ATM transactions by the customers of those banks or members of those credit unions.

Committee Amendment "A" (S-16) proposed to add an emergency preamble, an emergency clause and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 25 permits banks and credit unions to enter into agreements not to impose surcharges on ATM transactions by the customers of those banks or members of those credit unions.

Chapter 25 was enacted as an emergency measure effective March 22, 1999.

LD 280

An Act to Make it an Unfair Claims Practice for Insurers Who Fail to Deal in Good Faith with Claimants to Resolve Claims

ONTP

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

LD 280 proposed to make it an unfair claims practice for an insurer to fail to deal in good faith with a claimant when resolving a claim made against a policy of the company's insured.

LD 350

An Act to Improve the Delivery of Services in Insurance

ONTP

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

LD 350 proposed to allow insureds to change insurance agencies or insurance producers by sending a producer of record letter to the insurer. The agency would have been required to make copies of all records pertaining to the policy available to the new insurance agency or producer.

Committee Amendment "A" was the minority report of the committee and proposed to replace the bill. It proposed to do the following:

1. Allow an insured to change producers on any individual health, life, disability or long-term care policy purchased by the insurer, health maintenance organization, fraternal benefit society, nonprofit hospital and medical service organization, viatical settlement provider or risk retention group that issued the policy;
2. Clarify that the provision would not be intended to supersede or affect any existing or future written employment contract between an insurer and a producer or an agency, any severance agreement arising out of such employment, or any contract between an insurer and a producer of record;
3. Require that the new producer provide a copy of the contract or a signed affidavit stating that the redirection of commissions requested in the producer of record letter is not superseded or affected by any employment or other contract; and
4. Clarify that the agency does not have to share its record, but requires the insurer, health maintenance organization, fraternal benefit society, nonprofit hospital and medical service organization, viatical settlement provider or risk retention group to provide the new producer with copies of the policy contract and schedule of benefits.

The amendment also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

<u>Sponsor(s)</u> ABROMSON BRUNO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-197
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LD 376 proposed to require that insurers disclose to policyholders on all applications and outlines of long-term care coverage and on the face of long-term care insurance policies and certificates if the policy is certified by the Superintendent of Insurance and that premiums paid for the policy are deductible for state income tax purposes.

Committee Amendment "A" (S-197) proposed to replace the bill and change the title. The amendment proposed to enact a new chapter of the Maine Insurance Code, the Maine Revised Statutes, chapter 68-A to govern individual and group long-term care insurance policies or certificates issued on or after January 1, 2000. The amendment is based on a model law of the National Association of Insurance Commissioners. The amendment proposed that long-term care insurance policies or certificates issued before January 1, 2000 will continue to be governed by the provisions of chapter 68 of the Maine Insurance Code.

The amendment proposed to require that certain disclosures relating to long-term care insurance be made to applicants, policyholders and certificate holders, including a specific disclosure as to whether the policy or certificate is intended to be qualified for purposes of federal and state individual income taxes. It proposed provisions regulating the coverage of preexisting conditions under long-term care insurance policies and certificates and prescribing standards for policy provisions relating to prior hospitalization or institutionalization.

The amendment also proposed a provision governing nonforfeiture of benefits and the incontestability of long-term care insurance policies and certificates. Applicants for long-term care insurance would have also been given the right to return a long-term care insurance policy within 30 days and to receive a premium refund if the applicant is not satisfied with the policy for any reason.

The Superintendent of Insurance would have been required to adopt rules relating to premium adequacy, premium rates and minimum standards for marketing, insurance producer compensation and testing, penalties and reporting practices. The superintendent would also have been given authority to adopt any necessary rules to implement various provisions, including standards for disclosure and loss ratios. These rules would have been designated routine technical rules and would not be subject to legislative review before final adoption.

The amendment proposed to make insurers and insurance producers that violate any provision of chapter 68-A subject to a fine of up to the greater of three times the amount of the commission paid on each policy involved in the violation or \$10,000.

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

Enacted law summary

Public Law 1999, chapter 292 enacts a new chapter of the Maine Insurance Code, the Maine Revised Statutes, chapter 68-A to govern individual and group long-term care insurance policies or certificates issued on or after January 1, 2000. It requires that certain disclosures relating to long-term care insurance be made to applicants, policyholders and certificate holders, including a specific disclosure as to whether the policy or certificate is intended to be qualified for purposes of federal and state individual income taxes. It regulates the coverage of preexisting conditions under long-term care insurance policies and certificates and prescribes standards for policy provisions relating to prior hospitalization or institutionalization. Applicants for long-term care insurance have the right to return a long-term care

LD 468

An Act to Require Insurers to Disclose Insurance Data to Schools and Municipalities

ONTP

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

LD 468 proposed to require that insurers, nonprofit hospital and medical service organizations and health maintenance organizations provide school administrative units with information concerning the unit's own experience rating and claims history as a member covered under a group policy or contract at the unit's request or at the request of the municipality in which the unit is located.

LD 472

An Act to Amend the Revised Maine Securities Act

PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM	S-14

LD 472 proposed to make a series of changes to various provisions of the Revised Maine Securities Act. The changes fall into three categories: first, to clarify; second, to correct previously overlooked errors; and third, to make the Act more uniform with the laws of other states.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-14) proposed to clarify the definition of "successor firm" and require that a successor firm file a license application within 30 days of becoming a successor firm. The amendment also proposed to correct a typographical error in the bill.

Enacted law summary

Public Law 1999, chapter 37 amends the Revised Maine Securities Act to make the Act more uniform with the laws of other states and to make necessary corrections and clarifications. The law clarifies that the provisions of the Act apply to broker-dealers and investment advisers; clarifies the definition of "successor firm" and requires that successor firms file a license application within 30 days of becoming a successor firm; gives the Securities Administrator the authority to censure applicants or licenses that violate the Act in addition to authority to deny, suspend or revoke a license; and extends the application of the liability provision governing persons who indirectly or directly control another person to administrative actions brought by the Securities Administrator.

LD 484

An Act to Require Insurers to Cover Procedures Performed by Licensed Denturists

ONTP

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

LD 484 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations provide coverage for services performed by licensed denturists. The bill would have applied to all individual and group policies, contracts and certificates issued or renewed on or after January 1, 2000.

LD 531

An Act to Require External Review of Coverage Decisions by Health Plans

ONTP

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

LD 531 proposed to amend the Health Plan Improvement Act to give a health plan enrollee the right to an independent external review of a plan's coverage decision after all internal grievance and appeals procedures have been exhausted.

See related bills LD 55, 631, 750, 1619 and 1890.

LD 567

An Act to Improve Insurance Company Practices Pertaining to Collision Appraisals

ONTP

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

LD 567 proposed to govern the conduct of appraisers of collision damage to motor vehicles.

Committee Amendment "A" (H-99) was the minority report of the committee and proposed to do the following:

1. Allow appraisers to send a copy of the appraisal by facsimile to the repair shop within a reasonable time after the appraisal;
2. Allow competitive estimates from other repair shops to be obtained on the basis of photographs;
3. Allow appraisers to request that appraisals or repairs be performed at a specific repair shop or shops if that appraiser is employed by or under contract with that repair shop;
4. Eliminate the requirement that a vehicle be reinspected if the supplementary allowance is agreed to by the appraiser; and
5. Remove the provision from the bill stating that violations of the requirement by appraisers are prima facie evidence of violations of the Maine Unfair Trade Practices Act.

The amendment also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 569

An Act to Require Insurance Companies to Cover Cervical Cancer Screening

ONTP

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

LD 569 proposed to require that individual and group health insurance policies and contracts provide coverage for thin preparation Pap tests to screen for cervical cancer.

LD 588

An Act to Facilitate the Use of Major Credit Cards to Pay Fines, Forfeitures and Fees

ONTP

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

LD 588 proposed to facilitate payment of fines, forfeitures and fees by allowing the State to cover its costs when accepting payment by credit card. This bill proposed to authorize the State and its agencies to charge a fee of 2.5% when a person pays a fine, forfeiture or fee to the State.

The substantive provisions of LD 588 were incorporated into the Part II budget, Public Law 1999, chapter 401.

LD 598

An Act to Mandate that Insurance Companies Cover Eating Disorders

ONTP

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

LD 598 proposed to require that individual and group health insurance policies and contracts provide coverage for eating disorders. See related bill LD 1158.

LD 601

An Act to Clarify the Duty of Insurance Agencies to Keep Records

PUBLIC 50

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

LD 601 proposed to clarify that if a producer engages in a transaction on behalf of an insurance agency and subsequently maintains a different place of business, the duty to keep records of the transaction falls on the insurance agency and not the individual producer.

Committee Amendment "A" (H-46) proposed to replace the bill. It proposed to clarify that if a producer engages in a transaction on behalf of an insurance agency and subsequently maintains a different place of business, the duty to keep records of the transaction falls on the insurance agency and not the individual producer. It proposed that if a producer engages in transactions independent of any agency, the producer has the duty to keep records.

Enacted law summary

Public Law 1999, chapter 50 requires that if a producer engages in a transaction on behalf of an insurance agency and subsequently maintains a different place of business, the duty to keep records of the transaction falls on the insurance agency and not the individual producer. If a producer engages in transactions independent of any agency, the producer has the duty to keep records.

LD 608

An Act to Require Health Insurers to Reply to Payment Requests by Family Practice Nurse Practitioners within a Certain Time

ONTP

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

LD 608 proposed to require that health insurance carriers respond to requests for reimbursement from family practice nurse practitioners within 60 days of the request for reimbursement.

LD 622

An Act to Increase Consumer Confidence in Insurance Companies

ONTP

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

LD 622 proposed to require that insurers, nonprofit hospital, medical or health care service organizations and health maintenance organizations disclose to insured persons the profits of the company over the past 12 months or, in the case of a nonprofit organization, the salary of the organization's highest paid company official at the time the insureds are billed for an insurance policy or contract.

LD 631

An Act to Establish a Patient's Bill of Rights

ONTP

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

LD 631 proposed to incorporate into Maine law many of the provisions contained in the proposed federal "Patients' Bill of Rights" legislation. The provisions proposed to govern the following:

1. Access to out-of-network providers;
2. Access to obstetrical and gynecological care;
3. Access to specialty care;
4. Continuity of care;
5. Access to prescription drugs;
6. Access to clinical trials;
7. Availability of independent external review of appeals;
8. Prohibition of financial incentives for providers;
9. Establishment of an independent nonprofit health care ombudsman program; and

10. Right of enrollees to sue health plans.

See related bills LD 750, 1619 and 1890.

LD 634 **Resolve, to Direct the Superintendent of Insurance to Evaluate a Separate Workers' Compensation Classification Code for Milk Haulers** **ONTP**

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

LD 634 proposed to require the Superintendent of Insurance to evaluate whether workers' compensation classification systems should contain a separate classification for milk haulers.

LD 649 **An Act to Allow the Use of the 1990 American Dental Association Form for Submission of Insurance Claims** **ONTP**

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

LD 649 proposed to require that nonprofit hospital, medical and health care service organizations, insurers and health maintenance organizations accept the submission of the 1990 American Dental Association standard claim form for dental insurance claims. This bill was an emergency and would have taken effect when enacted.

LD 750 **An Act to Establish a Patient's Bill of Rights** **CARRIED OVER**

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

LD 750 incorporates into law many of the provisions contained in the proposed federal patient bill of rights legislation. The provisions govern the following:

1. Coverage of emergency services;
2. Access to out-of-network providers;
3. Access to obstetrical and gynecological care;
4. Access to specialty care;
5. Continuity of care;
6. Access to prescription drugs;

7. Access to clinical trials;
8. Availability of independent external review of appeals;
9. Prohibition on financial incentives for providers; and
10. Right of enrollees to sue health plans.

LD 750 has been carried over to the Second Regular Session.

LD 755 **An Act Regarding the Assignment of Insurance Benefits for Dental Care** **PUBLIC 21**

<u>Sponsor(s)</u> ABROMSON	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 755 proposed to require that certain insurance policies providing benefits for dental care on an expense-incurred basis must contain a provision permitting the insured to assign benefits for such care to the provider of the care.

Enacted law summary

Public Law 1999, chapter 21 requires that insurance policies providing benefits for dental care contain an assignment of benefits provision allowing payment to be made by the insurer directly to the dental care provider.

LD 760 **An Act to Clarify the Residency Requirements for Individual Health Insurance Coverage through a Maine-based Insurance Carrier** **ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 760 proposed to ensure that individuals seeking individual health insurance coverage through insurance carriers based in this State have an appropriate degree of contact with this State.

This bill proposed to clarify the degree of contact an individual must have with this State in order to obtain health care coverage through a carrier based in this State by requiring an individual to establish both residency and legal domicile in this State in order to be eligible for the guaranteed issuance protections of the Maine Insurance Code. An individual may establish residency by having a dwelling in this State and being physically present in the State for 60 days per year. An individual may establish this state as legal domicile by registering to vote in the State and claiming it as legal domicile for federal tax purposes. This bill proposed to eliminate obtaining a driver's license and filing a state tax return in this State as criteria for establishing legal domicile.

The substantive provisions of LD 760 were incorporated into Public Law 1999, chapter 256 (LD 2157).

LD 824

An Act Regarding Civil Actions Involving Insurance Coverage

ONTP

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

LD 824 proposed to require insurers to pay costs and reasonable attorney's fees to the insured in any civil action to determine coverage under an insurance policy when the insurer loses the suit. The bill also proposed to require that insurers have the burden of proof in any action to determine coverage of a liability insurance policy regardless of whenever the insurer or an insured or claimant institutes the action.

Committee Amendment "A" (H-189) was the minority report of the committee and proposed to replace the bill. It proposed to clarify that the bill applies only to declaratory judgment actions to determine an insurer's contractual duty to defend an insured. It proposed to define an insured as a natural person and exclude corporations, trusts, partnerships, incorporated or unincorporated associations and other legal entities from the definition of an insured. It proposed to clarify the intent that no right or cause of action is created or extended to third-party claimants under an insurance policy and that insureds are not permitted to assign any rights under a policy to any other person. The amendment also proposed to exempt life, health, disability and workers' compensation insurance. Committee Amendment "A" was not adopted.

LD 831

An Act to Limit the Maximum Finance Charge to 10.5%

ONTP

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

LD 831 proposed to limit the interest that may be charged on consumer credit transactions to 10.5%.

LD 833

An Act to Decrease the Required Minimum Amounts of Liability Insurance Coverage for Motor Vehicles

ONTP

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

LD 833 proposed to decrease the required minimum amounts of automobile liability insurance coverage.

LD 834

An Act to Provide Insurance Coverage for Wigs Required for Medical Reasons

ONTP

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

LD 834 proposed to require individual and group health insurance policies and health maintenance organization contracts to cover the purchase of a wig or hairpiece when the purchase is made to cover baldness or thin hair resulting

from a disease attested to by a physician. The bill also proposed to require similar Medicaid reimbursement to the extent allowed by federal law.

LD 857

An Act to Increase Access to Primary Health Care Services

PUBLIC 396

<u>Sponsor(s)</u> MAYO PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-630
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LD 857 proposed to allow certified nurse practitioners and certified nurse midwives participating in managed care plans to serve as primary care providers.

Committee Amendment “A” (H-630) proposed to replace the bill. The amendment proposed to require that certified nurse practitioners be permitted to serve as primary care providers in managed care plans if the certified nurse practitioner is approved by the State Board of Nursing to practice advanced practice registered nursing without the supervision of a physician and meet the managed care plan’s credentialing standards. The amendment proposed to clarify that carriers are not required to credential nurse practitioners or physicians as primary care providers if their existing network of providers meets the access and provider network standards adopted by the Bureau of Insurance. The amendment also proposed to require that carriers provide coverage for the services of certified nurse practitioners and certified nurse midwives provided to individuals referred by a primary care provider. The amendment also proposed to clarify that carriers must provide coverage for the services of certified nurse practitioners and certified nurse midwives in indemnity or other health insurance plans that do not require the selection of a primary care provider when those services are covered services and when they are within the lawful scope of practice of the certified nurse practitioner or certified nurse midwife. The amendment would have required that carriers assign identification numbers or codes to certified nurse practitioners and certified nurse midwives who provide services covered by the carrier’s health plans. The amendment proposed to add an application date of March 1, 2000 and also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 396 requires that certified nurse practitioners be permitted to serve as primary care providers in managed care plans if the certified nurse practitioner is approved by the State Board of Nursing to practice advanced practice registered nursing without the supervision of a physician, meets the managed care plan’s credentialing standards, and is referred by a primary care provider. It requires that carriers, including indemnity or other health insurance plans that do not require the selection of a primary care providers, provide coverage for the services of certified nurse practitioners and certified midwives when those services are covered and when they are within the lawful scope of practice of the certified nurse practitioners and certified nurse midwives. The public law also requires that carriers assign identification numbers or codes to certified nurse practitioners and certified nurse midwives who provide services covered by the carrier’s health plan and that the identification number be indicated on claims.

Public Law 1999, chapter 396 applies to all policies, contracts and certificates issued or renewed on or after March 1, 2000.

LD 866

An Act to Include a Podiatrist in the Definition of Physician

ONTP

<u>Sponsor(s)</u> PENDLETON FULLER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 980

An Act to Increase Access to Nontraditional Medical Alternatives

ONTP

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

LD 980 proposed to require all managed care plans to provide coverage for nontraditional medical alternatives when the enrollee is referred for those services by a physician. The bill would have applied to all individual and group managed care plan contracts issued or renewed on or after January 1, 2000.

Committee Amendment "A" (S-199) was the minority report. It proposed to clarify that coverage must be provided for alternative healthcare services provided by licensed naturopathic doctors, acupuncturists, massage therapists and dietitians when a referral is made by an enrollee's primary care provider.

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

LD 988

An Act to Facilitate the Collection of Data Concerning the Health Care Services Provided by Certified Nurse Practitioners and Certified Nurse Midwives

ONTP

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

LD 988 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations assign identification numbers to certified nurse practitioners and certified nurse midwives that provide services under individual and group contracts. It also proposed to require that claims submissions include the identification numbers of any certified nurse practitioner or certified nurse midwife that provided services related to the claim. The bill further proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations file annual reports with the Superintendent of Insurance outlining their experience related to services provided by certified nurse practitioners and certified nurse midwives.

The substantive provisions of LD 988 were incorporated into Committee Amendment "A" to LD 857.

LD 989

An Act to Ensure Access to Cardiac and Pulmonary Rehabilitation

ONTP

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

LD 989 proposed to require that nonprofit hospital and medical service organizations, insurers and health maintenance organizations provide coverage for cardiac and pulmonary rehabilitation services. The bill would have applied to all individual and group policies issued or renewed on or after January 1, 2000.

LD 991 **An Act to Require Coverage for Services Performed by Certified Nurse Practitioners and Certified Nurse Midwives to Patients Referred by Primary Care Providers** **ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 991 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations provide coverage for services performed by certified nurse practitioners or certified nurse midwives to patients who are referred by a primary care provider.

The substantive provisions of LD 991 were incorporated into Public Law 1999, chapter 396 (LD 857).

LD 992 **An Act to Establish Parity for Patients of Certified Nurse Practitioners and Certified Nurse Midwives** **ONTP**

<u>Sponsor(s)</u> PENDLETON CAMERON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 992 proposed to require a health insurer or health maintenance organization that provides coverage for the services performed by any certified nurse practitioner and any certified nurse midwife working under the supervision of a physician to also provide coverage for those same services when performed by any certified nurse practitioner or any certified nurse midwife not working under the supervision of a physician, assuming those services are within the scope of practice of the certified nurse practitioner or certified nurse midwife.

See related bill LD 857.

LD 1000 **An Act to Provide Insurance Parity for Substance Abuse Treatment** **CARRIED OVER**

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1000 proposes to require that all individual and group health insurance contracts provide coverage for substance abuse treatment under the same terms and conditions as coverage for physical conditions and illnesses. The bill would have applied to all policies and contracts issued or renewed on or after January 1, 2000.

LD 1000 has been carried over to the Second Regular Session.

LD 1060 **An Act to Allow Credit Card Users to Purchase Payment Insurance** **ONTP**

<u>Sponsor(s)</u> MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1060 proposed to eliminate the restriction on credit card companies of having to charge at least \$30 per month in order to provide consumers credit life, accident or health insurance coverage. The bill also proposed to allow a consumer to opt for a waiting period of 30 days or more when purchasing credit life, accident or health insurance coverage as part of a credit sale or supervised loan.

LD 1092 **An Act to Eliminate Discrimination in Accident Insurance Coverage** **ONTP**

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

LD 1092 proposed to prohibit insurers from lowering coverage limits for accident insurance for insureds 70 years of age or older.

Committee Amendment "A" (H-188) was the minority report of the committee and proposed to replace the bill. It proposed to prohibit insurers from lowering coverage limits for accident insurance only policies on the basis of age. The amendment also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 1097 **An Act to Regulate Motor Vehicle Insurance Rates** **ONTP**

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

LD 1097 proposed to prohibit insurers from increasing the premium or imposing a surcharge on a motor vehicle insurance policy unless the named insured or another person operating a motor vehicle insured under the policy is involved in two or more accidents resulting in either personal injury or property damage in excess of \$500.

LD 1112 **An Act to Allow Insurance for Drivers of Multiple Vehicles** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1112 proposed to allow owners of multiple motor vehicles to obtain motor vehicle liability insurance for the number of licensed drivers in a family rather than the number of motor vehicles subject to certain conditions.

LD 1119 **An Act to Ensure that Emergency Mental Health Services are a Covered Benefit** **ONTP**

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1119 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations that provide coverage for emergency mental health services rendered in hospital emergency rooms and mobile units also provide coverage for emergency mental health services provided outside the hospital in community settings. It would have applied to all individual and group policies and contracts issued or renewed on or after January 1, 2000.

LD 1127 **Resolve, to Study Maine's Individual Health Insurance Market** **ONTP**

<u>Sponsor(s)</u> SAXL J LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1127 proposed to create a task force to study, and recommend steps to improve, the availability and affordability of individual health insurance in the State.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

LD 1135 **An Act to Ensure that a Person with Pervasive Development Disorder is Not Penalized under the Insurance Laws** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1135 proposed to prohibit the imposition of a preexisting condition exclusion relating to pervasive development disorder in individual and group health insurance policies.

LD 1151

**An Act to Authorize the Department of Defense, Veterans and
Emergency Management to Establish a Disaster Relief Trust Fund**

ONTP

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

LD 1151 proposed to establish a disaster relief trust fund to be administered by the Maine Emergency Management Agency to match federal disaster assistance funds and provide other local disaster assistance. The trust fund would have been funded by a surcharge on homeowners' and business property insurance policies.

LD 1158

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

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

LD 1158 proposes to ensure parity in coverage of mental health treatment for children and adults and to include eating disorders under standard coverage.

LD 1158 has been carried over to the Second Regular Session.

LD 1168

**An Act to Provide Equity in Prescription Insurance for Contraceptive
Coverage**

PUBLIC 341

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SAXL J	OTP-AM MAJ ONTP MIN	S-200

LD 1168 proposed to require insurance policies and contracts that provide coverage for prescription drugs or outpatient medical services to provide coverage for prescription contraceptives approved by the federal Food and Drug Administration or for outpatient contraceptive services, respectively, to the same extent that coverage is provided for other prescription drugs or outpatient medical services.

Committee Amendment "A" (S-200) is the majority report of the committee. It proposed to remove the prohibition sections of the bill and clarify that the bill may not be construed to apply to prescription drugs or devices that are designed to terminate a pregnancy. The amendment also proposed to add disability income insurance to the types of insurance that are exempted from the requirement to provide contraceptive coverage.

The amendment proposed to provide an exemption from the purchase of an insurance policy providing mandated coverage for contraceptives for religious employers.

The amendment proposed to provide an exemption from the requirement that this bill undergo review and evaluation by the Bureau of Insurance before being enacted into law.

The amendment would have applied to all policies and contracts issued or renewed on or after March 1, 2000.

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

House Amendment "A" to Committee Amendment "A" (H-476) proposed to exclude emergency contraception from the application of the bill in addition to prescription drugs and devices that are designed to terminate a pregnancy. It also proposed to amend the definition of a religious employer that may request an exemption from the purchase of an insurance policy providing mandated coverage for contraceptives.

The amendment also proposed to add disability income insurance to the types of insurance that are exempted from the requirement to provide contraceptive coverage.

House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" to Committee Amendment "A" (H-520) proposed to change the definition of a "religious employer" and would have allowed a religious employer to request an exemption from the purchase of an insurance policy providing mandated coverage for contraceptives. The amendment proposed to require coverage for emergency contraception given to a victim of rape or incest. House Amendment "B" to Committee Amendment "A" was not adopted.

Enacted law summary

Public Law 1999, chapter 341 requires insurance policies and contracts that provide coverage for prescription drugs or outpatient medical services to provide coverage for prescription contraceptives approved by the federal Food and Drug Administration and for outpatient contraceptive services to the same extent that coverage is provided for other prescription drugs and outpatient medical services. The law provides coverage for prescription drugs or devices that are designed to terminate pregnancy. Religious employers are exempted from having to provide insurance policies mandating coverage for contraceptives. Public Law 1999, chapter 341 applies to all policies and contracts issued or renewed on or after March 1, 2000.

LD 1192

An Act to Update Insurance Financial Standards

PUBLIC 113

Sponsor(s)
LAFOUNTAIN
MAYO

Committee Report
OTP-AM

Amendments Adopted
S-54

LD 1192 proposed to amend Maine's audit report, holding company, examination, actuarial certification, credit for reinsurance and risk-based capital standards to bring them more into conformity with the current versions of the National Association of Insurance Commissioners, or NAIC, model laws.

The bill proposed to bring the audit report law into conformance with NAIC standards; make technical changes to the holding company law and adds a service of process provision and a requirement for information sharing between affiliates; establish a procedural timetable for the issuance of examination reports; add a reciprocity provision to the port of entry law; clarify the trust requirements of the credit for reinsurance laws and enact the "reinsurance-only" structure now in use by the NAIC; implement the NAIC's new health organization risk-based capital standards; and repeal certain obsolete exemptions in the audit report, credit for reinsurance and actuarial standards.

In addition, the bill proposed to provide a mechanism for service of process when a person required to appoint an agent fails to comply with that requirement, authorize the redomestication of insurance corporations, consistent with the laws of most other states and eases restrictions on financial institutions seeking to issue letters of credit to workers' compensation self-insurers.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-54) proposed to correct a spelling error and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 113 amends Maine’s audit report, holding company, examination, actuarial certification, credit for reinsurance and risk-based capital standards to bring them more into conformity with the current version of the National Association of Insurance, Commissioners, NAIC, model laws. The enacted law does the following:

1. It brings the audit report law into conformance with NAIC standards;
2. It adds a service of process provision and a requirement for information sharing between affiliates to the holding company law;
3. It establishes a procedural timetable for the issuance of examination reports;
4. It adds a reciprocity provision to the port of entry law;
5. It clarifies the trust requirements of the credit for reinsurance laws and enacts the “reinsurance-only” structure used by NAIC;
6. It implements NAIC’s health organization risk-based capital standards;
7. It provides a mechanism for service of process when a person required to appoint an agent fails to comply with that requirement;
8. It authorizes the redomestication of insurance corporations; and
9. It eases restrictions on financial institutions seeking to issue letters of credit to workers’ compensation self-insurers.

LD 1197 **An Act to Encourage the Acquisition of Long-term Care Insurance** **ONTP**

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1197 proposed to amend current law so that the Superintendent of Insurance may certify insurance policies covering nursing home and continuing or assisted-living care as long-term care policies. With this certification, the premiums paid for a policy covering nursing home and continuing care will be subtracted from federal adjusted gross income in computing Maine individual taxable income.

LD 1205 **An Act Concerning Access to Obstetrical and Gynecological Services Provided Through Managed Care Plans** **ONTP**

<u>Sponsor(s)</u> MURRAY FULLER	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1205 proposed to allow women enrolled in group managed care plans to receive primary, preventive and therapeutic obstetrics and gynecological services from an obstetrician/gynecologist, certified nurse practitioner or certified nurse

midwife participating in the managed care plan, without a referral from a primary care physician. Under current law, enrollees are only allowed to self-refer to a participating provider for an annual gynecological examination.

LD 1218

An Act Relating to Automobile Rental Supplemental Liability Insurance

PUBLIC 270

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM MAJ ONTP MIN	H-341

LD 1218 proposed to allow car rental agents to sell limited supplemental automobile liability insurance in connection with the rental of a motor vehicle without having to take a licensing examination.

Committee Amendment "A" (H-341) proposed to replace the bill. It proposed to require a motor vehicle rental company and at least one employee of the rental company at each location in the State to be licensed as a limited insurance producer for the solicitation or sale of liability insurance in connection with and incidental to the rental of a motor vehicle for a period not to exceed 60 days.

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

Enacted law summary

Public Law 1999, chapter 270 requires a motor vehicle rental company and at least one employee of the rental company at each location in the state be licensed as a limited insurance producer for the solicitation or sale of liability insurance in connection with and incidental to the rental of a motor vehicle for a period not to exceed 60 days.

LD 1241

An Act to Create a Single-payor System for Universal Health Care

ONTP

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

LD 1241 proposed to do the following.

Part A of the bill would have established the Maine Health Care Authority to administer the Maine Health Care Plan, a universal health care plan for all Maine residents. Part A proposed that the authority contract with an administrator for the administration of the Maine Health Care Plan. It also would have assigned to the Maine Health Care Authority the tasks of creating a comprehensive state health resource plan, establishing a global budget and ensuring the quality and affordability of health care in the State.

Part B would have required the Maine Health Care Authority and the Department of Human Services to coordinate the Maine Health Care Plan with the health benefits provided under the Medicaid and Medicare programs. The department would have required to apply for all waivers necessary to integrate the Medicaid program with the Maine Health Care Plan, and the authority would have required to apply for all waivers necessary to coordinate the benefits of the Maine Health Care Plan and the Medicare program.

Part C would have eliminated the requirement for the Department of Human Services to create a health resource plan. This Part also proposed to repeal the certificate of need program.

Part D would have allowed the members of the board of the Maine Health Care Authority to be paid for expenses incurred by them.

Part E would have repealed the statutes creating the State Employee Health Commission and the Health Insurance Plan for State Employees. State employees would be insured under the Maine Health Care Plan.

Part F would have required the Bureau of Insurance and the Maine Health Care Authority to study the statutes and regulations enforced by the bureau and report to the Legislature regarding any statutory changes needed to coordinate the role of the bureau with the implementation of the Maine Health Care Plan.

Part G would have required the Department of Human Services to submit legislation to make technical corrections to the statutes necessitated by this Act, including cross-references.

See related bill LD 2059.

LD 1258

An Act Relating to Uninsured Vehicle Coverage

PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON SAXL J	OTP-AM MAJ ONTP MIN	S-201

LD 1258 proposed to require that a person's uninsured or underinsured vehicle coverage must be at the same level as that person's liability coverage unless the consumer expressly rejects the equal coverage limit.

Committee Amendment "A" (S-201) is the majority report of the committee and proposed to add a requirement that the insurer or insurance producer disclose to the purchaser of a motor vehicle liability insurance policy the requirements for uninsured motor vehicle coverage.

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

Enacted law summary

Public Law 1999, chapter 271 requires that a person's uninsured or underinsured vehicle coverage be at the same level as that person's liability coverage unless the consumer expressly rejects the equal coverage limit. It requires that the insurer or insurance producer disclose to the purchaser of a motor vehicle insurance policy the requirements for uninsured motor vehicle coverage.

LD 1323

An Act to Ensure Affordable Access to Gynecological Services Provided by Nurse Practitioners

ONTP

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

LD 1323 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations provide coverage for gynecological services performed by a nurse practitioner. The bill would have applied to all individual and group policies and contracts issued or renewed on or after January 1, 2000.

LD 1392

An Act Concerning the Lapse of Automobile Insurance

ONTP

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

LD 1392 proposed to require an insurance company to notify the Secretary of State within 30 days after the cancellation of an automobile insurance policy that was maintained to meet the requirements of the financial responsibility law. The Secretary of State would have then requested proof of financial responsibility from the former policyholder and, if proof was not given, the Secretary of State would have notified the local law enforcement agency of the noncompliance and the law enforcement agency would have removed the registration plates from the uninsured motor vehicle. Upon notification that financial responsibility had been met, the Secretary of State would have returned the registration plates to the owner.

LD 1409

An Act to Clarify Discounts to Nonsmokers in Health Insurance Premium Rates

ONTP

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

LD 1409 proposed to clarify the ability of insurers to offer premium discounts based on the smoking status of insureds.

LD 1424

An Act to Require Insurance Coverage for the Treatment of Infertility

ONTP

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

LD 1424 proposed to require that health insurance policies include coverage for the treatment of infertility. Under this bill, a contract that provides such coverage would have required a 20% copayment by the insured. The bill would have applied to all policies and contracts in effect on or after January 1, 2000.

LD 1434

An Act to Make Minor Corrections to the Laws Governing Financial Regulation and Debt Collection

PUBLIC 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-245

LD 1434 proposed to make various technical corrections and amendments to consumer credit and collection law. It proposed to amend the Maine Consumer Credit Code to clarify legislative intent that only retail credit card plans, not all open-end agreements, are deregulated with respect to interest rates; and to increase the consumer protection bond for supervised lenders from \$25,000 to \$50,000. Further, the bill proposed to amend the Fair Credit Reporting Act to correct and clarify the text of a statutory provision and amended a subsection headnote. Finally, the bill proposed to amend the Maine Fair Debt Collection Practices Act to correct a statutory reference and to provide for the licensing of branch offices of collection agencies.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-245) proposed to permit the imposition of late fees on fixed-rate, closed-end subordinate mortgages and increase the minimum finance charge allowed for small loans between \$75 and \$250 from \$7.50 to \$15.

The amendment proposed to allow the Office of Consumer Credit Regulation, the Bureau of Banking, the Securities Division and the Bureau of Insurance to enter into cooperative agreements with other state, federal or foreign regulatory agencies for the sharing of information, coordination of examinations and joint examinations. The amendment proposed to protect the confidentiality of information provided to or by the agencies.

The amendment also proposed to allow these state agencies to contract with experts, professionals and other personnel of other state and federal regulatory agencies to assist in carrying out their regulatory functions.

The amendment proposed to allow the Commissioner of Professional and Financial Regulation to receive and share confidential information from any agency, bureau, board or commission within the department and would have protected the confidentiality of that information.

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

Enacted law summary

Public Law 1999, chapter 184 amends the consumer credit and collection law. It does the following:

1. It amends the Maine Consumer Credit Code to clarify legislative intent that only retail credit card plans, not all open-end agreements, are deregulated with respect to interest rates; and to increase the consumer protection bond for supervised lenders from \$25,000 to \$50,000;
2. It amends the Maine Fair Debt Collection Practices Act to provide for the licensing of branch offices of collection agencies;
3. It permits the imposition of late fees on fixed-rate, closed-end subordinate mortgages and increases the minimum finance charge allowed for small loans between \$75 and \$250 from \$7.50 to \$15;
4. It allows the Office of Consumer Credit Regulation, the Bureau of Banking, the Securities Division and the Bureau of Insurance to enter into cooperative agreements with other state, federal or foreign regulatory agencies for the sharing of information, coordination of examinations and joint examinations. It protects the confidentiality of information provided to or by the agencies. It also allows these state agencies to contract with experts, professionals and other personnel of other state and federal regulatory agencies to assist in carrying out their regulatory functions; and
5. It allows the Commissioner of Professional and Financial Regulation to receive and share confidential information from any agency, bureau, board or commission within the department and protects the confidentiality of that information.

LD 1476

An Act to Conform Maine Law to Federal Law Regarding Long-term Care Insurance for Tax Purposes

ONTP

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

LD 1476 proposed to make the laws concerning long-term care insurance conform with federal law by allowing premiums paid for long-term care, nursing home care and home health care insurance policies to be deductible for state income tax purposes.

LD 1493

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

CARRIED OVER

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

LD 1493 proposes to require all long-term disability insurance policies or contracts offered by group or individual insurers, nonprofit hospital and medical service organizations or health maintenance organizations to cover disabilities resulting from certain mental illnesses.

LD 1493 has been carried over to the Second Regular Session.

LD 1498

An Act to Include Nontraditional Medical Alternatives under Health Insurance and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment

ONTP

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

LD 1498 proposed to require the Department of Human Services to authorize coverage of nontraditional medical alternatives and nutritional and dietary services under the Medicaid program. The bill also proposed to require all health insurance policies and contracts and health maintenance organization plan contracts to provide coverage of nontraditional medical alternatives and nutritional and dietary services.

LD 1499

An Act Concerning the Regulation of Certain Commercial Contracts of Insurance

PUBLIC 328

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-401 H-486 O'NEIL

LD 1499 proposed to provide additional flexibility to insurers of large commercial risks, by allowing deregulation of their property and casualty insurance contracts under certain conditions.

Committee Amendment "A" (H-401) proposed to replace the bill. The amendment proposed to authorize the issuance of certain property and casualty insurance policies without rate-filing and form-filing requirements to qualifying large commercial policyholders. The amendment defined the criteria that must be met to qualify as a large commercial policyholder, contained disclosure provisions and required annual reporting by insurers on the policies issued to large commercial policyholders. The amendment proposed to give the Superintendent of Insurance the authority to deem the provisions of the statute waived if there is not sufficient competition for a particular line, class or type of insurance. The amendment would have required the Superintendent of Insurance to report to the Legislature before March 1, 2005 on the insurers issuing contracts to large commercial policyholders.

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

House Amendment "A" to Committee Amendment "A" (H-486) proposed to make technical corrections and to require the report by the Superintendent of Insurance to encompass the effects of this legislation.

Enacted law summary

Public Law 1999, chapter 328 authorizes the issuance of property and casualty insurance policies without rate-filing and form-filing requirements to qualifying large commercial policyholders, contains disclosure provisions and requires annual reporting by insurers on the policies issued to large commercial policyholders. It also requires the Superintendent of Insurance to report to the Legislature before March 1, 2005 on the insurers issuing contracts to large commercial policyholders.

Public Law 1999, chapter 328 also gives the Superintendent of Insurance the authority to deem the provisions of the statute waived if there is not sufficient competition for a particular line, class or type of insurance.

LD 1527

An Act to Provide Equity in Reimbursement for Health Care Providers

ONTP

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

LD 1527 proposed to require an insurer to pay health care providers for health care services within 30 days of submission of a claim. The bill would have permitted one exception to this 30-day payment requirement: When the insurer provides written notice that a claim is controverted, the health care provider need not be paid within 30 days for health care services within the scope of the controverted claim provided after receipt of the notice. The bill also proposed to require that an insurer pay for these additional health care services and any legal expenses incurred by the insured in pursuit of payment of the controverted claim, when it is determined that the insurer is obligated to pay the controverted claim.

LD 1541

An Act to Extend Portability of Coverage to Persons Covered under College-sponsored Health Plans

ONTP

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

LD 1541 proposed to amend the continuity of health insurance coverage laws to extend continuity of coverage to students covered under college-sponsored health plans.

LD 1546

An Act to Encourage Payment of Certain Workers' Compensation Premiums Owed to a Previous Insurer

PUBLIC 121

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

LD 1546 proposed to provide that workers' compensation insurance coverage issued to an employer may not be continued unless the employer pays any undisputed premiums or assessments to a previous workers' compensation insurer. The bill proposed that if a premium or assessment is subject to a good faith dispute at the time of termination of a policy or if such a dispute becomes known as a result of a post-termination audit review or other reason after replacement coverage has been issued and if the premium or assessment remains unpaid upon resolution of the dispute by the Bureau of Insurance, this replacement coverage must be canceled. Current law requires that a new policy not be issued if an undisputed premium is owed to a prior carrier.

Enacted law summary

Public Law 1999, chapter 121 requires that workers' compensation insurance coverage issued to an employer not be continued unless the employer pays any undisputed premiums or assessments to a previous workers' compensation insurer. It requires that if a premium or assessment is subject to a good faith dispute and if the premium or assessment remains unpaid upon resolution of the dispute by the Bureau of Insurance, then the replacement coverage must be canceled.

LD 1602

An Act to Expand Term Limits of Maine Employers' Mutual Insurance Company Directors

PUBLIC 120

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1602 proposed to allow members of the Board of Directors of the Maine Employers' Mutual Insurance Company to serve three full terms instead of two full terms.

Enacted law summary

Public Law 1999, chapter 120 authorizes members of the Board of Directors of the Maine Employers' Mutual Insurance Company to serve three full terms.

LD 1604

An Act to Create a Standard Small Group Health Plan

ONTP

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1604 proposed to establish a commission composed of the Superintendent of Insurance and two public members to define a minimum standard small group health plan. Current law requires the superintendent to define a standard small group health plan and a basic small group health plan. This bill proposed to require the commission in addition to design a third small group health plan, the annual premium for which cannot exceed 10% of the Maine average annual wage. To accomplish the goal of affordable premiums, the commission would have been authorized to define a plan that does not include mandated health benefits.

LD 1608

An Act to Conform Maine's Consumer Credit Laws to Federal Law and Make Other Changes

PUBLIC 150

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-101
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LD 1608 proposed to conform certain portions of Maine's consumer credit laws to federal law and make other changes in order to reduce the regulatory burden on Maine lenders and to encourage out-of-state lenders to make loans in Maine.

Committee Amendment "A" (S-101) proposed to provide that consumers are entitled to a copy of a written agreement in a consumer credit transaction upon consummation of the transaction or within a reasonable period of time after the transaction in the case of transactions entered into by mail, telephone or electronic means.

The amendment proposed to allow a change in terms of unsecured open-end credit accounts involving a credit card to increase penalties, interest or other charges without requiring an offer by the creditor to finance the outstanding unpaid balance by separate loan arrangement at the prior rate of interest according to the prior repayment schedule.

The amendment proposed to provide that a person is entitled to one copy of a real estate appraisal from a creditor or financial institution if the request is made within 90 days after the creditor or financial institution has provided notice of

action taken on the application for credit or the date of the closing, whichever is later, or 90 days after the application is withdrawn.

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

Enacted law summary

Public Law 1999, chapter 150 conforms portions of Maine’s consumer credit laws to federal law and makes changes in those laws. It provides that consumers are entitled to a copy of a written agreement in a consumer credit transaction upon consummation of the transaction or within a reasonable period of time after the transaction. It allows unsecured open-end credit card accounts to increase penalties, interest or other charges without requiring an offer by the creditor to finance the outstanding unpaid balance by separate loan arrangement at the prior rate of interest according to the prior repayment schedule.

Public Law 1999, chapter 150 also provides that a person is entitled to one copy of a real estate appraisal from a creditor or financial institution if the request is made within 90 days after the creditor or financial institution has provided notice of action taken on the application for credit or the date of closing, whichever is later, or 90 days after the application is withdrawn.

LD 1619

An Act to Create a Patients' Bill of Rights

CARRIED OVER

Sponsor(s)
LAWRENCE

Committee Report

Amendments Adopted

LD 1619 proposes to establish a "Patients' Bill of Rights" for Maine residents enrolled in HMO's and other health plans. It proposes to protect access to appropriate physicians and proper medical care and provide a means of recourse for patients who have been improperly denied such access. The bill proposes to:

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

LD 1619 has been carried over to the Second Regular Session.

See related bills LD 631, 750 and 1890.

LD 1640 **An Act Regarding Service Contracts** **CARRIED OVER**

<u>Sponsor(s)</u> ABROMSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1640 proposes to establish regulatory standards for providers of service contracts and exempts these contracts from all other provisions of the Maine Insurance Code. It also proposes to exempt from the Maine Insurance Code:

1. Warranties;
2. Maintenance agreements;
3. Warranties, service contracts and maintenance agreements offered by public utilities on their transmission devices to the extent they are regulated by the Public Utilities Commission; and
4. Service contracts sold or offered for sale to persons other than consumers.

LD 1640 has been carried over to the Second Regular Session.

LD 1660 **An Act to Provide Reasonable Compensation for Vehicles Damaged in Accidents** **ONTP**

<u>Sponsor(s)</u> KILKELLY PIEH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1660 proposed to require that motor vehicle insurance policies provide coverage to return insured vehicles damaged in an accident to operating condition or, if an insured vehicle is destroyed in an accident, provide coverage to replace the destroyed vehicle with a vehicle in similar condition to the destroyed vehicle prior to its destruction.

LD 1661 **An Act to Allow Fair Access to Long-term Care Insurance** **ONTP**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1661 proposed to require insurers and nonprofit hospital and medical service organizations and nonprofit health care plans that offer federally qualified long-term care insurance policies to also offer similar nonqualified long-term care policies that do not contain the federally required contractual provisions and definitions.

Sponsor(s)
LAFOUNTAIN

Committee Report
OTP-AM

Amendments Adopted
S-112

LD 1664 proposed to clarify the definition of "basic health care services" for purposes of defining the scope of health care services to be provided by all health maintenance organizations. Under the Bureau of Insurance Rule, Chapter 850, Section 7(B)(1), all health maintenance organizations are presently required to include in each of their health plans the specific coverages set forth in the health maintenance organization basic plan, which in turn is set forth in the Bureau of Insurance Rule, Chapter 750, Section 6(B). Together, these rule provisions have the effect of imposing upon health maintenance organizations as mandated benefits, certain benefits that go beyond the present scope of mandated benefits. In addition, these rules impose very specific requirements governing the applicability of copayments, or prohibitions on copayments, that are contrary to the coverages historically provided by health maintenance organizations and are inconsistent with the types of plans employers have traditionally sought. It also proposed to focus the definition of "basic health care services" upon a list of medical services required to be covered and include all statutory mandates. It proposed to recognize and preserve the Bureau of Insurance's authority to adopt rules further defining the services all health maintenance organizations must provide. At the same time, it proposed to preclude the bureau from relying on all particulars of the standard or basic plans in Chapter 750 for this purpose and proposed to leave to employers and health maintenance organizations the task of determining the nature and scope of copayments and related requirements that they desire to flesh out this scope of services.

Committee Amendment "A" (S-112) proposed to replace the bill. It proposed to clarify the basic health care services that must be provided in all health maintenance organization plans. The bill would allow the Superintendent of Insurance to define "basic health care services" by rule, but prohibits the superintendent from requiring that health maintenance organization plans meet or exceed the requirements of the standard and basic plan specified in Bureau of Insurance Rule, Chapter 750. In adopting rules to define "basic health care services," the superintendent shall permit reasonable, but not excessive or unfairly discriminatory, variations in the copayment, coinsurance, deductible and other features offered in health maintenance organization plans.

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

Enacted law summary

Public Law 1999, chapter 222 requires that basic health care services be provided in all health maintenance organization plans. It allows the Superintendent of Insurance to define “basic health care services” by rule, within the requirements of standard and basic plan specified in Bureau of Insurance Rule, chapter 750.

Chapter 222 was enacted as an emergency measure effective May 18, 1999.

LD 1672

An Act Concerning Service Relating to the Disclosure of Financial Records

PUBLIC 197

Sponsor(s)
POVICH

Committee Report
OTP

Amendments Adopted

LD 1672 proposed to provide that a customer need not be served with a subpoena, summons or warrant in a state grand jury proceeding involving a fiduciary institution. Public Law 1999, chapter 16, section 1 amended the Maine Revised Statutes, Title 9-B, section 163, subsection 1 by providing that a subpoena, summons or warrant issued to a fiduciary institution in a criminal proceeding need not be served upon the customer. Since the statute had previously provided that the customer need not be served with a copy of the subpoena, summons or warrant issued in a federal grand jury proceeding, confusion exists as to whether service upon the customer is necessary in a state grand jury proceeding.

Enacted law summary

Public Law 1999, chapter 197 provides that a customer in a state grand jury proceeding involving a fiduciary institution need not be served with a subpoena, summons or warrant.

LD 1677

An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass

ONTP

Sponsor(s)
O'NEIL

Committee Report
ONTP

Amendments Adopted

LD 1677 proposed to allow insurers to use independent third-party claims administrators or agents for auto glass claims, but prohibit the use of a third-party administrator or agent that is affiliated with the glass industry.

LD 1678

An Act to Expand and Clarify the Opportunities for Small Employers to Purchase Health Insurance

ONTP

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

LD 1678 proposed to amend the laws relating to small group health insurance by doing the following.

1. Prohibit groups with 50 or fewer members from obtaining health insurance through association plans;
2. Eliminate the provision that allows insurers to provide individual health insurance policies to sole proprietors; and
3. Prohibit the imposition of surcharges on premiums applied to groups of one member.

LD 1693

An Act to Clarify the Regulation of Viatical Settlement Contracts When Sold as Investments

**PUBLIC 279
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL ABROMSON	OTP-AM	H-402 H-474 CAMERON

LD 1693 proposed to clarify the regulation of viatical settlement contracts when they are sold as investments. First, the legislation proposed to make clear that fractional or pooled interests in viatical settlement contracts sold as investments are securities subject to the Revised Maine Securities Act and they are currently covered in the statutory definition as investment contracts, but are not named specifically. Second, the bill proposed to add "viatical settlement contract" to the definition of security. Since viatical settlement contracts are a new investment product, the undivided viatical settlement contracts are not specifically covered in the bill's definition. The bill proposed to add "viatical settlement contract" to the definition of security to provide consumers who purchase undivided viatical settlement contracts with the same consumer protections provided to the purchasers of other investments in Maine.

The bill proposed to provide for an exemption from registration if the seller provides the consumer with a disclosure statement.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-402) proposed to provide investors in viatical settlement contracts a 30-day right of rescission.

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

House Amendment "A" (H-474) was presented on behalf of the Committee on Bills in Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 32, section 10501, subsections 18 and 21 in Public Law 1999, chapter 37.

Enacted law summary

Public Law 1999, chapter 279 clarifies the regulation of viatical settlement contracts when they are sold as investments and clarifies that fractional or pooled interests in viatical settlement contracts sold as investments are considered securities subject to the Revised Maine Securities Act. It adds "viatical settlement contract" to the definition of security

to provide consumers who purchase undivided viatical settlement contracts with the same consumer protections provided to the purchasers of other investments in Maine.

Chapter 279 was enacted as an emergency measure effective May 21, 1999.

LD 1719

An Act to Amend the Maine Banking Code Regarding Extensions of Credit

**PUBLIC 205
EMERGENCY**

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

LD 1719 proposed to authorize the Superintendent of Banking to grant a partial or full waiver to the requirement that a financial institution making loans or extensions of credit in excess of 10% of total capital must be approved by the governing body or executive committee of that institution or corporation.

There is no waiver provision for the prohibition against a financial institution making loans to one person in excess of 20% of its total capital. Also, the waiver may be withdrawn by the superintendent upon written notice to the financial institution.

Enacted law summary

Public Law 1999, chapter 205 authorizes the Superintendent of Banking to grant a partial or full waiver to the requirement that a financial institution making loans or extensions of credit in excess of 10% of total capital must be approved by the governing body or executive committee of that institution or corporation.

Chapter 205 was enacted as an emergency measure effective May 17, 1999.

LD 1732

An Act to Prohibit Certain Bank Penalties

ONTP

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

LD 1732 proposed to prohibit financial institutions from imposing fees on customers because balances in customers' savings accounts fall below a set minimum amount.

Committee Amendment "A" (S-202) is the minority report of the committee and proposed to replace the bill. The amendment proposed to clarify that the prohibition on charging a fee when a customer's balance in a savings or share account falls below the minimum required balance applies to credit unions as well as banks. The amendment also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

<u>Sponsor(s)</u> SAXL J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-246
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LD 1762 proposed to clarify that the Maine Revised Statutes, Title 24-A, section 2411 should be read in the disjunctive, which is the original intent of the law passed in 1969, but was not so interpreted by the Maine Supreme Judicial Court in American Home Assurance Co. v. Ingeneri, 479 A.2d 897 (Me. 1984). The Law Court read the statute in the conjunctive, in effect, overriding the Legislature's plain use of disjunctive construction in the section. The Ingeneri decision has had the unintended consequence of requiring the Federal Court in Maine to find that another portion of the Insurance Code, which requires an "incontestability clause" to be included in every health insurance contract delivered in this State, to be rendered null and void. Incontestability clauses are a consumer protection, preventing insurers from contesting representations made on insurance applications after three years, unless the insurer can prove fraud. Maine thus became the only state without an "incontestability" provision. This bill proposed to overrule Ingeneri and restore the original intent of the statute.

Committee Amendment "A" (H-246) proposed to replace the bill. It proposed to clarify that misrepresentations and incorrect statements in insurance applications may not prevent recovery under the policy unless the misrepresentations are fraudulent or material to the acceptance of the risk or the hazard to be assumed by the insurer.

The amendment proposed to clarify that Maine Revised Statutes, Title 24-A, section 2411 should be read in the disjunctive, overruling the Maine Supreme Judicial Court's decision in American Home Assurance Co. v. Ingeneri, 479 A.2d 897 (Me. 1984). In that decision, the Law Court read the statute in the conjunctive. The amendment proposed to require that the statute be construed in the disjunctive so that a fraudulent or a material misrepresentation on an application for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit or accident insurance may prevent a recovery by an insured during the first three years of a policy or contract.

Enacted law summary

Public Law 1999, chapter 223 provides that misrepresentations and incorrect statements in insurance applications may not prevent recovery under the policy or contract unless the misrepresentations are fraudulent or material to the acceptance of the risk or the hazard to be assumed by the insurer. The law clarifies that Maine Revised Statutes, Title 24-A, section 2411 should be construed in the disjunctive so that a fraudulent or material misrepresentation on an application for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit or accident insurance may prevent a recovery by an insured during the first three years of a policy or contract.

<u>Sponsor(s)</u> SAXL J ABROMSON	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-342
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LD 1777 proposed to update the prearranged funeral service law originally enacted in 1959. The provisions in this bill reflect the recommendations of the Funeral Act Review Group, which was assembled by the Department of Professional and Financial Regulation to update the laws regarding prearranged funeral arrangements.

The bill proposed to change one provision in the insurance laws to clarify that insurers may not contract with funeral service providers to solicit or sell policies. The bill proposed to update terminology regarding financial institutions and credit unions and specifies permissible low-risk investments. The bill also proposed to enumerate board rulemaking

requirements to include the format and content of trust agreements and service contracts, the establishment of reasonable transfer, revocation and account administration fees and inspection of trust agreements.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-342) is the majority report of the committee. The amendment proposed to qualify the type of insurance that may be purchased with money in a mortuary trust account. The amendment also proposed to replace board members with a designee of the Commissioner of Professional and Financial Regulation on the list of persons authorized to inspect prearranged funeral account records.

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

Committee Amendment "B" (H-343) was the minority report of the committee. It differed from the majority report because it allowed fees to be charged against mortuary trusts for the administration of the mortuary trust account. The bill proposed to limit the fees to be charged to only those fees for the actual financial and tax administration of the trust account. Like the majority report, the amendment proposed to qualify the type of insurance that may be purchased with money in a mortuary trust account and proposed to replace board members with a designee of the Commissioner of Professional and Financial Regulation on the list of persons authorized to inspect prearranged funeral account records. Committee Amendment "B" was not adopted.

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

Enacted law summary

Public Law 1999, chapter 258 updates the prearranged funeral service law and reflects the recommendations of the Funeral Act Review Group assembled by the Department of Professional and Financial Regulation to update the provisions regarding prearranged funeral arrangements.

Public Law 1999, chapter 258 clarifies that insurers may not contract with funeral service providers to solicit or sell policies; updates terminology regarding financial institutions and credit unions and specified the permissible low-risk investments for mortuary trust funds, including the types of insurance that may be purchased with money in a mortuary trust account. The law limits the fees that may be charged against mortuary trust accounts to fees for the actual financial and tax administration of the account. It also requires the Board of Funeral Service to conduct rulemaking governing the format and content of trust agreements and service contracts, the establishment of reasonable transfer, revocation and account administration fees and inspection of trust agreement.

LD 1778

An Act to Make Corrections in the Mental Health Insurance Laws

ONTP

Sponsor(s)
SAXL M

Committee Report
ONTP

Amendments Adopted

LD 1778 proposed to amend the health insurance laws regarding mental health services coverage. Part A of the bill proposed to remove the provisions that exempt employers with 20 or fewer employees insured under a group contract or policy from the coverage requirements and adds anorexia and bulimia to the lists of biological mental illnesses to which the coverage or offer of coverage provisions apply. Part B of the bill proposed to require health insurance policies and contracts to provide coverage for children's mental health disorders under terms and conditions no less extensive than benefits provided for medical treatment for physical illnesses.

LD 1787

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

CARRIED OVER

Sponsor(s)
DAGGETT

Committee Report

Amendments Adopted

LD 1787 proposes to require that the state employee health insurance program treat the children of two unmarried state employees the same as it does the children of two married state employees when offering and establishing costs for health insurance. This bill proposes to require the state to offer so-called "split contracts" to unmarried state employees on the same basis and cost as if offered to married state employees.

LD 1787 has been carried over to the Second Regular Session.

LD 1806

An Act to Clarify the Definition and Licensure of Insurance Consultants, Financial Planners and Investment Advisors

PUBLIC 225

Sponsor(s)
LAFOUNTAIN
SAXL J

Committee Report
OTP-AM

Amendments Adopted
S-111

LD 1806 proposed to eliminate duplicative regulation of financial planners and investment advisors under Title 24-A and bring Maine's definition of "insurance consultant" into conformity with the majority of other states. Financial planners and investment advisors are also regulated under the Maine Revised Statutes, Title 32.

Committee Amendment "A" (S-111) proposed to clarify that investment advisors are not required to be licensed as insurance consultants to the extent that their activities entail providing insurance advice incidental to financial planning advice. The amendment also proposed to allow a licensed insurance producer authorized to act as or on behalf of an investment advisor to collect a fee for insurance advice and collect a commission for the sale of any insurance or annuity policy in connection with rendering that insurance advice.

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

Enacted law summary

Public Law 1999, chapter 225 eliminates duplicative regulation of financial planners and investment advisors and brings Maine's definition of "insurance consultant" into conformity with the majority of other states. It clarifies that investment advisors are not required to be licensed as insurance consultants to the extent that their activities entail providing insurance advice incidental to financial planning advice. It also allows a licensed insurance producer authorized to act as or on behalf of an investment advisor to collect a fee for insurance advice and collect a commission for the sale of any insurance or annuity policy in connection with rendering that insurance advice.

LD 1862

An Act Regarding Assignment of Benefits under a Health Insurance Policy

ONTP

Sponsor(s)
PERRY

Committee Report
ONTP

Amendments Adopted

LD 1862 proposed to require that health care providers notify insurers of assignments of benefits and insurers to pay health care providers directly when they have received notice of assignments of benefits. If after receiving notice of an assignment of benefits an insurer pays an insured's claim, the insurer must still pay the related claim of the health care provider. An assignment of benefits cannot be revoked or amended without the written permission of the health care provider.

LD 1890

An Act to Establish a Patients' Bill of Rights for Managed Care

ONTP

<u>Sponsor(s)</u> PINGREE SAXL J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1890 proposed to incorporate into state law many of the provisions contained in the proposed federal "Patients' Bill of Rights" legislation. The provisions proposed to govern the following:

1. Access to out-of-network providers;
2. Access to obstetrical and gynecological care;
3. Access to specialty care;
4. Continuity of care;
5. Access to prescription drugs;
6. Access to clinical trials;
7. Availability of independent external review of appeals;
8. Prohibition on financial incentives for providers;
9. Remedy for a carrier's failure to exercise ordinary care; and
10. Nondiscrimination in the delivery of health care services.

See related bills LD 631, 750 and 1619.

LD 1893

An Act to Expand the State's Risk Management Responsibilities

ONTP

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1893 proposed to expand the risk management responsibilities of the Director of the Bureau of General Services to allow the director to provide insurance advice or services for group homes under the Department of Mental Health, Mental Retardation and Substance Abuse Services and to require the director to provide insurance advice and services for all lines of property and casualty insurance for school administrative units and certain private schools.

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-203
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LD 1930 proposed to protect individuals who have entered into a structured settlement agreement from various companies and individuals who buy the structure, usually at a dramatically reduced cost. The bill proposed to establish procedures and protections pursuant to which such transactions may occur.

A structured settlement is an agreement whereby one party receives a series of payments over a specified term instead of one payment. Structured settlements must always be agreed to by a plaintiff and a particular defendant in a lawsuit.

Committee Amendment "A" (S-203) proposed to make the use of the term "annuity issuer" consistent throughout the bill. It proposed to require transferees of structured settlement payment rights to register with the Bureau of Insurance before doing business in this State. The amendment also proposed to remove the requirement that the structured settlement obligor and annuity issuer provide written approval to the transfer agreement. Instead, it would have allowed structured settlement obligors and annuity issuers to object to the transfer agreement before the court or administrative authority responsible for approving the transfer on the basis that the transfer will result in adverse tax consequences to the structured settlement obligor or annuity issuer. The court or administrative authority may disapprove the transfer on the basis of adverse tax consequences.

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

Enacted law summary

Public Law 1999, chapter 268 establishes procedures to protect individuals who have entered into a structured settlement agreement from various companies and individuals who buy the structure, usually at a dramatically reduced cost. It requires transferees of structured settlement payment rights to register with the Bureau of Insurance before doing business in this state. It allows structured settlement obligors and annuity issuers to object to the transfer agreement before the court or administrative authority responsible for approving the transfer on the basis that the transfer will result in adverse tax consequences to the structured settlement obligor or annuity issuer.

<u>Sponsor(s)</u> SAXL M	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 1947 proposed to expand eligibility for the elderly low-cost drug program to 185% of the federal poverty line. It proposed to preserve the provisions that allow eligibility to be determined in part based on the cost of prescription drugs. It would have imposed a gross premium tax on for-profit health maintenance organizations in the amount that is paid by health insurers at the rate of 2% a year. The bill contains an effective date of January 1, 2000.

Committee Amendment "A" (H-710) proposed to replace the bill. It proposed to increase base income eligibility for the elderly low-cost drug program to 185% of the federal poverty line. It would have authorized consideration of current year projected income in the event of a documentable change in income of more than 10% from the prior year. It contained a general effective date of October 1, 1999.

This amendment proposed to impose a 2% gross premium tax on all for-profit health maintenance organizations, subjecting them to the same premium tax as health insurers, except that it exempts from this requirement health maintenance organizations that are health insurance affiliates of nonprofit hospital and medical service organizations.

Revenues from the gross direct premium tax on health maintenance organizations would be paid into a new dedicated, nonlapsing fund named the elderly low-cost drug program fund.

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

The elderly low-cost drug program was expanded to 185% of the federal poverty line in the Part II Budget, P.L. 1999 chapter 401, Part KKK.

LD 1954 **An Act to Categorize Pervasive Developmental Disorder as a Neurological Disorder rather than a Mental Illness under the Insurance Laws** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1954 proposed to categorize pervasive developmental disorder, or autism, as a neurological condition rather than a mental illness. Under current law, pervasive developmental disorder, or autism, is categorized as one of seven biologically based mental illnesses. The bill proposed to retain the requirement that pervasive developmental disorder, or autism, be covered by health insurance under the same terms and conditions as other physical illnesses and conditions.

LD 1991 **An Act to Protect Customers of Nonbank Cash-dispensing Machines** **PUBLIC 229**

<u>Sponsor(s)</u> SULLIVAN DOUGLASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-344
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LD 1991 proposed to provide for the regulation of cash-dispensing machines operated by entities other than financial institutions and credit unions. It proposed to require registration by any operator seeking to establish cash-dispensing machines in the State and proposed to require disclosure of the name, address and telephone number of the operator of the machine; maintenance of a toll-free number for consumer assistance; and disclosure of the name, address and telephone number of the regulating agency. It also proposed to require that the customer be given the opportunity to cancel a transaction without incurring any fee. In addition, it proposed to provide the Director of the Office of Consumer Credit Regulation with regulation and examination authority and provides for penalties for failure to file notice and to comply with the provisions of this bill.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-344) proposed to clarify that point-of-sale or debit card terminals are not regulated as cash-dispensing machines and corrects a clerical error.

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

Enacted law summary

Public Law 1999, chapter 229 provides for the regulation of cash-dispensing machines operated by entities other than financial institutions and credit unions. It requires the following:

1. Registration by an operator seeking to establish cash-dispensing machines in Maine;
2. Disclosure of the name, address and telephone number of the operator of the machine;
3. Maintenance of a toll-free number for consumer assistance;
4. Disclosure of the name, address and telephone number of the regulating agency; and
5. Cancellation of a transaction by a customer.

Public Law 1999, chapter 20 also gives the Director of the Office of Consumer Credit Regulation authority over cash-dispensing machines operated by entities other than financial institutions and credit unions and provides a penalty for failure to file notice and comply with the provisions of this law.

LD 2029 An Act to Update and Amend the Preferred Provider Arrangement Act CARRIED OVER

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

LD 2029 proposes to do the following:

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

LD 2029 has been carried over to the Second Regular Session.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

LD 2043 An Act to Clarify Underinsured Motor Vehicle Coverage CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN SAXL J		S-204

LD 2043 proposes to amend the laws governing underinsured vehicle coverage to address problems created in certain cases when more than one person is injured in an accident. It proposes to amend the provision of law identified in Mullen v. Liberty Mutual Insurance Co., 589 A.2d 1275 (Me. 1991) that denies a consumer the full benefit of the purchased insurance coverage in certain circumstances.

In Mullen v. Liberty Mutual Insurance Co., the Supreme Judicial Court determined that under current law the victim of a negligent motorist may be denied the full benefit of the uninsured motorist insurance purchased if multiple people are injured. This bill proposes to amend the provision of law construed in Mullen and ensures that a person who is injured in an automobile accident is covered to the full extent of the underinsured motorist coverage purchased.

Committee Amendment "A" (S-204) is the majority report of the committee. It proposes to clarify that the bill is not intended to affect the validity of "no consent to settlement" clauses in motor vehicle insurance policies and contracts.

LD 2043 was carried over to the Second Regular Session.

LD 2049 An Act Providing Recourse and Protection to Vendors Receiving Bad Checks ONTP

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

LD 2049 proposed to authorize financial institutions to provide certain information on closed accounts to merchants.

LD 2058 An Act Relative to Insurance Compliance Self-audit CARRIED OVER

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

LD 2058 proposes to encourage insurers to engage in self-auditing functions to facilitate compliance with the Maine Insurance Code.

LD 2058 has been carried over to the Second Regular Session.

LD 2059 An Act to Establish the Maine Single-payor Health Care Plan and to Restructure the State Tax System ONTP

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

LD 2059, Part A, proposed to establish the Maine Single-payor Health Care Plan. It proposed to establish the Department of Health Security as an independent agency to administer the plan. Under the plan, enrollees would have paid premiums to the plan and would have chosen their own health care providers and the plan would have paid their bills. Coverage under the plan would have been supplemental to other coverage. The bill proposed to require a report from the Commissioner of Health Security to the joint standing committee of the Legislature having jurisdiction over human resource matters on the options for coordination of the plan with other health plans and for the plan to take over coverage of some persons covered by those health plans. The bill proposed to require an annual report from the commissioner to the Governor and the Legislature on the operation and activities of the plan.

Part B of the bill proposed to establish the position of Commissioner of Health Security. It proposed to establish the pay range for the commissioner as range 89.

Part C of the bill proposed to repeal all sales tax exemptions and increases income tax rates to raise revenue to implement the Maine Single-payor Health Care Plan. The bill also proposed to require that payments by tobacco product manufacturers to the State in settlement of claims brought against them by the State be used to fund the plan.

Committee Amendment "A" (H-631) is the minority report of the committee. The amendment proposed to do the following:

1. Remove the requirement that the Maine Single-payor Health Care Plan provide coverage for long-term care and dental services;
2. Increase the maximum copayment that may be charged for prescription drugs to \$10;
3. Clarify the provision of healing services by recognized nonmedical religious providers;
4. Remove the requirement that payments from the tobacco settlement to the State be used to partially fund the Maine Single-payor Health Care Plan;
5. Require that the Commissioner of Health Security report to the joint standing committee of the Legislature having jurisdiction over insurance matters;
6. Repeal the statutes creating the State Employee Health Commission and the State Employee Health Insurance Program. State employees will be insured under the Maine Single-payor Health Care Plan. It also corrected cross-references to the State Employee Health Commission and the State Employee Health Insurance Program; and
7. Remove the provisions in the bill repealing all sales tax exemptions and increasing income tax rates. Instead, the amendment requires the Commissioner of Health Security and the State Tax Assessor to determine the funding levels required to support the Maine Single-payor Health Care Plan and to recommend to the Legislature the imposition of the Maine Single-payor Health Care Plan tax on all plan enrollees to provide funding for the plan.

The amendment also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 2096 **An Act Requiring Timely Reimbursement of Health Insurance Claims** **ONTP**

<u>Sponsor(s)</u> SHIELDS MITCHELL B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2096 proposed to require that health insurers, including managed care companies, pay provider claims on a timely basis or be subject to interest and penalties.

LD 2138 **An Act to Permit the Transfer of Liabilities by a Member of a Workers' Compensation Group Self-insurer** **CARRIED OVER**

<u>Sponsor(s)</u> SAXL M		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2138 proposes to enable a member of a workers' compensation self-insured group to withdraw from the group with the approval of the group by insuring the departing member's own liabilities arising from that member's own claims that would otherwise remain the responsibility of the group. It proposes to further authorize the Superintendent of Insurance to approve insurance policy endorsements that would accomplish this.

LD 2138 has been carried over to the Second Regular Session.

LD 2152

An Act to Amend the Laws Governing Financial Institutions

PUBLIC 218

Sponsor(s)
DOUGLASS

Committee Report
OTP-AM

Amendments Adopted
S-131

LD 2152 proposed to correct a cross-reference to the Department of Human Services law that sets the requirements for mandatory reporting of suspected elder and adult financial abuse. Banks fall under the voluntary reporting provisions of Department of Human Services law.

It proposed to clarify that the Bureau of Banking's authority under the Maine Revised Statutes, Title 9-B, chapter 24 extends to credit unions authorized to do business in this State.

It proposed to change references to insurance agent or broker to insurance producer, a term codified last session in insurance licensing laws.

It proposed to clarify existing law that states that a financial institution must have five directors in its governing body. The bill would have provided flexibility for the Superintendent of Banking to approve fewer directors for good cause shown; this change is consistent with the remainder of the law.

It proposed to repeal and replace the current law that sets forth the procedure for a bank to establish a new branch. The major change to current law is that it sets forth a procedure for a Maine chartered financial institution to obtain approval to establish a branch in a foreign country consistent with the change made in 1997 that permits a bank from a foreign country to establish a branch in Maine. It also proposed to clarify the process for approval of interstate branches that have been permitted by Maine law since 1997.

It proposed to remove outdated references to bank holidays in Maine banking law.

It proposed to clarify that applications for expedited conversions from federal to state bank charters must be accompanied by a fee of \$2,000, which is the same amount charged for a standard charter application procedure. It further clarified that there is no application nor fee charged for conversion from a state to federal charter as such transactions are governed by federal law.

It proposed to permit a federally chartered savings bank, savings and loan association or national bank that converts its charter to a state charter to retain its preconversion corporate title including the use of the designation "federal," "FSB," "National" or "NA" or derivatives of those designations, provided the institution uses the designation "state association" or "S.A." in its name.

It proposed to clarify that an application by the depositors, members or investors of an institution to liquidate the institution must have the concurrence of the superintendent.

It proposed to remove a reference to Title 9-B, Parts 5, 6 and 7; those parts were repealed in the last legislative session.

It proposed to make technical changes to the law governing the process for approval for a bank to engage, either directly or indirectly, in a closely related activity, clarifying that a notice to the Superintendent of Banking is required in all

cases. It would have established a fee of not more than \$2,500 to cover the cost of reviewing a filing; the fee is consistent with other filings made to the superintendent.

It proposed to clarify the prohibitions set forth in Title 9-B, chapter 46 apply to all financial institutions organized under Maine law.

It proposed to make a technical change to Title 9-B, section 814, which governs the credit union field of membership. This change would have clarified that multiple common bond credit unions are permitted under state law and, while the members of each group must share a common bond of occupation or association, the groups themselves are not required to share a common bond.

It proposed to change the application fee for mergers, conversions and acquisitions of a credit union from \$200 to \$2,000, consistent with current law for chartering a credit union.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-131) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 218 does the following:

1. It clarifies that the Bureau of Banking's authority under the Maine Revised Statutes, Title 9-B, chapter 24 extends to credit unions authorized to do business in this State;
2. It changes references to insurance agent or broker to insurance producer, a term codified in the 2nd Regular Session of the 118th Legislature in insurance licensing laws;
3. It gives the Superintendent of Banking the flexibility to approve fewer than five directors in its governing body of a financial institution;
4. It establishes a procedure for a Maine chartered financial institution to obtain approval to establish a branch in a foreign country consistent with the change made in 1997 that permits a bank from a foreign country to establish a branch in Maine. It also clarifies the process for approval of interstate branches that have been permitted by Maine law since 1997;
5. It requires that applications for expedited conversions from federal to state bank charters must be accompanied by a fee of \$2,000, which is the same amount charged for a standard charter application procedure. It further establishes that there is no application nor fee charged for conversion from a state to federal charter as such transactions are governed by federal law;
6. It permits a federally chartered savings bank, savings and loan association or national bank that converts its charter to a state charter to retain its preconversion corporate title including the use of the designation "federal," "FSB," "National" or "NA" or derivatives of those designations, provided the institution uses the designation "state association" or "S.A." in its name.
7. It requires that an application by the depositors, members or investors of an institution to liquidate the institution must have the concurrence of the superintendent;
8. It makes technical changes to the law governing the process for approval for a bank to engage, either directly or indirectly, in a closely related activity, by requiring a notice to the Superintendent of Banking in all cases. It also establishes a fee of not more than \$2,500 to cover the cost of reviewing a filing;

9. It clarifies the prohibitions set forth in Title 9-B, chapter 46 apply to all financial institutions organized under Maine law;
10. It amends the law which governs the credit union field of membership to clarify that multiple common bond credit unions are permitted under state law and, while the members of each group must share a common bond of occupation or association, the groups themselves are not required to share a common bond; and
11. It changes the application fee for mergers, conversions and acquisitions of a credit union from \$200 to \$2,000, consistent with current law for chartering a credit union.

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-182
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LD 2157 proposed to do the following:

Part A proposed to amend the definition of "carrier" in the Health Plan Improvement Act to include nonprofit health care plans and fraternal benefit societies;

Part B proposed to provide a special dependent enrollment period under group health insurance when a certificate holder gains custody of a child. Such special dependent enrollment periods are currently available only in the event of marriage, birth, adoption or placement for adoption;

Part C proposed to amend individual health insurance reform laws. It proposed to clarify the definition of "legally domiciled," by changing the term "resident" to a "person who lives in this State." It also proposed to eliminate the use of a driver's license to establish legal domicile and changes a reference from state income tax to federal tax;

Part D proposed to clarify that the individual guaranteed issue laws do not require the Civilian Health and Medical Program for the Uniformed Services, CHAMPUS, supplemental coverage to be offered to those not covered by CHAMPUS. It also proposed to clarify that carriers that issue only this type of coverage in the individual market are not required to offer standardized plans;

Part E proposed to amend the small group guaranteed issue laws to allow professional associations to require that a minimum percentage of the eligible professionals in a firm be members of the association in order for that firm to be eligible for coverage under the association's health insurance plan;

Part F proposed to add to the health maintenance organization laws a cross-reference to the unfair claims settlement practices laws. It also proposed to extend to health maintenance organizations the mandated benefit reporting requirements and the requirement to pay interest on overdue claims currently applicable to indemnity insurers;

Part G proposed to add to the group and blanket health insurance laws a cross-reference to the individual and small group health insurance reform laws;

Part H proposed to clarify the applicability of credit life and credit health insurance laws;

Part I proposed to clarify that the requirement to pay interest on delayed claim payments applies to life insurance;

Part J proposed to amend the law restricting suicide exclusions in life insurance to permit such exclusions on the increased portion of the benefit when the face amount is increased;

Part K proposed to remove an antiquated limit on the amount of flight insurance that may be purchased;

Part L proposed to amend the continuity of coverage laws. It proposed to remove a reference to disability income insurance from the extension of benefits provision since this provision does not apply to disability income insurance. It corrected inconsistencies in the applicability to blanket policies by making these policies subject to all sections that apply to both group and individual coverage. It clarified the term "creditable coverage" by changing it to "federally creditable coverage." It clarified that a waiting period required under a group health policy must be credited toward any preexisting condition exclusion period, as required by federal law. It corrected inconsistent references to "effective date of coverage" and "date of enrollment." It proposed to amend the provision concerning late enrollees to conform to federal law;

Part M proposed to clarify which sections of Title 24-A apply to entities licensed under Title 24. Currently, there are various applicability sections scattered throughout Title 24. This bill proposed to consolidate them into a single section. It also proposed to replace certain sections of Title 24 that duplicate provisions in Title 24-A with cross-references to the corresponding section in Title 24-A. In addition, it proposed to make entities licensed under Title 24 subject to the requirement to pay interest on overdue claims;

Part N proposed to enact a coordination of benefits provision for individual health insurance similar to the existing provisions for group insurance and for group and individual nonprofit hospital and medical service organizations;

Part O proposed to make necessary cross-reference changes; and

Part P proposed to clarify that an eligible employee under the small group health insurance laws must have at least one full-time employee.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-182) proposed to do the following.

1. In Part C, it proposed to amend the definition of "legally domiciled" for purposes of qualifying for individual health insurance coverage in this State and require that persons living in this State also satisfy three of four criteria to establish legal domicile in Maine. The amendment also proposed to allow those who may not qualify under the established criteria to establish legal domicile based on other relevant factors;
2. In Part I, it proposed to clarify that the operation of the late payments provision is suspended for health claims disputed or appealed in accordance with Bureau of Insurance Rule Chapter 850;
3. In Part N, it proposed to correct a technical error;
4. It proposed Part Q to ensure that the confidentiality of the accreditation survey report provided by the National Committee for Quality Assurance to a health maintenance organization will be protected upon its submittal to the Bureau of Insurance and the Department of Human Services during an examination of the quality of health care services delivered by the health maintenance organization; and
5. It proposed Part R to clarify the minimum benefits standards applicable to multiple-employer welfare arrangements and authorizes the Superintendent of Insurance to exempt certain arrangements from offering the standard and basic plans.

Enacted law summary

Public Law 1999, chapter 256 does the following:

1. It amends the definition of "carrier" in the Health Plan Improvement Act to include nonprofit health care plans and fraternal benefit societies;
2. It provides a special dependent enrollment period under group health insurance when a certificate holder gains custody of a child;
3. It amends the definition of "legally domiciled" for purposes of qualifying for individual health insurance coverage and requires that persons living in this State also satisfy three of four criteria to establish legal domicile in Maine. It also allows those who may not qualify under the established criteria to establish legal domicile based on other relevant factors
4. It clarifies that the individual guaranteed issue laws do not require the Civilian Health and Medical Program for the Uniformed Services, CHAMPUS, supplemental coverage to be offered to those not covered by CHAMPUS. It also clarifies that carriers that issue only this type of coverage in the individual market are not required to offer standardized plans;
5. It amends the small group guaranteed issue laws to allow professional associations to require that a minimum percentage of the eligible professionals in a firm be members of the association in order for that firm to be eligible for coverage under the association's health insurance plan;
6. It extends to health maintenance organizations the mandated benefit reporting requirements and the requirement to pay interest on overdue claims currently applicable to indemnity insurers;
7. It clarifies that the requirement to pay interest on delayed claim payments applies to life insurance. In addition, it requires that the operation of the late payments provision be suspended for health claims disputed or appealed in accordance with Bureau of Insurance Rule Chapter 850;
8. It amends the law restricting suicide exclusions in life insurance to permit such exclusions on the increased portion of the benefit when the face amount is increased;
9. It amends the continuity of coverage laws to remove a reference to disability income insurance from the extension of benefits provision since this provision does not apply to disability income insurance. It makes applicability to blanket policies subject to all sections that apply to both group and individual coverage. It also clarifies that a waiting period required under a group health policy must be credited toward any preexisting condition exclusion period, as required by federal law;
10. It clarifies which sections of Title 24-A apply to entities licensed under Title 24 by consolidating them into a single section. In addition, it makes entities licensed under Title 24 subject to the requirement to pay interest on overdue claims;
11. It enacts a coordination of benefits provision for individual health insurance similar to the existing provisions for group insurance and for group and individual nonprofit hospital and medical service organizations;
12. It requires that an eligible employee under the small group health insurance laws must have at least one full-time employee.
13. It ensures that the confidentiality of the accreditation survey report provided by the National Committee for Quality Assurance to a health maintenance organization be protected upon its submittal to the Bureau of Insurance and the

Department of Human Services during an examination of the quality of health care services delivered by the health maintenance organization; and

14. It clarifies the minimum benefits standards applicable to multiple-employer welfare arrangements and authorizes the Superintendent of Insurance to exempt certain arrangements from offering the standard and basic plans.

LD 2225 An Act to Permit Certain Referrals by Health Care Practitioners CARRIED OVER

<u>Sponsor(s)</u> SAXL M		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2225 proposes to allow a referral to another office or group of health care practitioners, regardless of whether the referring physician holds an investment interest in that office or group. Current law prohibits a health care practitioner from referring a patient to another facility in which the practitioner holds an interest unless the practitioner will be personally responsible for the provision of care to that patient..

LD 2225 has been carried over to the Second Regular Session.

**SP 640 Joint Order - Relative to Establishing a Joint Select Committee to Study ONTP
Third-Party Payments to Health Care Providers**

<u>Sponsor(s)</u> KILKELLY		<u>Committee Report</u> ONTP - MAJ		<u>Amendments Adopted</u>
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This joint order proposed to establish a joint select committee to study third-party payments to health care providers. The select committee would have consisted of seven members and would have been charged with studying the problems of delays in payments by health insurance companies to health care providers and the cash-flow problems this creates for providers. The joint order proposed to have the study report submitted by January 1, 2000 to the Joint Standing Committee on Health and Human Services Committee and the Joint Standing Committee on Banking and Insurance.

Joint Standing Committee on Business and Economic Development

LD 11 **An Act to Exempt Business Brokers and Mergers and Acquisitions Specialists from the Real Estate Brokerage Laws** **ONTP**

<u>Sponsor(s)</u> ABROMSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 11 proposed to exempt business brokers and merger and acquisitions specialists from the real estate brokerage licensing act.

See also LDs 1083, 1176, 1450 and 2130.

LD 19 **An Act to Require That Stores Close for a Half Day on Memorial Day and Veterans' Day** **ONTP**

<u>Sponsor(s)</u> GAGNE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 19 proposed to prohibit stores from opening before noon on Memorial Day and Veterans' Day.

LD 29 **Resolve, Regarding Legislative Review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a Major Substantive Rule of the Board of Elevator and Tramway Safety** **RESOLVE 4
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-31
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LD 29 proposed to provide for legislative review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a major substantive rule of the Board of Elevator and Tramway Safety.

Committee Amendment "A" (H-31) added a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 4 authorizes the final adoption of major substantive rule Chapter 15: Fees, Section 15.8: Inspection Fees - Tramway, of the Board of Elevator and Tramway Safety.

Chapter 4 was enacted as an emergency measure effective March 29, 1999.

Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-601
	OTP-AM MIN	

LD 30 proposed to provide for legislative review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, major substantive rules of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-96) was the majority report. This amendment proposed to strike the emergency preamble and clause. This amendment also proposed to authorize final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, provided several amendments were made to the proposed rule by the Department of Professional and Financial Regulation prior to its final adoption. The proposed amendments were to provide that:

1. The reference to Lincomycin in Chapter 6, Section 3, subsection E(4) must be deleted;
2. The reference to Aminophylline in Chapter 6, Section 3, subsection E(8) must be deleted; and
3. The reference to Theophylline in Chapter 6, Section 3, subsection E(8) must be deleted.

This amendment was not enacted.

Committee Amendment "B" (H-97) was the minority report. This amendment proposed to replace the original resolve. This amendment proposed to strike the emergency preamble and emergency clause. This amendment proposed to authorize final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; and Chapter 9: Fees, Section 1. This amendment also proposed to disapprove Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships because that rule exceeds the scope of prescriptive authority described in the licensing statute. This amendment also proposed to direct the Department of Professional and Financial Regulation to reconvene a subcommittee of the Board of Complementary Health Care Providers to develop a revised rule within the statutory scope of prescriptive authority. This amendment proposed to allow the Department of Professional and Financial Regulation to proceed with licensure of naturopathic doctors, but limit naturopathic doctors' prescriptive authority to nonprescription medications. This amendment also proposed to add an appropriation section and a fiscal note.

This amendment was not enacted.

Committee of Conference Amendment "A" (H-601) was the unanimous report of the Committee of Conference. This amendment proposed to strike the emergency preamble and emergency clause. This amendment proposed to authorize final adoption of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1 provided that Chapter 6 was revised to remove the authority for naturopathic doctors to prescribe Lincomycin, Aminophylline, Theophylline, allergy shots and nontopical steroids.

House Amendment "A" to Committee Amendment "B" (H-195) was presented on behalf of the Committee on Bills in the Second Reading to clarify a reference to the Maine Revised Statutes.

This amendment was not enacted.

Enacted law summary

Resolve 1999, chapter 51 authorizes the final adoption of major substantive rules Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, provided that Chapter 6 is revised by the Department of Professional and Financial Regulation to remove the authority for naturopathic doctors to prescribe Lincomycin, Aminophylline, Theophylline, allergy shots and nontopical steroids.

LD 31 **Resolve, Regarding Legislative Review of Chapter 8: Fees, Section 1: A Major Substantive Rule of the Board of Veterinary Medicine** **RESOLVE 5 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-32
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LD 31 proposed to provide for legislative review of Chapter 8: Fees, Section 1, a major substantive rule of the Board of Veterinary Medicine.

Committee Amendment "A" (H-32) added a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 5 authorizes the final adoption of major substantive rule Chapter 8: Fees, Section 1, of the Board of Veterinary Medicine.

Chapter 5 was enacted as an emergency measure effective March 29, 1999.

LD 75 **An Act to Create Licensing Requirements for Pipefitters** **ONTP**

<u>Sponsor(s)</u> BOLDUC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 75 was a concept draft pursuant to Joint Rule 208. This bill proposed to establish licensing requirements for pipefitters.

LD 112

Resolve, to Study Current Regulations Imposed on Small Businesses to Require Greater Efficiency

**RESOLVE 74
EMERGENCY**

Sponsor(s)
AHEARNE

Committee Report
OTP-AM

Amendments Adopted
H-79
S-448 MICHAUD

LD 112 proposed to establish the Task Force to Study the Effect of Government Regulation on Small Businesses.

Committee Amendment "A" (H-79) proposed to clarify the intent of the original resolve by specifying the duties of the task force. This amendment also added an appropriation section and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-448) proposed to correct the appointment of the chairs of the Task Force to Study the Effect of Government Regulation on Small Businesses. It also proposed to limit resulting legislation to a single bill and correct the appropriation.

Enacted law summary

Resolve 1999, chapter 74 established the Task Force to Study the Effect of Government Regulation on Small Businesses. Chapter 74 was enacted as an emergency measure effective June 17, 1999.

LD 168

An Act to License Home Inspectors

CARRIED OVER

Sponsor(s)
HARRIMAN

Committee Report

Amendments Adopted

LD 168 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Maine Board of Home Inspectors. The bill creates 3 categories of licensure: apprentice inspector, home inspector and professional inspector. Each category of licensure has specific educational and experimental requirements. There is a provision for grandfathering individuals working as home inspectors before January 1, 2001 provided they meet the eligibility requirements set forth in the law.

The fee structure for application, licensure, renewal and examination will be determined by the board. Continuing education requirements will also be established by the board for licensure renewal.

LD 178

An Act to Appropriate Block Grants for Regional Tourism Promotion

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 178 proposed to establish the Regional Tourism Promotion Grant Program to be administered by the Office of Tourism and Community Development within the Department of Economic and Community Development. Through the grant program, organizations within eight tourism regions of the State would receive grants of up to \$100,000 per year to promote tourism in the regions. The bill listed criteria for determining eligibility for the grants. The program would be funded primarily by directing the Commissioner of the Department of Economic and Community Development

to use \$400,000 of the budget of the Office of Tourism and Community Development for grants. The program would be eligible to receive additional funds from other sources.

LD 306 **Resolve, to Honor Farmers' Contributions to Maine's Agricultural Heritage and Promote Tourism** **ONTP**

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

LD 306 proposed to direct the Office of Tourism and Community Development to work with the Maine Promotion Council Cooperative to develop strategies to promote tourism in inland, rural areas of the State with an agricultural heritage.

LD 324 **An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians** **PUBLIC 159**

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

LD 324 proposed to amend the law that allows an assistant to a physician or a surgeon to perform certain activities only when the physician or surgeon has direct control over the assistant and is in the same room with the assistant while the procedure is being performed.

This bill proposed to continue to require that an assistant to a physician or a surgeon may only perform certain activities when the assistant is under the control of the physician or surgeon, but would allow the assistant to perform those activities outside of the direct presence of the physician or surgeon, instead requiring only that the physician or surgeon be present on the premises.

Enacted law summary

Public Law 1999, chapter 159 requires that an assistant to a physician or a surgeon may only perform certain activities when the assistant is under the control of the physician or surgeon who must be present on the premises at the time the activities are performed.

LD 421 **An Act to Amend the Membership of the State Board of Funeral Service** **PUBLIC 91**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY MICHAUD	OTP-AM	H-118

LD 421 proposed to increase the membership of the State Board of Funeral Service from 8 members to 9 members by adding a member representing the interests of senior citizens and chosen from a list provided by a national organization of retired persons such as the American Association of Retired Persons.

Committee Amendment "A" (H-118) proposed to retain the current membership of the board at eight members, but decreased from six to five those who are licensed for the practice of funeral service and increased from two to three those who must be representatives of the public. This amendment would eliminate the requirement that one of the members of the board must represent the interests of senior citizens and must be selected from a list of applicants provided by a national organization of retired persons. Instead, a national organization of retired persons would be permitted to submit a list of applicants for use in the selection of one of the public members. This amendment set an effective date of January 1, 2000.

Enacted law summary

Public Law 1999, chapter 91 changes the composition of the membership of the State Board of Funeral Service. It decreases from 6 to 5 the number of members who are licensed for the practice of funeral service and increases from 2 to 3 the number of members who must be representatives of the public. A national organization of retired persons may submit a list of applicants for use in the selection of one of the public members. Chapter 91 was enacted with an effective date of January 1, 2000.

LD 455 **An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices** **VETO SUSTAINED**

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

LD 455 proposed to repeal a section of law that required the posting of prices of motor vehicle fuels sold. The Legislature enacted the bill, however, the Governor vetoed the bill. The veto was sustained.

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

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

LD 464 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to exempt oil burner technicians from disciplinary actions involving the installation or servicing of oil burning equipment in an unsafe chimney. It does not, however, require that the oil burner technician notify the property owner and the Office of the State Fire Marshal concerning the condition of the chimney before making the repair or installation.

LD 483 **An Act to Include a Denturist on the Board of Dental Examiners** **PUBLIC 124**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD STANLEY	OTP-AM	H-163 TOWNSEND S-58

LD 483 proposed to increase the membership of the Board of Dental Examiners by adding a denturist.

Committee Amendment "A" (S-58) proposed to clarify the bill by specifying that a dentist would be added to the Board of Dental Examiners until January 1, 2001. After January 1, 2001, the size of the board would revert back to seven members. This amendment also added an allocation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-163) proposed to provide an allocation to the Department of Professional and Financial Regulation, Board of Dental Examiners rather than to the Office of Licensing and Registration for the additional costs that would result from increasing the membership of the board.

Enacted law summary

Public Law 1999, chapter 124 increased the membership of the Board of Dental Examiners from 7 to 8 by adding a dentist to the Board until January 1, 2001. After January 1, 2001, the board reverts back to 7 members.

LD 505 **An Act to Exempt Free Clinics from Payment of Pharmaceutical Registration Fees** **PUBLIC 42**

<u>Sponsor(s)</u> PINGREE SULLIVAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-20
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LD 505 proposed to amend the Maine Pharmacy Act by including a free clinic in the definition of drug outlet. The bill also proposed to exempt free clinics from registration fees required under the Maine Pharmacy Act.

Committee Amendment "A" (S-20) proposed to give the Board of Pharmacy the authority to exempt a free clinic from fees required under the Maine Pharmacy Act. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 42 amends the Maine Pharmacy Act by including free clinic in the definition of drug outlet, defines free clinic and authorizes the Maine Board of Pharmacy to exempt a free clinic from fees required under the Act.

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

<u>Sponsor(s)</u> MENDROS BENNETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 526 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to establish the Commission to Study Economic Development Opportunities for Lewiston and Auburn.

LD 576 **An Act to Update and Amend the Maine Pharmacy Act** **PUBLIC 130
EMERGENCY**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-205 O'NEAL H-80
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LD 576 proposed to implement the recommendations of the Pharmacy Act Review Group, which was established by the Department of Professional and Financial Regulation to update the Maine Pharmacy Act.

The bill defined automated pharmacy systems and authorized the Maine Board of Pharmacy to establish standards for their use. The bill redefined practitioner, reflecting the increased number of professions that are authorized to prescribe. It allowed the board to use discretion in issuing a license by reciprocity, and aligned the board's license and continuing education cycles with the calendar year. The bill removed the automatic provision of executive session for informal conferences and added breach of confidentiality to the area of unprofessional conduct. The bill allowed a pharmacist to be in charge of more than one outlet with written permission from the board and allowed drug outlets to open prior to state site inspection. The bill tied record retention requirements to those of federal Medicare laws and required dispensed drug labels to include the beyond use date of the drug.

Finally, the bill proposed to establish a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change if necessary by January 1, 2000.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-80) proposed to add an emergency preamble and an emergency clause to the bill. This amendment clarified the definition of "compounding." Reference to the Maine Revised Statutes, Title 22, section 1711-C was removed and breach of confidentiality of health care information pursuant to state law was added to the grounds for discipline. Applications for certificates of registration would be required to include a certification by the pharmacist in charge. This amendment also charged the statutory review committee with the duty of reviewing requirements for the labeling of prescriptions. This amendment also added a fiscal note to the bill.

House Amendment "A" (H-205) proposed to change the date that the statutory review committee must submit a written report from January 1, 2000 to December 31, 1999.

Enacted law summary

Public Law 1999, chapter 130 amends the Maine Pharmacy Act. It defines automated pharmacy systems and authorizes the Maine Board of Pharmacy to establish standards for their use. The law also defines compounding and redefines practitioner. The law allows for issuance of prescription drug orders by electronic transmission. It allows the board to use discretion in issuing a license by reciprocity and aligns the board's license and continuing education cycles with the calendar year. The law removes the mandatory provision of executive session for informal conferences and adds breach of confidentiality to the area of unprofessional conduct. The law allows a pharmacist to be in charge of more than one outlet with written authorization from the board and requires applications for certificates of registration to include a certification by the pharmacist in charge. The law also allows drug outlets to open prior to state site inspection. The law ties record retention requirements to those of federal Medicare laws and requires dispensed drug labels to include the beyond use date of the drug.

Finally, the law establishes a statutory review committee to review the current scope of practice for pharmacists and to make recommendations for change if necessary. The review must address the issues of drug administration, collaborative practice, the current regulatory relationship between the Board of Pharmacy and institutional pharmacies and the current requirements for the labeling of prescriptions. The review committee must also develop standards for the inclusion of both brand names and generic names on prescription labels.

Chapter 130 was enacted as an emergency measure effective May 6, 1999.

LD 640

An Act to Require Informed Consent when Using Mercury in Dental Procedures

ONTP

Sponsor(s)
MICHAUD

Committee Report
ONTP

Amendments Adopted

LD 640 proposed to require informed consent from the patient for a dental procedure involving the use of mercury or mercury amalgam, including information on the intended use, potential advantages and disadvantages and other options for completing the dental procedure.

LD 675

An Act to Amend Consumer Protection Laws with Respect to Internet Service

CARRIED OVER

Sponsor(s)
NUTTING J

Committee Report

Amendments Adopted

LD 675 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require Internet providers to identify to each customer any local access numbers and long-distance access numbers that the customer may use to access the provider.

LD 732

An Act to Require Certain Disclosures by Providers of Funeral Services

PUBLIC 282

Sponsor(s)
STANLEY

Committee Report
OTP-AM

Amendments Adopted
H-398

LD 732 proposed to require persons who provide funeral services or supplies to disclose the ownership of the funeral establishment and all of the options in services and supplies available for burial or cremation and to disclose the necessity and cost of each option.

Committee Amendment "A" (H-398) replaced the bill and proposed to require funeral establishments to disclose the ownership of the funeral establishment and whether rental caskets are offered. This amendment also clarified that these disclosures supplement the disclosures required by Federal Trade Commission regulations. This amendment also added an allocation section and a fiscal note.

Enacted law summary

Public Law 1999, chapter 282 requires funeral establishments to disclose the ownership of the funeral establishment on all contracts or agreements for the provision of funeral services or supplies. The law also requires funeral establishments to disclose on its price lists either that rental caskets are offered and the cost of rental or that rental caskets are not offered. These disclosures supplement disclosures required by the Federal Trade Commission.

LD 745

An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act

PUBLIC 133

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH KONTOS	OTP-AM	H-201

LD 745 proposed to exempt from the Propane and Natural Gas Act self-service propane or natural gas dispensing stations that dispense fuel into a clean fuel vehicle through pumps that have been certified to standards of safety equivalent to those applicable to gasoline delivery pumps certified for self-service operation by any motor vehicle operator.

Committee Amendment "A" (H-201) replaced the bill. This amendment defined "self-service propane or natural gas dispenser" and exempted individual users of self-service propane or natural gas dispensers from the licensing provisions of the Propane and Natural Gas Act.

Enacted law summary

Public Law 1999, chapter 133 amends the Propane and Natural Gas Act. The law defines "self-service propane or natural gas dispenser" and exempts individual users of self-service propane or natural gas dispensers from the licensing provisions of the Act.

LD 784

An Act to Prohibit the Use of Social Security Numbers for Identification Purposes

ONTP

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

LD 784 proposed to expand the prohibition under current law on use of social security numbers to prohibit all business organizations, governmental entities and all other entities operating in the State from requesting a person's social security number for any purpose unless it is necessary to collect or disperse social security funds or when federal law requires the Federal Government to obtain a person's social security number from the business. Employers were permitted to request an employee's social security number without these limitations. The Attorney General was given the power to enforce the prohibition.

LD 814

An Act to Create a Lemon Law for Inboard Motorboats

ONTP

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

LD 814 proposed to establish a "lemon law" governing the sale and lease of new inboard motorboats in the State. It also proposed to establish state-certified arbitration for disputes over new inboard motorboats.

LD 869

An Act to Amend Maine's Payroll Processing Laws

PUBLIC 172

<u>Sponsor(s)</u> PINGREE BERRY R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-105
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LD 869 proposed to add a fidelity bond or liability insurance requirement for payroll processors who register with the State Tax Assessor.

Committee Amendment "A" (S-105) proposed to provide more specific information about the type of liability coverage required and changed the minimum amount of coverage payroll processors would be required to obtain. This amendment also added an effective date of January 1, 2000 and added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 172 requires each registered payroll processor to provide proof of fidelity bond, employee dishonesty bond, third-party fidelity coverage or liability insurance. Chapter 172 is effective January 1, 2000.

LD 941

An Act to Require That Certified Public Accounting and Public Accounting Firms Have a Majority of Their Owners Hold Certificates

PUBLIC 200

<u>Sponsor(s)</u> WINSOR	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-234
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LD 941 proposed to allow a minority of the owners of a certified public accounting or public accounting firm to be nonlicensed.

Committee Amendment "A" (H-234) proposed to clarify the requirements for nonlicensee owners of certified public accounting or public accounting firms. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 200 allows accounting firms with a minority of nonlicensed owners to apply for a permit to practice.

LD 949

An Act to Encourage Economic Development in the State

PUBLIC 504

<u>Sponsor(s)</u> KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-309 S-411 MICHAUD
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LD 949 proposed to amend the laws governing the Small Enterprise Growth Program to allow investments to be made in companies with sales not exceeding \$5,000,000 or 50 or fewer employees. This change would make the eligibility consistent with the Finance Authority of Maine's small business loan insurance program.

The bill would set terms of members of the Small Enterprise Growth Board at 2 years, rather than one year, with a maximum of 3 consecutive 2-year terms. It would increase the amount the board can invest in any recipient from

\$150,000 to \$500,000. It also would allow the board to obtain an equity or ownership interest in a recipient when the board determines that such an equity position would provide the most appropriate return on the board's investment in the enterprise.

The bill proposed to repeal the requirement that the Small Enterprise Growth Board only invest in enterprises that are not able to access sufficient financial assistance from a financial institution.

Finally, it proposed to amend the eligibility provision of the Agricultural Marketing Loan Fund to clarify that businesses engaged in the growing or harvesting of trees and the processing of wood into by-products or into raw materials for the papermaking process are ineligible for loans under the program.

Committee Amendment "A" (S-309) proposed to make the following changes to the bill:

1. It would require the Finance Authority of Maine to report annually to the Legislature on disbursements made under the Small Enterprise Growth Fund.
2. It would modify the requirement that matching funds obtained by a small business receiving an investment from the Small Enterprise Growth Fund must be at risk in the company for 5 years.
3. It would allow the authority to use the moral obligation of the State to assist businesses with expansion plans or plans to move to the State with revenues of over \$1,000,000, which would retain or create 50 jobs.
4. It would increase the maximum loan insurance the authority can provide for a retail business and remove limitations on the authority's ability to provide assistance to retail businesses.
5. It would correct an inconsistency in the Maine Seed Capital Tax Credit Program by making investments in technology-intensive businesses eligible for the tax credit when those investments are made directly in the business and not solely when made through a venture capital fund.
6. It would modify the definition of facility owner for applicants to the Fund Insurance Review Board to include related entities and individuals and clarify the time that the owner is determined for purposes of application to the fund.
7. It also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-411) proposed to change the definition of "agricultural enterprise" for purposes of the Agricultural Marketing Loan Fund. This amendment also proposed to remove that portion of the committee amendment that modifies the definition of "facility owner" for applicants to the Fund Insurance Review Board.

Enacted law summary

Public Law 1999, chapter 504 makes changes to the Small Enterprise Growth Program, the Maine Seed Capital Tax Credit Program and the Agricultural Marketing Loan Fund. See also LD 2255 (Public Law 1999, chapter 531).

LD 952

An Act to Reduce Unsolicited Communications from the Internet

CARRIED OVER

Sponsor(s)
MILLS

Committee Report

Amendments Adopted

LD 952 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to:

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

LD 955

An Act to Recodify the Auctioneers Licensing Law

PUBLIC 146

Sponsor(s)
MACKINNON

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
S-95

LD 955 proposed to rewrite the auctioneers licensing law. The bill organized the law into subchapters that clarify standards of practice and license requirements. In addition, definitions used in the chapter were clarified and expanded and the license renewal cycle was changed from biennial to annual.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-95) proposed to change the fee cap for auctioneers from \$200 to \$100 per year for residents and \$125 per year for nonresidents. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 146 is a rewrite of the auctioneers licensing law. The law organizes the statute into subchapters that clarify standards of practice and license requirements. In addition, definitions are clarified and expanded. The law changes the renewal cycle for licenses from a biennial to an annual renewal and sets the licensing fee cap at \$100 per year for residents and \$125 per year for nonresidents. The grounds for disciplinary sanctions have been revised to include the failure to account for property, as well as money, that comes into the licensee's possession and that belongs to others and the criminal conviction violation has been revised to include any crime that bears directly on the practice of auctioning.

LD 967

An Act Concerning Heating Sources in Public Housing

ONTP

<u>Sponsor(s)</u> BRAGDON MITCHELL B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 967 proposed to repeal the law that requires higher insulation standards for the installation of electric heat in multifamily residential buildings funded in whole or in part by public funds.

LD 1066

An Act to Establish the Early Care and Education Revolving Loan Program

INDEF PP

<u>Sponsor(s)</u> LONGLEY ROWE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1066 proposed to establish the Early Care and Education Revolving Loan Program. The program would be open to nonprofit or governmental economic development corporations or entities capable of providing financial assistance to businesses providing early care and education.

Committee Amendment "A" (S-223) proposed to correct a typographical error in the title of the bill. It also proposed to create the Quality Child Care Education Scholarship Fund to be used to provide scholarships for Maine residents enrolled in early childhood education or child development courses at institutions of higher education. Appropriations to the fund would be administered by the Finance Authority of Maine in overseeing the awarding of scholarships.

This amendment also proposed to provide that funds in the Early Care and Education Revolving Loan Program Fund could be used to make loans of up to \$5,000 to perform lead abatement.

Finally, this amendment proposed to expand the Regional Economic Development Revolving Loan Program administered by the Finance Authority of Maine by allowing funds to be used for loans to quality child care projects.

The Finance Authority of Maine would reserve \$300,000 for loans to quality child care projects. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-588) proposed to change an annual reporting date to the last business day of the year. This amendment was not adopted.

The provisions of this bill and amendments were subsequently incorporated into LD 617 (Public Law 1999, chapter 401, Part 000).

LD 1070 **An Act to Expand the Bottle Law to Include Certain Beverage Containers** **ONTP**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1070 proposed to subject to the bottle law rice milk, unflavored soymilk, milk and dairy-derived beverage containers that are 24 ounces in size or less.

LD 1083 **An Act to Amend the Real Estate Brokerage Law** **PUBLIC 129**

<u>Sponsor(s)</u> KONTOS O'NEAL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-77
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LD 1083 proposed to amend the real estate brokerage laws. The proposed changes in the bill would:

1. Repeal the licensing requirement for time-share agents;
2. Repeal the right of a complainant to appeal a decision made by the director to dismiss or not to pursue a complaint;
3. Increase the number of continuing education clock hours from 12 to 15 for active licensees;
4. Increase in increments the total number of hours required to activate a license;
5. Require an examination for licensees activating after six years on the inactive status;
6. Repeal one method to qualify for licensure as an associate broker;
7. Repeal an outdated section requiring specific disclosure for mobile home sales with or without land; and
8. Clarify sections regarding the need for certain listings to be in writing, the duty to produce documents requested by the director, the need to license branch offices, the duty to notify the commission of material changes in the original license application and certain definitions used in the agency relationship subchapter.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-77) proposed to clarify that the time frames for determining the requirements to reinstate an inactive real estate broker license begin running on the effective date of the bill. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 129 amended the Real Estate Brokerage License Act in the following ways:

1. It repeals the licensing requirement for time-share agents;
2. It exempts time-share transactions from the Act;
3. It repeals the right of a complainant to appeal a decision made by the director to dismiss a complaint or to refuse to pursue an investigation of an alleged violation of the Act;
4. It changes one of the reasons for disciplinary sanctions from “failure to produce documents concerning any transaction under investigation” to “failure to produce documents concerning any matter under investigation”;
5. It repeals the exemption that exempts a licensee’s place of residence from the requirement to be licensed as a branch office;
6. It clarifies the types of listings that must be in writing;
7. It clarifies the licensee’s responsibility to notify the Commission of any material change in the licensee’s original application;
8. It requires a licensee who has held an inactive license for 6 years or more to pass an examination to activate the license. For licensees who have held an inactive license for under 6 years, the number of clock hours of continuing education required to activate the license are increased. The timeframes for determining the requirements for reinstatement of a license to active status begin running on the effective date of Chapter 129;
9. It increases the number of continuing education clock hours from 12 to 15 for active licensees; and

10. It eliminates one of the current methods to qualify for licensure as an associate broker.

See also LDs 11, 1176, 1450 and 2130.

LD 1094

An Act to Promote Economic Development in Northern Maine

CARRIED OVER

Sponsor(s)
KNEELAND
PARADIS

Committee Report

Amendments Adopted

LD 1094 is being carried over to the Second Regular Session of the 119th Legislature.

The bill is a concept draft pursuant to Joint Rule 208. The bill proposes to implement legislation to improve economic development opportunities in northern Maine. It proposes to:

1. Improve the infrastructure;
2. Enhance existing businesses and encourage job growth;
3. Attract high-tech and high-wage jobs; and

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

LD 1126 **An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws** **PUBLIC 228**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM	H-233

LD 1126 proposed to increase plumbing permit fees and remove references to rules governing plumbing adopted by the Department of Human Services. It proposed to allow a municipality to enact ordinances under its home rule authority that are more restrictive than rules governing plumbing adopted by the Department of Professional and Financial Regulation. It also proposed that a portion of plumbing permit fees paid must be used by the Department of Human Services to administer the receipt and collation of completed permits and the issuance of plumbing permit labels to municipalities and by the State Planning Office for training and certification of local plumbing inspectors.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-233) added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 228 increases plumbing permit fees and removes references to rules governing plumbing adopted by the Department of Human Services. The law allows a municipality to enact ordinances under its home rule authority that are more restrictive than rules governing plumbing adopted by the Department of Professional and Financial Regulation. It also provides that a portion of plumbing permit fees paid must be used by the Department of Human Services to implement subsurface wastewater disposal rules and administer the receipt and collation of completed permits and the issuance of plumbing permit labels to municipalities and by the State Planning Office for training and certification of local plumbing inspectors. The remainder of the fee will be paid to the municipality.

LD 1147 **An Act to Decriminalize Resource Protection Violations by Seafood Dealers** **CARRIED OVER**

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

LD 1147 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Board of Seafood Dealers to enforce violations, review complaints against seafood dealers and take disciplinary action. The board would consist of 7 members appointed by the Governor. Six members would be licensed seafood dealers. One member would be a representative of the Department of Marine Resources with expertise in matters relating to seafood dealers.

LD 1176 **An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure** **CARRIED OVER**

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

LD 1176 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to exempt nonresidential property sales from the Maine Real Estate Commission rules on property disclosure.

See also LDs 11, 1083, 1450 and 2130.

LD 1182 **An Act to Amend the Qualifications of Weighmasters** **CARRIED OVER**

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

LD 1182 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish a corporate public weighmaster license.

LD 1186 **An Act Regarding the Circumstances under Which a Physician May Be Disciplined** **ONTP**

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

LD 1186 proposed to allow the Board of Licensure in Medicine to censure or otherwise discipline a person licensed in medicine if that person commits even one act of incompetence on one patient.

LD 1189 **An Act to Ensure Adequate Funding of Certain Public Safety Programs of Occupational or Professional Licensure Boards** **PUBLIC 257**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACKINNON	OTP-AM	S-178

LD 1189 addressed three separate boards under the jurisdiction of the Department of Professional and Financial Regulation. The bill proposed to increase the license fee cap of the Board of Licensure of Podiatric Medicine. The bill proposed to raise the licensing fee cap and amend the biennial renewal schedule of the Board of Licensing of Dietetic Practice. Finally, the bill proposed to raise the license fee cap under the Board of Complementary Health Care Providers.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-178) added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 257 increases the license fee cap of the Board of Licensure of Podiatric Medicine, raises the licensing fee caps and amends the biennial renewal schedule of the Board of Licensing of Dietetic Practice and raises the initial fee cap under the Board of Complementary Health Care Providers.

LD 1206

An Act to Provide for the 1999 and 2000 Allocations of the State Ceiling on Private Activity Bonds

**PUBLIC 443
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS O'NEAL	OTP-AM	S-341 S-362 KONTOS

LD 1206 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 1999 and 2000. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-341) replaced the bill and proposed to establish the allocation of the state ceiling on issuance of tax-exempt bonds for calendar years 1999 and 2000.

This amendment would establish the Loans to Lenders Pilot Program to study the feasibility of and implement a pilot program by which private lending institutions could access a portion of the proceeds of bonds issued using an allocation of the state ceiling allocated to the Finance Authority of Maine for education loans. The authority of the Finance Authority of Maine to issue bonds under the Loans to Lenders Pilot Program would terminate on March 1, 2000.

This amendment would change membership of the group that may allocate and reallocate with respect to the state ceiling during any time that the Legislature is not in session.

This amendment would require that bonds issued using an allocation of the state ceiling be used for the benefit of Maine individuals, communities or businesses and would require bond issuers to annually report to the Governor and the Legislature on who benefited from the state ceiling.

This amendment would require an issuer or lender to provide, prior to receiving an allocation of the state ceiling for the issuance of education loans, examples of the disclosures to be made to loan recipients or obligors. It also would require that federally authorized student loans purchased or originated with proceeds of tax-exempt bonds using a portion of the state ceiling be guaranteed by the Finance Authority of Maine until July 15, 2000. The Finance Authority of Maine would be required to use its best efforts to provide competitive rates for the guarantee function. This amendment also creates the requirement that the members of the Maine Educational Loan Authority are subject to confirmation by the Legislature.

This amendment would establish the Commission on the State Ceiling on Tax-exempt Bonds to study the allocation of the state ceiling on tax-exempt bonds. The commission would report its findings and proposed legislation to the Joint Standing Committee on Business and Economic Development by January 14, 2000.

This amendment also added a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-362) proposed to clarify that credit unions are included in the definition of lenders eligible to receive loans under the Loans to Lenders Pilot Program.

Enacted law summary

Public Law 1999, chapter 443 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 1999 and 2000. Under federal law, a maximum of \$150,000,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine each year

Chapter 443 changes membership of the group that may allocate and reallocate with respect to the state ceiling during any time that the Legislature is not in session, and requires that bonds issued using an allocation of the state ceiling be used for the benefit of Maine individuals, communities or businesses and requires bond issuers to annually report to the Governor and the Legislature on who benefited from the state ceiling.

An issuer or lender is required to provide, prior to receiving an allocation of the state ceiling for the issuance of education loans, examples of the disclosures to be made to loan recipients or obligors. Federally authorized student loans purchased or originated with proceeds of tax-exempt bonds using a portion of the state ceiling must be guaranteed by the Finance Authority of Maine until July 15, 2000. The Finance Authority of Maine must use its best efforts to provide competitive rates for the guarantee function. Chapter 443 also creates the requirement that the members of the Maine Educational Loan Authority are subject to confirmation by the Legislature.

Chapter 443 establishes the Loans to Lenders Pilot Program to study the feasibility of and implement a pilot program by which private lending institutions may access a portion of the proceeds of bonds issued using an allocation of the state ceiling allocated to the Finance Authority of Maine for education loans. The authority of the Finance Authority of Maine to issue bonds under the Loans to Lenders Pilot Program terminates on March 1, 2000.

Chapter 443 also establishes the Commission on the State Ceiling on Tax-exempt Bonds to study the allocation of the state ceiling on tax-exempt bonds. The commission shall report its findings and proposed legislation to the Joint Standing Committee on Business and Economic Development by January 14, 2000.

Chapter 443 was enacted as an emergency measure effective June 9, 1999.

LD 1233

An Act to Provide for Automated Restrooms

ONTP

Sponsor(s)
POVICH

Committee Report
ONTP

Amendments Adopted

LD 1233 proposed to require that all new commercial or institutional buildings be equipped with automated restrooms.

LD 1253

An Act to Create the Board of Cemetery and Crematory Services

CARRIED OVER

Sponsor(s)
CAMPBELL

Committee Report

Amendments Adopted

LD 1253 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to create the Board of Cemetery and Crematory Services to assist the Attorney General in the investigation of consumer complaints concerning cemeteries and crematories and to work closely with the Department of Human Services, Bureau of Health and Office of Data Research and Vital Statistics on issues relating to cemetery and crematory operations.

LD 1286

An Act to Expand Economic Development Opportunity

ONTP

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

LD 1286 proposed to add the Commissioner of Agriculture, Food and Rural Resources as a member of the Small Enterprise Growth Board. The bill also proposed to add ethanol production or processing facilities as a business that qualifies for funding under the Small Enterprise Growth Program. Finally, the bill proposed to amend the Agricultural Marketing Loan Program by providing that an agricultural marketing loan for a start-up agricultural business or a business engaged in ethanol production or processing may be for an amount up to 80% of the total cost of the project.

LD 1292

An Act to Enhance Tourism Promotion and Provide Additional State Revenue

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER LAWRENCE	OTP	S-406 MICHAUD

LD 1292 proposed to provide additional General Fund appropriations to the Office of Tourism and Community Development. It would provide matching funds for the Travel Promotion Matching Fund Program and enact language regarding the allocation and fund distribution procedures. It would also provide additional funding for tourism contract services.

Senate Amendment "A" (S-406) proposed to reduce the General Fund appropriation provided for the Travel Promotion Matching Fund and eliminate appropriations for contract services in the Office of Tourism.

The Legislature enacted the bill with Senate Amendment "A", however, the Governor vetoed the bill. The veto was sustained.

LD 1295

An Act Regarding Continuing Education for Professional Land Surveyors

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-232 H-547 O'NEAL

LD 1295 proposed to remove the March 1, 1999 repeal provision that eliminates the continuing education requirement for professional land surveyors.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-232) proposed to add a retroactivity clause and provided for the continuing education rules enacted by the Board of Licensure for Professional Land Surveyors that were in effect on February 28, 1999 to remain in effect.

House Amendment "A" (H-547) proposed to remove the emergency preamble and the emergency clause from the bill.

Enacted law summary

Public Law 1999, chapter 335 removes the March 1, 1999 repeal provision that eliminates the continuing education requirement for professional land surveyors, adds a retroactivity clause and provides for the continuing education rules enacted by the Board of Licensure for Professional Land Surveyors that were in effect on February 28, 1999 to remain in effect.

LD 1304

**An Act to Amend the Laws Regarding the Hiring of Physicians for
Maine Summer Camps**

ONTP

<u>Sponsor(s)</u> MCKEE NUTTING J		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1304 proposed to reduce certain medical training requirements to allow a physician who is in good standing and licensed as a physician in another state to be temporarily licensed as a camp physician in this State.

LD 1414

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

CARRIED OVER

<u>Sponsor(s)</u> TREAT COLWELL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1414 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to direct the Department of Economic and Community Development to develop a state policy that gives preference to downtown areas for the location of state facilities and avoids contributing to urban sprawl. The policy would incorporate a proactive strategy to promote investment in communities that have state offices or facilities that service clients including targeting economic funds to assist in renovating buildings for potential use for state facilities and providing outreach and technical assistance to communities that have state offices or facilities that service clients to attract state facilities or other businesses to downtown areas. The Department of Economic and Community Development would work with other state agencies in developing this policy including the Department of Administrative and Financial Services, the Department of Transportation, the Maine State Housing Authority and the Finance Authority of Maine. The Department of Economic and Community Development would report to the Joint Standing Committee on Business and Economic Development with its proposed strategy by January 15, 2000.

See LD 304 - Resolve, to Establish the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development considered by the State and Local Government Committee.

LD 1436

An Act to Transfer the Regulatory Responsibilities of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources

PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL KONTOS	OTP	S-63 KONTOS

LD 1436 proposed to repeal the laws relating to the Arborist Examining Board and the laws that give the Department of Professional and Financial Regulation the duty to license arborists. The bill also proposed to enact laws similar to the current laws governing the licensing of arborists that give the Department of Agriculture, Food and Rural Resources the duty to license arborists.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Senate Amendment "A" (S-63) added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 84 repeals the current laws relating to the Arborist Examining Board and the laws that give the Department of Professional and Financial Regulation the duty to license arborists. Laws similar to the current laws governing the licensing of arborists are enacted that give the Department of Agriculture, Food & Rural Resources the duty to license arborists.

LD 1437

An Act to Reorganize the Real Estate Appraisers Law

PUBLIC 185

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL KONTOS	OTP-AM	H-251

LD 1437 proposed to amend the Real Estate Appraisal Licensing and Certification Act. It proposed to reorganize the Act into separate subchapters containing general provisions, establishing the Board of Real Estate Appraisers and setting forth the licensing requirements and standards for appraisers. In addition, the bill proposed to define the scope of practice for each level of appraiser licensure.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-251) proposed to define “federally related transaction.” It also proposed to increase the number of units from 4 to 12 that are within the scope of license of a certified residential real property appraiser for nonfederally related transactions. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 185 repeals and replaces the Real Estate Appraisal Licensing and Certification Act. Chapter 185 organizes the law into three subchapters containing general provisions, establishment of the Board of Real Estate Appraisers, and licensing requirements and standards for appraisers. The law also defines the scope of practice for each level of appraiser licensure.

LD 1446

Resolve, to Create the Business Advisory Commission on Quality Child Care Financing

**RESOLVE 66
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY ROWE	OTP-AM	S-179 S-461 MICHAUD

LD 1446 proposed to establish the Business Advisory Commission on Quality Child Care Financing to examine issues of public policy pertaining to quality child care and early education, the financing of quality child care and early education and economic development incentives available to encourage the development of quality child care and early education facilities and services. The commission would report no later than December 1st of each year to the Commissioner of Economic and Community Development, the Commissioner of Education, the Commissioner of Human Services, the joint standing committee of the Legislature having jurisdiction over business and economic development matters, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Committee Amendment "A" (S-179) proposed to replace the bill with a resolve. This amendment would change the annual reporting date of the Business Advisory Commission on Quality Child Care Financing to a one-time reporting date of December 1, 2000. This amendment also would delete reference to terms of commission members and would add a representative from the child care licensing division of the Department of Human Services to the commission. This amendment also added an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-461) proposed to specify the appointment of the chairs of the Business Advisory Commission on Quality Child Care Financing and the compensation of Legislative commission members and limited the study to one year and three meetings.

Enacted law summary

Resolve 1999, chapter 66 establishes the Business Advisory Commission on Quality Child Care Financing to examine issues of public policy pertaining to quality child care and early education, the financing of quality child care and early education and economic development incentives available to encourage the development of quality child care and early education facilities and services. The commission must report no later than December 1, 2000 to the Commissioner of Economic and Community Development, the Commissioner of Education, the Commissioner of Human Services, the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Education and Cultural Affairs Committee, and the Joint Standing Committee on Health and Human Services.

Chapter 66 was enacted as an emergency measure effective June 10, 1999.

LD 1447

An Act to Promote Maine's Family-friendly Business and Investment Strategies

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY ROWE	OTP-AM MAJ ONTP MIN	S-147

LD 1447 proposed to add quality child care to the types of businesses and projects that are considered in plans, analyses and funding by the Office of Business Development, the Economic Opportunity Program, the Maine Economic Growth Council, and municipal development districts. The bill also proposed to create a Quality Child Care Fund administered by the Department of Economic and Community Development into which money for quality child care received by any source could be deposited and then disbursed through the existing Economic Opportunity Program.

Committee Amendment "A " (S-147) proposed to remove the provisions of the bill that establish the Quality Child Care Fund and the requirement that a development program for a development district include plans for addressing the quality child care needs of development district employers.

Enacted law summary

Public Law 1999, chapter 272 adds quality child care to the types of businesses and projects that are considered in plans, analyses and funding by the Office of Business Development, the Economic Opportunity Program, and the Maine Economic Growth Council.

LD 1450 **An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws** **PUBLIC 100**

<u>Sponsor(s)</u> CIANCHETTE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1450 proposed to amend the Real Estate Brokerage License Act by clarifying that the brokerage agency relationship disclosure form required by the Real Estate Commission must be provided to buyers and sellers of residential real property.

Enacted law summary

Public Law 1999, chapter 100 amends the Real Estate Brokerage License Act by clarifying that the brokerage agency relationship disclosure form required by the Real Estate Commission must be provided to buyers and sellers of residential property. Chapter 100 also defines “residential real property.” See also LDs 11, 1083, 1176, and 2130.

LD 1482 **An Act to Amend the Laws Governing Denturists** **ONTP**

<u>Sponsor(s)</u> MICHAUD STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1482 proposed to extend the grandfather provision for denturists from the year 2000 to the year 2003, allowing denturists to obtain temporary denturists permits until January 1, 2003 and to take the denturists examination under different eligibility requirements.

LD 1483 **An Act to Promote Parity on the Board of Licensure in Medicine and on the Board of Osteopathic Licensure** **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1483 proposed to provide for an equal number of representatives of the public and physicians on the Board of Osteopathic Licensure and the Board of Licensure in Medicine.

LD 1513

An Act to Clarify the Definition of "Area of Operation" for Municipal Housing Authorities

PUBLIC 104

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

LD 1513 proposed to amend the definition of "area of operation" of a housing authority. It also proposed to establish a consistent "area of operation" for all municipal housing authorities by eliminating the current distinction between housing authorities in cities and towns.

Enacted law summary

Public Law 1999, chapter 104 amends the Maine Housing Authorities Act by amending the definition of "area of operation" of a housing authority. The law establishes a consistent "area of operation" for all municipal housing authorities by eliminating the current distinction between housing authorities in cities and towns.

LD 1545

An Act Requiring Registration of Surveys in the Registry of Deeds

ONTP

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

LD 1545 proposed to require that any survey performed by a licensed professional land surveyor be recorded in the registry of deeds by the surveyor.

LD 1564

An Act to Require That Physician Signatures on Prescriptions Be Legible

ONTP

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

LD 1564 proposed to require a physician to print, stamp or type the physician's name below the signature blank for prescriptions in order for pharmacists to identify the physician requesting the prescription. It also proposed to require the physician's identification number to be printed, stamped or typed alongside the physician's name.

LD 1595

An Act Regarding Complementary Health Care Providers

ONTP

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

LD 1595 proposed to amend the laws governing the Board of Complementary Health Care Providers to eliminate the provisions regulating the practice of naturopathic medicine.

Committee Amendment "A" (S-304) was the minority report. It proposed to replace the entire text of the original bill. This amendment proposed to repeal the language in the laws regulating naturopathic medicine that allowed

naturopathic doctors to prescribe "noncontrolled legend" substances. Under this amendment, naturopathic doctors would only be allowed to recommend or prescribe nonprescription drugs, food, food extracts, homeopathic remedies, vitamins, minerals, enzymes, digestive aids and botanical substances. Naturopathic doctors would be prevented from prescribing anything that requires a prescription under state or federal laws. As a result, the provision in the original bill that would have required collaborative practice with an allopathic or osteopathic physician for a 12-month period prior to being given limited prescriptive authority was not necessary and was repealed by this amendment. This amendment also proposed to clarify that the law is not intended to prevent the practice of natural health consultation or natural health practice modalities by people other than those licensed to practice naturopathic medicine. This amendment also added an allocation section and a fiscal note to the bill.

This amendment was not enacted.

LD 1611 **An Act to Integrate the Maine Economic Growth Council's Economic Growth Plan with the State's Economic Strategic Development Plan** **ONTP**

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

LD 1611 proposed to require the Maine Economic Growth Council to cooperate with the Department of Economic and Community Development in developing a plan for a sustainable state economy.

LD 1618 **An Act to Amend the Laws Regarding Professional Engineers** **PUBLIC 186**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM	S-118

LD 1618 proposed to revise the criteria for registration as a professional engineer and certification as an engineer-intern. All applicants who are not registered in another jurisdiction would be required to pass the fundamentals of engineering examination. The bill also proposed minor clarifying changes to the laws regulating engineers.

Committee Amendment "A" (S-118) proposed to add an applicant who meets the requirements of the Maine Revised Statutes, Title 32, section 1352-A, subsection 1, paragraph D to the group of applicants who will qualify to be registered as a professional engineer beginning January 1, 2005. This amendment also added an allocation section and a fiscal note to the bill.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Enacted law summary

Public Law 1999, chapter 186 revises the qualifications for registration as a professional engineer and certification as an engineer-intern. Chapter 186 also makes minor changes to the laws regulating engineers.

LD 1636**An Act to Renew Maine's Economy****VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM A	S-190
ROWE	OTP-AM B	S-408 MICHAUD
	ONTP C	

LD 1636 proposed to provide a General Fund appropriation of \$500,000 in each year of the biennium to the Department of Agriculture, Food and Rural Resources to market Maine agricultural products.

The bill would also provide funds to the Department of Economic and Community Development for several new initiatives. They include: funding for annual legislative summits with leaders from Quebec and New Brunswick; the establishment of trade and tourism offices in Montreal, Quebec and St. John, New Brunswick; contracts for two field representatives in currently underserved and economically depressed areas; and support for the Forum Francophone.

Committee Amendment "A" (S-190)B was the majority report. This amendment proposed to strike the original bill and replace it with General Fund appropriations to the Department of Economic and Community Development for contracts for two field representatives in currently underserved and economically depressed areas and provides funds to support the Forum Francophone. This amendment also added a fiscal note.

Committee Amendment "B" (S-191) was a minority report. This amendment proposed to strike the original bill and replace it with General Fund appropriations to the Department of Economic and Community Development to support the Forum Francophone. This amendment also added a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-408) proposed to eliminate the funding for the Business Development program and clarify that General Fund appropriations for the Forum Francophone are provided on an ongoing basis.

The Legislature enacted the bill with Committee Amendment "A" and Senate Amendment "A", however, the Governor vetoed the bill. The veto was sustained.

LD 1665**Resolve, to Promote Natural Resource-based Industries****CARRIED OVER**

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

LD 1665 is being carried over to the Second Regular Session of the 119th Legislature. The resolve proposes to direct the State Planning Office to develop a report that:

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

LD 1676

An Act to License Installers of Septic Systems

ONTP

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1676 was a concept draft pursuant to Joint Rule 208 and proposed to establish licensing requirements for installers of septic systems.

LD 1702

An Act to Increase the Number of Plumbing Inspectors

ONTP

<u>Sponsor(s)</u> BOLDUC		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1702 proposed to require the state to appoint at least 10 state plumbing inspectors.

LD 1716

An Act to Amend the Petroleum Market Share Act

PUBLIC 151

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1716 proposed to extend the sunset provision of the Petroleum Market Share Act to September 1, 2005.

Enacted law summary

Public Law 1999, chapter 151 extends two sunset provisions of the Petroleum Market Share Act to September 1, 2005. The sections affected are the provision that requires reporting by wholesalers and refiners to the Attorney General's Office and the provision that requires fees to be paid to support the work of the Attorney General's Office.

LD 1726

An Act to Ensure Fair Competition within the Motor Fuels Industry

CARRIED OVER

<u>Sponsor(s)</u> CASSIDY BUCK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1726 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to amend the Petroleum Market Share Act to ensure fair competition among Maine's petroleum marketers by requiring the State to eliminate anti-competitive situations.

LD 1735

An Act to Create a Business Incentive Program

ONTP

Sponsor(s)
AHEARNE

Committee Report
ONTP

Amendments Adopted

LD 1735 was a concept draft pursuant to Joint Rule 208. It proposed to establish a business incentive program to reward businesses in the State that met or exceeded environmental, workplace safety and employment goals. Businesses that met those criteria would get a tax break or low-interest loans to be used for expansion and job development.

LD 1789

An Act to Improve the Licensing Procedures for Veterinarians

CARRIED OVER

Sponsor(s)
DAGGETT
GAGNON

Committee Report

Amendments Adopted

LD 1789 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to enable the Board of Veterinary Medicine to charge a lesser licensing fee for veterinarians who are no longer engaged in active practice but who want to remain licensed.

The bill also proposes to clarify administrative procedures for the relicensing of veterinarians by establishing provisions very similar to those governing the relicensing of physicians.

LD 1828

An Act to Improve the Quality of Child Care

ONTP

Sponsor(s)
LAWRENCE
BERRY R

Committee Report
ONTP

Amendments Adopted

LD 1828 proposed to establish the Child Care Education Scholarship Program to provide scholarships to child care workers who take courses related to early childhood education or child care from an accredited college or university. The bill proposed to make General Fund appropriations to the Child Care Education Scholarship Fund to be administered by the Finance Authority of Maine in overseeing the award of scholarships. See LD 1066.

LD 1846

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

CARRIED OVER

Sponsor(s)
POVICH

Committee Report

Amendments Adopted

LD 1846 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require that motion picture distributors give motion picture exhibitors an equal opportunity to bid on the right to exhibit motion pictures in the State.

LD 1873 **An Act to Require Prescription Labels to Include Certain Information** **ONTP**

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

LD 1873 proposed to require that for all prescriptions written, in addition to information already required on the label, the medical diagnosis for which the prescription is written must also appear on the label.

LD 1877 **An Act to Encourage Lending and Technical Assistance to Natural Resource-based and Micro Businesses** **ONTP**

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

LD 1877 proposed to require a state agency or other organization that receives state funding for the purposes of economic and community development to develop a strategy to ensure that natural resource-based businesses and businesses with three or fewer employees have access to lending programs with priority placed upon disseminating information and assistance to rural areas. The bill also proposed to require that an agency or organization required to develop such a strategy report by January 15th of each year to the joint standing committee of the Legislature having jurisdiction over business and economic development matters concerning the effect and impact of the strategy in relation to the purposes of the bill. The bill also proposed to require the Maine Small Business Commission to coordinate outreach and technical assistance to natural resource-based businesses and businesses with three or fewer employees and to work closely with various state agencies and other programs to develop an overall plan for this outreach and technical assistance.

LD 1884 **An Act to Create a Matching Grant Fund to Provide Technical Assistance to Small Wood Products Manufacturers** **ONTP**

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

LD 1884 proposed to establish the Small Wood Products Manufacturers Fund to be administered by the Finance Authority of Maine. The fund would provide matching grants to small wood products businesses to provide technical assistance to foster innovation or develop new markets or new technologies. Recipients would be required to use the grants to reduce risk and permit access to specific technical expertise for product, technology or business development that is not generally available to small wood products businesses. The grants would be used to hire outside technical or business expertise with preference given to expertise from a college or university in the State. The grants would be matching grants with no one grant to exceed \$10,000, no one small wood products business to receive more than \$10,000 in any 5-year period and the small business recipient to provide 100% matching funds for any grant received. Costs of the grant would be limited to 30% for salaries for the outside experts, 30% to indirect costs and 30% to travel expenses. Grantees would report semiannually on the status of their grant to the Finance Authority of Maine.

LD 1885

Resolve, to Create a Task Force to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels

ONTP

Sponsor(s)
KILKELLY

Committee Report
ONTP

Amendments Adopted

LD 1885 proposed to establish the Task Force to Study Counterfeiting and the Unauthorized Sale of Consumer Goods and Labels. Under the bill, the task force would study the increasing sale of counterfeit goods in this State and recommend statutory changes, if needed, to ensure appropriate sanctions are imposed on this activity; the offering for sale of certain consumer goods in flea markets that may endanger the health and well-being of the State's consumers; and the use of improper or counterfeit Universal Price Code labels by persons trying to defraud merchants.

LD 1895

An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment

CARRIED OVER

Sponsor(s)
LAVERDIERE
MILLS

Committee Report

Amendments Adopted

LD 1895 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to establish enterprise zones in areas of the State in which the unemployment rate exceeds the statewide average unemployment rate by 75% or more. These enterprise zones would receive priority for all state economic development funds. The bill also proposes to establish a fund in the Finance Authority of Maine and finance the fund through bonds issued by FAME. A business located in an enterprise zone could receive loans from the fund, based on criteria established and administered by FAME.

LD 1900

An Act to Give Consumers Restroom Access

ONTP

Sponsor(s)
SNOWE-MELLO

Committee Report
ONTP

Amendments Adopted

LD 1900 proposed to require businesses to make restroom facilities available to customers who express an urgent need.

LD 1910

An Act to Promote Economic Development in Central Maine

CARRIED OVER

Sponsor(s)
CAMPBELL

Committee Report

Amendments Adopted

LD 1910 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in central Maine. It proposes to:

1. Issue a \$5,000,000 bond to establish a revolving loan fund to capitalize the Community Industrial Buildings Fund, a fund to assist local development corporations in constructing community industrial buildings in economically deprived rural and urban areas. The fund would be matched with at least \$1,250,000 in private and public contributions;
2. Provide \$1,000,000 in funding to the Business Attraction Marketing Program in the Department of Economic and Community Development;
3. Require that 1% of all funds appropriated for research and development projects in this State be used to attract new businesses to locate in Maine to manufacture the items that are the products of the research and development;
4. Require the State Economic Development Strategy to include provisions for regional components that are consistent with economic development district plans;
5. Implement the recommendations of the Downtown Initiative in the Department of Community and Economic Development focusing on how to revitalize downtown areas in Maine;
6. Require that economic development districts be given a copy of results of any research by the Department of Economic and Community Development into industries and communities that are at risk for loss of jobs and businesses. The districts must use the results to develop a volunteer stakeholder task force to find solutions to any of the problems raised by the research and report back to the Governor and the Legislature with solutions and funding suggestions;
7. Appoint a volunteer stakeholder group to establish a Winter Harbor Development Group. The goal of the group is to explore and suggest alternative uses for the Winter Harbor base such as an international hotel, recreation facility, conference center or retreat;
8. Expand and modify the current local administrative contracting program for road building to provide for the construction of local roads quicker and less expensively;
9. Provide appropriate assistance, such as funding and state regulation application assistance, to expedite the dredging of the Penobscot River for the purpose of improving the navigable channel;
10. Establish an intermodal passenger system for Bangor International Airport by linking a terminal on airport grounds with rail and road access, including access to the state-owned Brewer-to-Calais railroad from the airport and Northern Maine Junction. Airport terminal access by road would be improved through the appropriation of funds and matching federal funds to reroute Maine Avenue;
11. Require the Department of Transportation to develop and implement a strategy to provide, where practical, connections from each state-owned or state-leased rail line to multiple railroad common carriers in order that Maine businesses and the public have affordable and unhampered access to the national rail transportation system;
12. Provide tax-exempt status to the sale or lease of an aircraft based in this State and regularly engaged in air commerce, or the replacement or repair parts for such an aircraft;
13. Eliminate permits for 53-foot truck trailers;
14. Exempt diesel fuel used while on the Maine Turnpike from the diesel fuel tax;

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

LD 1917 An Act to Encourage Growth and Development in Cumberland County CARRIED OVER

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

LD 1917 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in Cumberland County. It proposes to:

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

LD 1919 An Act to Promote Economic Development in Eastern Maine CARRIED OVER

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

LD 1919 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in eastern Maine. It proposes to:

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

LD 1922

An Act to Establish the Maine Internet Policy Act

CARRIED OVER

Sponsor(s)
DAVIDSON

Committee Report

Amendments Adopted

LD 1922 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to establish an Internet policy for the State. The policy would include:

1. The facilitation of electronic commerce for Maine companies by:
 - A. Providing the same legal and binding status to transactions occurring over the Internet as to transactions in the traditional environment;

- B. Requiring the Department of Economic and Community Development to establish and certify security procedures used to verify signatures, identity and the true form of a document or communication;
 - C. Providing support and encouraging effective industry self-regulation through the use of seals or other labels indicating that the business has been recognized as employing fair, honest and consumer friendly business practices;
 - D. Establishing a presence on the Internet where consumers may obtain information on the self-regulation program; common practices and conditions of electronic commerce and known consumer scams and frauds; and
 - E. Encouraging the establishment and growth of Maine-based digital enterprises by altering and extending current economic development incentives to the digital business environment.
2. Making government more accessible to the citizens by:
- A. Requiring all state departments and agencies to expand service delivery and information gathering on an Internet-based platform at a minimum cost or no cost to users;
 - B. Providing assistance to state departments and agencies to ensure the expeditious implementation of the Internet policy;
 - C. Encouraging and supporting state and local governments, school systems and public libraries to pool their buying power to provide wider access at lower costs to information services and data bases purchased for public use or the provision of services to the public;
 - D. Directing state agencies to assist in the provision of affordable high speed Internet access in rural and underserved areas of the State;
 - E. Requiring the posting on the Internet of forms and information needed to interact with State Government, such as tax forms, registration forms and ballots;
 - F. Encouraging the timely posting on the agency or department web sites of information determined necessary or beneficial to the public; and
 - G. Amending the Freedom of Information Act to include the posting of requested documents or delivery through e-mail as a way of meeting Freedom of Information Act requirements;
3. The protection of consumer and citizen privacy by:
- A. Establishing and enforcing an Internet privacy policy that includes the extension of current privacy laws to electronic transmissions, notice of what is to be done with information that the consumer or user is providing, the right to opt out and a procedure to measure compliance with the policy. Information collected from a user would be limited to that which is necessary and relevant to the transaction and the user would be allowed the opportunity to verify and correct the information. Violation of the policy would be a crime;
 - B. Protecting the privacy of children 13 years of age and younger;
 - C. Exercising criminal and civil jurisdiction over persons using Internet service providers or facilities located in Maine in violation of the policy; and
 - D. Permitting citizens to use an appropriate level of encryption to protect the privacy and security of their communications over the Internet, except for the use of encryption to avoid detection in the commission of an illegal act;

4. The mitigation of unsolicited bulk e-mail or spamming by:
 - A. Defining spamming and providing appropriate criminal penalties;
 - B. Clarifying that the use of an Internet service provider's facilities and computer network located in Maine subjects the user to Maine jurisdiction;
 - C. Establishing theft of services crimes for the unauthorized or fraudulent use of e-mail header information in connection with the transmission of unsolicited bulk e-mail or obtaining an Internet service provider account for the purpose of gathering e-mail addresses for the purpose of spamming; and
 - D. Establishing civil and criminal penalties for persons who assist spamming by facilitating the transmission of falsified e-mail or the distribution of specially designed software that aids spamming;

5. The regulation of hate mail and pornography by:
 - A. Directing an appropriate agency to establish a web site through which information and recommendations are provided to parents, guardians, local officials and others on specific problems involving the protection of children from inappropriate material over the Internet;
 - B. Requiring all public and publicly funded institutions to establish a management system and policy for Internet access within their institutions;
 - C. Making it at least a Class C crime for the on-line dissemination of obscene or harmful material for the purpose of inducing children to engage in or perform sexual acts; and
 - D. Making it at least a Class C crime to post on a pornographic Internet site information about a child's identity; and

6. The regulation of other crimes by:
 - A. Clarifying that a crime in the nondigital domain is a crime in the electronic environment;
 - B. Empowering law enforcement agencies to establish procedures for the investigation and prosecution of crimes committed using the Internet;
 - C. Amending the rules of evidence to include Internet-related activities; and
 - D. Requiring law enforcement agencies to establish Internet sites to receive reports of suspected illegal activities over the Internet.

LD 1931

An Act to Amend the Franchise Law

CARRIED OVER

Sponsor(s)
LAFOUNTAIN

Committee Report

Amendments Adopted

LD 1931 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to amend certain provisions of the law pertaining to manufacturers, franchisees and other dealers to ensure fair treatment of all dealers by all franchisers. In addition, the bill proposes to amend a provision of law that was recently addressed by the court on questions certified to it by the Federal District Court in the case of Darling's d/b/a Darling's Bangor Ford v. Ford Motor Company, in its decision of October 27, 1998.

LD 1948

An Act Relating to Unfair Competition Between Nonprofit Organizations and Small Businesses

ONTP

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

LD 1948 proposed to prevent nonprofit organizations from using their nonprofit status to compete with small businesses with 25 or fewer employees. Nonprofit organizations would have been prevented from providing goods or services to the general public at a price that is at least 15% less than the price at which those goods or services are available through a small business. A violation of these provisions would have resulted in the loss of tax exemptions and may have subjected the violator to a civil penalty of \$5,000.

LD 1962

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

CARRIED OVER

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

LD 1962 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the State Revolving Loan Fund for Small Business Initiatives within the Department of Economic and Community Development. The fund will be established initially as a pilot project in Washington County and Hancock County to be administered by the Eastern Maine Development Corporation. The bill proposes to appropriate \$2,100,000 from the General Fund as initial funding, divided evenly between the counties. Approximately \$100,000 of the initial funding represents anticipated administration charges for the first year to cover the cost of lending. The bill proposes to establish a maximum loan of \$175,000 that may be used for capital expenditures and training expenses. It also establishes reporting deadlines and includes a repeal provision.

LD 1966

An Act to Require Disclosures in Connection with Transfers of Residential Property

PUBLIC 476

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMERON DAGGETT	OTP-AM	H-712

LD 1966 proposed to require the owner of real estate consisting of one to four dwelling units to make certain disclosures to prospective buyers of the property similar to what is currently required of a real estate broker for the seller. The bill proposed to require the disclosure of any material defects in the property, the type of water system used, the type of insulation and whether there are or were any hazardous materials on the property. If an owner failed to make the required disclosures, the purchase contract could be rescinded by the purchaser.

Committee Amendment “A” (H-712) proposed to provide that the disclosure requirements for residential real property transactions are applicable when the transaction is without the assistance of a person licensed to practice real estate brokerage. The amendment changed the term “material defect” to “known defect” and changed the term “owner” to “seller.” The amendment added corrective deeds to the list of exemptions from the disclosure requirements. It also deleted specific language of notices that the bill required the owner to give to the purchaser. The amendment also deleted the specific delivery requirements in the bill and it deleted the one-year statute of limitation for action for violations.

Enacted law summary

Public Law 1999, chapter 476 requires the owner of real estate consisting of one to four dwelling units to make certain disclosures to prospective buyers of the property when the transaction is without the assistance of a person licensed to practice real estate brokerage.

LD 1981

An Act to Revise the Accountancy Laws

PUBLIC 245

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-126
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LD 1981 proposed to make the following changes to the accountancy laws:

1. It created new defined terms: "defined service" and "substantial equivalency."
2. It made changes in the composition of the Board of Accountancy by permitting, but no longer requiring, that one of the professional members may be a public accountant and by adding a second public member to the board.
3. It revised the education requirements for those eligible to sit for the certified public accountant examination by allowing applicants to sit for the examination up to 120 days prior to completion of their education requirements.
4. It authorized the Board of Accountancy to establish a process for granting licenses to and regulating licensees from other states or countries that have licensing requirements substantially equivalent to those in Maine.
5. It established provisions concerning Maine licensees who offer or render services in other states.
6. It prohibited or restricted the ability of accountants to accept commissions, referral fees and contingency fees when performing a defined service.
7. It made changes to continuing education requirements.

Committee Amendment "A" (S-126) proposed to delete the changes to the membership of the Board of Accountancy and the accompanying transition provision. This amendment renumbered the sections to read consecutively and added a fiscal note.

Enacted law summary

Public Law 1999, chapter 24 made the following changes to the accountancy laws:

1. It creates new defined terms: "defined service" and "substantial equivalency."
2. It revises the education requirements for those eligible to sit for the certified public accountant examination by allowing applicants to sit for the examination up to 120 days prior to completion of their education requirements.
3. It authorizes the Board of Accountancy to establish a process for granting licenses to and regulating licensees from other states or countries that have licensing requirements substantially equivalent to those in Maine.
4. It establishes provisions concerning Maine licensees who offer or render services in other states.
5. It prohibits or restricts the ability of accountants to accept commissions, referral fees and contingency fees when performing a defined service.

LD 2001

An Act to Require All Businesses in the State to Obtain a License to Operate in the State

ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2001 proposed to require that business concerns that are not already required to be licensed must obtain from the Secretary of State a license to operate.

LD 2010

An Act to Amend the Maine Lemon Laws

PUBLIC 212

<u>Sponsor(s)</u> MCGLOCKLIN DOUGLASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-279
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LD 2010 proposed to amend the Maine lemon laws in the following ways.

1. It gave an arbitrator greater discretion in how much the arbitrator may award the manufacturer based on the amount of miles used by a consumer whose vehicle is eventually declared a lemon.
2. It allowed a consumer to receive reasonable costs of alternative transportation if the vehicle is declared a lemon and the consumer was not able to drive the vehicle due to serious manufacturer defects.
3. It allowed a consumer's lease to be terminated along with all related contractual obligations if a leased vehicle is declared a lemon.
4. It allowed a consumer who applies within two years from the date of original delivery or within the term of express warranties, whichever comes first, to be eligible for lemon law arbitration even if the vehicle has exceeded 18,000 miles of operation.
5. It entitled a consumer whose vehicle is declared a lemon to reasonable witness fees if the consumer had a mechanic or engineer testify on the consumer's behalf.
6. It clarified the type of appeal hearing a consumer or manufacturer is eligible to receive if either disagrees with the arbitrator's decision.

Committee Amendment "A" (H-279) proposed to clarify the definition of reasonable allowance for use and require the return of a leased vehicle to the lessor for termination of the lessee's contractual obligations.

Enacted law summary

Public Law 1999, chapter 212 amends the Maine lemon laws in the following ways.

1. An arbitrator is given greater discretion in how much the arbitrator may award the manufacturer based on the amount of miles used by a consumer whose vehicle is eventually declared a lemon.
2. A consumer is allowed to receive reasonable costs of alternative transportation if the vehicle is declared a lemon and the consumer was not able to drive the vehicle due to serious manufacturer defects.

3. A consumer's lease is terminated along with all related contractual obligations if a leased vehicle is declared a lemon and the vehicle is returned to the lessor.
4. A consumer who applies within two years from the date of original delivery or within the term of express warranties, whichever comes first, is eligible for lemon law arbitration even if the vehicle has exceeded 18,000 miles of operation.
5. A consumer whose vehicle is declared a lemon is entitled to reasonable witness fees if the consumer had a mechanic or engineer testify on the consumer's behalf.
6. It clarifies the type of appeal hearing a consumer or manufacturer is eligible to receive if either disagrees with the arbitrator's decision.

LD 2025

An Act to Regulate Unused Property Markets

ONTP

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2025 proposed to provide for the regulation of unused property markets. The bill would have prohibited an unused property merchant from selling or knowingly permitting the sale of baby food, infant formula, cosmetics or personal care products, or any nonprescription drug or medical device. It also proposed to require every unused property merchant to maintain receipts for the purchase of new and unused property. It would have been a violation for any unused property merchant to knowingly falsify, obliterate or destroy receipts, to refuse to make the receipts available for inspection or to fail to maintain the required receipts for at least two years. Certain property and people would have been exempted from regulation. The bill also proposed to provide a penalty for violation of the chapter's provisions.

LD 2036

An Act to Prohibit Deceptive Charitable Solicitations

PUBLIC 221

<u>Sponsor(s)</u> KONTOS	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2036 proposed to amend the Charitable Solicitations Act as follows.

1. It amended the definition of commercial co-venturer to include the collection or sale of donated goods by a commercial co-venturer.
2. It required that a charitable organization employing a commercial co-venturer file certain information including the amount of money that was expended to commercial co-venturers during the year.
3. It required the disclosure of pertinent information on containers that are used by a commercial co-venturer for the solicitation of goods.
4. It prohibited a commercial co-venturer from charging a charitable organization a sum of money for goods and services that far exceeds the market value of those goods and services.

Enacted law summary

Public Law 1999, chapter 221 amends the Charitable Solicitations Act as follows:

1. It amends the definition of commercial co-venturer to include the collection or sale of donated goods that is advertised in conjunction with the name of a charitable organization.
2. It requires a charitable organization employing a commercial co-venturer to solicit goods through containers in public places to file certain information including the amount of payments to commercial co-venturers during the year.
3. It requires the disclosure of pertinent information on containers that are used by a commercial co-venturer for the solicitation of goods.
4. It prohibits a commercial co-venturer from charging a charitable organization a sum of money for goods and services that far exceeds the market value of those goods and services.

LD 2037

An Act to Revise the Lienholder Notification Law

PUBLIC 207

Sponsor(s)
BENNETT

Committee Report
OTP

Amendments Adopted

LD 2037 proposed to establish the rights and responsibilities of mobile home park operators and of those persons who hold liens on homes in mobile home parks when either the park operator is attempting to evict the tenant who occupies the home or when the lienholder is attempting to repossess the home.

Enacted law summary

Public Law 1999, chapter 207 establishes the rights and responsibilities of mobile home park operators and lienholders of mobile homes in mobile home parks when either the park operator is attempting to evict the tenant who occupies the home or when the lienholder is attempting to repossess the home.

LD 2042

An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations

PUBLIC 386

Sponsor(s)
KONTOS
O'NEAL

Committee Report
OTP-AM

Amendments Adopted
S-214
S-325 KONTOS

LD 2042 proposed to amend several professional and occupational licensing laws.

Part A would amend the Charitable Solicitations Act.

Part B would amend the Maine Revised Statutes, Title 10, to: allow boards and commissions to delegate to staff the authority to review and approve applications for licensure pursuant to board-approved criteria; provide that continuing education requirements of boards and commissions coincide with license renewal periods; authorize the Commissioner of Professional and Financial Regulation to adjust renewal cycles of boards and commissions from biennial to annual and annual to biennial as necessary; clarify that materials underlying a letter of guidance or concern are only confidential when confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act; and allow boards to establish an inactive license category.

Part C would amend the Manufactured Housing Board laws.

Part D would authorize certain boards and commissions to assess licensed persons or entities for expenses incurred in performing enforcement duties, to enter into contracts and to issue citations for violations.

Part E would limit the license application and examination fees for chiropractors to \$75.

Part F would amend the Electricians' Examining Board laws.

Part G would amend the Board of Hearing Aid Dealers and Fitters laws.

Part H would repeal the Maine Revised Statutes, Title 32, chapter 29, regarding the Arborist Examining Board.

Part I would amend the State Board of Nursing laws.

Part J would amend the Board of Occupational Therapy Practice laws.

Part K would amend the Oil and Solid Fuel Board laws.

Part L would amend the Board of Examiners in Physical Therapy laws.

Part M would amend the Plumbers' Examining Board laws.

Part N would amend the State Board of Examiners of Psychologists laws.

Part O would amend the Transient Sales laws.

Part P would amend the State Board of Veterinary Medicine laws.

Part Q would amend the State Board of Certification for Geologists and Soil Scientists laws.

Part R would amend the Board of Examiners on Speech-language Pathology and Audiology laws.

Part S would amend the State Board of Alcohol and Drug Counselors laws to reduce the membership of the board.

Part T would amend the Board of Respiratory Care Practitioners laws.

Part U would amend the Board of Counseling Professionals Licensure laws.

Part V would amend the Board of Barbering and Cosmetology laws.

Part W would amend the Propane and Natural Gas Board laws.

Part X would amend the Board of Boilers and Pressure Vessels laws.

Part Y would amend the Board of Elevator and Tramway Safety laws.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (S-214) proposed to:

1. Provide that certain charitable organizations would be required to register and report to the Office of Licensing and Registration instead of registering with and reporting to the Secretary of State;

2. Clarify that complaints and investigative records of licensing boards and commissions within or affiliated with the Department of Professional and Financial Regulation are confidential unless otherwise provided by Maine Revised Statutes, Title 24, chapter 21;
3. Delete the authority of staff of the Manufactured Housing Board to issue a notice of violation;
4. Clarify that "electrical installations" does not include optical fiber cabling, or audio, video and data communication cabling;
5. Delete the relocation of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources because that relocation became effective pursuant to Public Law 1999, chapter 84; and
6. Change the training requirements for the practice of aesthetics.

This amendment also added an allocation section and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-325) proposed to restore the current definition of "electrical installations" in the laws governing the Electricians' Examining Board. This amendment also eliminates the exception to licensing requirements for optical fiber cable installers.

Enacted law summary

Public Law 1999, chapter 386 amends several professional and licensing laws.
Part A amends the Charitable Solicitations Act.

Part B amends the Maine Revised Statutes, Title 10, to: allow boards and commissions to delegate to staff authority to review and approve applications for licensure pursuant to board-approved criteria; provide that continuing education requirements of boards and commissions coincide with license renewal periods; authorize the Commissioner of Professional and Financial Regulation to adjust renewal cycles of boards and commissions from biennial to annual and annual to biennial as necessary; clarify that materials underlying a letter of guidance or concern are only confidential when confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act; and allow boards to establish an inactive license category.

Part C amends the Manufactured Housing Board laws.

Part D authorizes certain boards and commissions to assess licensed persons or entities for expenses incurred in performing enforcement duties, to enter into contracts and to issue citations for violations.

Part E limits the license application and examination fees for chiropractors to \$75.

Part F amends the Electricians' Examining Board laws.

Part G amends the Board of Hearing Aid Dealers and Fitters laws.

Part H repeals the Maine Revised Statutes, Title 32, chapter 29, regarding the Arborist Examining Board.

Part I amends the State Board of Nursing laws.

Part J amends the Board of Occupational Therapy Practice laws.

Part K amends the Oil and Solid Fuel Board laws.

Part L amends the Board of Examiners in Physical Therapy laws.

Part M amends the Plumbers' Examining Board laws.

Part N amends the State Board of Examiners of Psychologists laws.

Part O amends the Transient Sales laws.

Part P amends the State Board of Veterinary Medicine laws.

Part Q amends the State Board of Certification for Geologists and Soil Scientists laws.

Part R amends the Board of Examiners on Speech-language Pathology and Audiology laws.

Part S amends the State Board of Alcohol and Drug Counselors laws.

Part T amends the Board of Respiratory Care Practitioners laws.

Part U amends the Board of Counseling Professionals Licensure laws.

Part V amends the Board of Barbering and Cosmetology laws.

Part W amends the Propane and Natural Gas Board laws.

Part X amends the Board of Boilers and Pressure Vessels laws.

Part Y amends the Board of Elevator and Tramway Safety laws.

LD 2057 **An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia** **CARRIED OVER**

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

LD 2057 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to codify the Department of Financial and Professional Regulation rules, with additional changes, pertaining to the use of anesthesia by dentists.

LD 2060 **An Act to License Home Building Contractors** **CARRIED OVER**

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

LD 2060 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to require a home building contractor to be licensed and proposes to establish the Board of Home Building Construction to oversee the licensing of home building contractors and home construction supervisors. The board would make available educational materials for contractors and consumers, including a bill of rights, procedures for dealing with contractors and a listing of licensed contractors that includes appropriate information from the contractors' application forms.

LD 2090

An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones or Alarms

PUBLIC 347

<u>Sponsor(s)</u> DUDLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-485
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LD 2090 proposed to prohibit a convenience store from remaining open 24 hours a day unless there is an alarm or telephone in the store accessible to the employees.

Committee Amendment "A" (H-485) proposed to change the title of the bill and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 347 prohibits a convenience store from remaining open 24 hours a day unless there is an alarm or telephone in the store accessible to the employees.

LD 2105

An Act to Improve the Maine Economy Through Small Businesses

CARRIED OVER

<u>Sponsor(s)</u> PINGREE ROWE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2105 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Maine Microenterprise Initiative Fund in the Department of Economic and Community Development. The department would give grants from the fund to community-based organizations providing training, technical assistance and loans to microenterprises. Priority consideration would be given to grant applications that are joint or target low-income individuals or areas of high unemployment. The bill proposes to require that grants for loans must be accompanied by a certain level of matching funds and adequate technical assistance. The department would adopt rules, subject to legislative review, to establish grant application procedures and criteria. The bill also proposes to appropriate from the General Fund a nonlapsing \$1,500,000 per year of the biennium to the Maine Microenterprise Initiative Fund.

LD 2112

An Act to Allow Doctors of Dentistry to Prescribe Physical Therapy

ONTP

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2112 proposed to authorize dentists to prescribe physical therapy as may be necessary for proper dental treatment.

LD 2115

An Act to Promote Economic Development in Western Maine

CARRIED OVER

<u>Sponsor(s)</u> GOOLEY BENOIT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2115 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in western Maine. It proposes to:

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

LD 2130 An Act to Extend the Jurisdiction of the Real Estate Commission ONTP

<u>Sponsor(s)</u> RUHLIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2130 proposed to amend the Real Estate Brokers License Act by expanding the jurisdiction of the Real Estate Commission to supervise and oversee licensed real estate brokers who also engage in property management, rental or leasing of real estate. The bill also proposed to establish a specific standard of cause for disciplinary action that could be imposed against a real estate broker who misrepresents the uses of property that are permitted by municipal, state or federal law. See also LDs 11, 1083, 1176 and 1450.

**LD 2142 An Act to Change Laws Pertaining to the Loring Development Authority CARRIED OVER
of Maine**

<u>Sponsor(s)</u> O'NEAL	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2142 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to reconfigure the composition of the board of trustees for the Loring Development Authority of Maine so that the City of Caribou, the Town of Caswell and the Town of Limestone each nominate one member to the board; 3 members of the board would be nominated by any other municipality in Aroostook County; and one member would be nominated by the county commissioners of Aroostook County. The bill also proposes to allow the current members of the board of trustees to finish their terms and the reconfigured board to be phased in as the current members' terms expire.

**LD 2155 Resolve, to Establish the Blue Ribbon Commission to Establish a RESOLVE 89
Comprehensive Internet Policy EMERGENCY**

<u>Sponsor(s)</u> KONTOS TRIPP	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-303 S-462 PINGREE
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LD 2155 proposed to establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy.

Committee Amendment "A" (S-303) proposed to expand the membership and duties of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It also added an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-688) proposed to provide the legislative per diem and reimbursement of expenses to members of the commission who are Legislators and to other members not otherwise compensated. This amendment also changed the reporting date of the commission and replaced the appropriation section to reflect the increased cost.

This amendment was not enacted.

Senate Amendment "A" to Committee Amendment "A" (S-462) proposed to change the membership of the commission and change the method for appointment of chairs of the commission. This amendment also proposed to provide the legislative per diem and reimbursement of expenses to members of the commission who are Legislators. This amendment also changed the reporting date of the commission and provides that the Joint Standing Committee on Business and Economic Development may report out a bill.

Enacted law summary

Resolve 1999, chapter 89 established the Blue Ribbon Commission to Establish a Comprehensive Internet Policy.

Chapter 89 was enacted as an emergency measure effective June 17, 1999.

LD 2163

An Act to Require Contractor Registration

CARRIED OVER

Sponsor(s)
POVICH

Committee Report

Amendments Adopted

LD 2163 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish in the Department of Professional and Financial Regulation a comprehensive public register of contractors doing business in the State.

The bill specifies information that the contractor must provide to the department and information that the department must provide to the registrants to ensure that they are aware of all applicable legal and ethical requirements for engaging in their particular business in Maine. The bill proposes to require registrants to renew their registration annually and pay registration fees established by the department to cover the costs of administration of this law. These requirements must be coordinated with any specific licensing or certification requirements with which the contractor must comply. Registration will not be permitted for a contractor whose license, certification or registration has been suspended or revoked in this State or any other state until the period of revocation or suspension is completed and the contractor passes a professional review.

LD 2199

An Act Concerning Licensure of Chiropractors

**PUBLIC 214
EMERGENCY**

Sponsor(s)
LAWRENCE
O'NEAL

Committee Report
OTP

Amendments Adopted
S-205 KONTOS

LD 2199 proposed to include chiropractic acupuncture within the practice of chiropractic. It also proposed to direct the Board of Chiropractic Licensure to adopt rules authorizing and governing the use of chiropractic acupuncture.

Senate Amendment "A" (S-205) proposed to require that chiropractors engaging in acupuncture obtain a chiropractic acupuncture certification from the Board of Chiropractic Licensure. Certification requirements would be developed by the Board of Chiropractic Licensure by rule and would be required to include minimum education, training and disease control components. The supervised clinical training component could be fulfilled either in conjunction with the required education or in a separate clinical setting. This amendment allowed chiropractors who were engaged in the practice of chiropractic acupuncture prior to April 30, 1999 to continue that practice; however, they must comply with all of the certification requirements within two years of the adoption of the rules. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 214 includes chiropractic acupuncture within the practice of chiropractic. Chiropractic acupuncture may only be practiced by a licensed chiropractor who has received a chiropractic acupuncture certification from the Board of Chiropractic Licensure. The board is directed to adopt rules that set forth certification requirements which must include minimum education, training and disease control components. Chiropractors who were engaged in the practice of chiropractic acupuncture prior to April 30, 1999 may continue that practice but must comply with all of the certification requirements within 2 years of the adoption of rules.

Chapter 214 was enacted as an emergency measure effective May 17, 1999.

LD 2217 An Act to Promote Economic Development in Androscoggin County CARRIED OVER

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

LD 2217 is being carried over to the Second Regular Session of the 119th Legislature. The bill is a concept draft pursuant to Joint Rule 208.

The bill proposes to implement legislation to improve economic development opportunities in Androscoggin County. It proposes to:

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM MAJ OTP-AM MIN	S-356

LD 2219 proposed to clarify the private and special law that was enacted by the 118th Maine Legislature in 1997 creating the Kennebec Regional Development Authority.

1. The bill proposed to clarify that the communities that are presently part of the Kennebec Valley Economic Development District are eligible to become participating members of the Kennebec Regional Development Authority.
2. The bill proposed to add a specific statement to the law that would be placed on any bond, note or other obligation issued by the authority, that those bonds, notes and other obligations do not constitute a debt or liability of the State or any participating city, town or plantation and do not constitute a pledge of the faith and credit of the State or any participating city, town or plantation. The bill also proposed to add a provision that authorizes the authority to issue bonds, notes or other obligations to the Finance Authority of Maine.
3. The bill proposed to make it clear that elections or a referendum are only required in the event that the provisions of a charter of a city, town or plantation require such election or referendum. The bill also indicated that, in those instances where a city, town or plantation has a charter with provisions relevant to the vote being taken under the private and special law, those charter provisions determine whether the vote must be taken at a council meeting, town or plantation meeting or through a city, town or plantation election or referendum.

Committee Amendment "A" (S-356) was the majority report. It proposed to require the general assembly of the Kennebec Regional Development Authority to submit to the Legislature an annual report on the activities of the authority. This amendment also added a fiscal note to the bill.

Committee Amendment "B" (S-357) was the minority report. It proposed to delete the provision that bonds, notes and other obligations of the Kennebec Regional Development Authority are eligible for purchase pursuant to the Maine Revised Statutes, Title 30-A, chapter 225 and it proposed to delete the provision that declares the authority is a single "governmental unit." The amendment also proposed to delete the provision that authorizes the authority to issue bonds, notes or other obligations to the Finance Authority of Maine. The amendment also requires the general assembly of the authority to submit to the Legislature an annual report on the activities of the authority. This amendment also added a fiscal note to the bill.

This amendment was not enacted.

Enacted law summary

Private and Special Law 1999, chapter 38 contains the following three clarifications to the private and special law that was enacted by the 118th Maine Legislature in 1997 creating the Kennebec Regional Development Authority.

1. It clarifies that the communities that are presently part of the Kennebec Valley Economic Development District are eligible to become participating members of the Kennebec Regional Development Authority.

2. It adds a specific statement to the law that would be placed on any bond, note or other obligation issued by the authority, that those bonds, notes and other obligations do not constitute a debt or liability of the State or any participating city, town or plantation and do not constitute a pledge of the faith and credit of the State or any participating city, town or plantation. It also adds a provision that authorizes the authority to issue bonds, notes or other obligations to the Finance Authority of Maine.
3. It makes it clear that elections or a referendum are only required in the event that the provisions of a charter of a city, town or plantation require such election or referendum. It also provides that, in those instances where a city, town or plantation has a charter with provisions relevant to the vote being taken under the private and special law, those charter provisions determine whether the vote must be taken at a council meeting, town or plantation meeting or through a city, town or plantation election or referendum.

Chapter 38 also requires the general assembly of the Kennebec Regional Development Authority to submit to the Legislature an annual report on the activities of the authority.

Chapter 38 takes effect immediately upon acceptance by the cities, towns and plantations so voting approval and having a combined state valuation of at least \$3,000,000,000.

LD 2222

An Act to Retain Jobs at Paper Production Facilities in the State

**PUBLIC 484
EMERGENCY**

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

LD 2222 proposed to expand the Finance Authority of Maine's ability to support employee purchases of paper industry assets in the State by:

1. Adding any paper industry job retention project to the list of eligible projects;
2. Defining "paper industry job retention project";
3. Listing the criteria for a certificate of approval for a paper industry job retention project; and
4. Limiting the principal amount of revenue obligation securities the Finance Authority of Maine may have outstanding in conjunction with a paper industry job retention project.

Committee Amendment "A" (S-373) proposed to modify the definition of a paper industry job retention project to require that not less than 40% ownership of the project be by or on behalf of a majority of the employees in the form of an employee stock ownership program or other plan recognized in the federal Internal Revenue Code. This amendment also proposed to amend the bill by conforming the factors the Finance Authority of Maine must consider when evaluating a project to those the Finance Authority of Maine must consider when evaluating a major business expansion project.

This amendment proposed to allow the Finance Authority of Maine to engage independent consultants at the expense of the borrower to assist in evaluating the credit risk of the proposed project. This amendment also proposed to delete the provision that defined contractual labor cost reductions as equity and replace it with a provision stating that the owner must make an important equity contribution to the project at the time of financing and that total state assistance for the project may not exceed \$25,000,000 plus 50% or 70% of the project costs in excess of \$25,000,000.

This amendment proposed to add language that would require the authority to consider the value of contractual labor cost reductions when analyzing the projected financial performance of the project. This amendment also proposed to add unallocated language setting a termination date of February 1, 2001 for the authority's approval of the issuance of bonds and confirming that the bonds contemplated will be limited obligations of the authority, payable only from project revenues. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 484 expands the Finance Authority of Maine's ability to support employee purchases of paper industry assets in the State by allowing FAME to make loans for paper industry job retention projects from up to \$100,000,000 of the proceeds of revenue obligation securities. Paper industry job retention project means the acquisition and improvement of a paper production facility in which not less than 40% of the ownership of the project will be owned or controlled by or for the benefit of a majority of the employees through a qualified Employee Stock Ownership Program or other employee ownership program recognized in the federal Internal Revenue Code. Total state assistance for a project may not exceed \$25,000,000 plus 50% or 70% of the project cost in excess of \$25,000,000. Revenue obligation securities may not be issued for a paper industry job retention project approved by FAME after February 1, 2001.

Chapter 484 was enacted as an emergency measure effective June 11, 1999.

LD 2227

An Act to Expand Membership on the Maine Tourism Commission

PUBLIC 445

Sponsor(s)
BENNETT
COWGER

Committee Report
OTP-AM

Amendments Adopted
S-371

LD 2227 proposed to expand the Maine Tourism Commission from 20 to 24 voting members and add a list of seven representatives of various tourism industry interests as specific members that the Governor appoints. The four new members added to the commission under this bill would be appointed with staggered terms.

Committee Amendment "A" (S-371) proposed to add a member representing a statewide organization of children's camps to the list of representatives of various tourism industry interests that the Governor appoints to the Maine Tourism Commission. It also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 445 expands the Maine Tourism Commission from 20 to 24 voting members and adds a list of eight representatives of various tourism industry interests as specific members that the Governor appoints. The four new members added to the commission under this bill are appointed with staggered terms.

LD 2233

An Act to License Interpreters for the Deaf and Hard-of-Hearing

PUBLIC 399

Sponsor(s)
KONTOS

Committee Report
OTP

Amendments Adopted

LD 2233 proposed to enact the recommendations of the technical review committee on interpreters established pursuant to Public Law 1997, chapter 749. That committee was charged with determining the method by which the State should regulate interpreters for the deaf and hard-of-hearing. The bill proposed to replace the existing interpreter registration

process with a licensing process, effective June 30, 2000. Two levels of licensure, limited and certified, were proposed. Applicants for limited licensure would be required to have 100 hours of instruction in American Sign Language or be certified as having equivalent skills, and must have 100 hours of instruction in the interpreting process. Applicants for certified licensure must show proof of national certification as an interpreter or transliterator. Licensees would be held to a code of ethics.

All persons who are registered under current law when this bill becomes effective would be eligible for limited licensure. Those persons would have three years from the date of their licensure to meet the standard education and training requirements. The bill proposed to exclude practitioners of cued speech from the definition of "interpreter". The intent was to not regulate practitioners of cued speech at this time.

Enacted law summary

Public Law 1999, chapter 399 replaces the existing registration process for interpreters for the deaf and hard-of-hearing with a licensing process.

Chapter 399 becomes effective June 30, 2000.

Joint Standing Committee on Criminal Justice

LD 48

An Act to Amend the Definition of "Traffick" in the Drug Laws

ONTP

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 48 proposed to amend the Maine Criminal Code by excluding the activity of growing or cultivating marijuana from the definition of "traffick." LD 2012, An Act to More Accurately Describe the Criminal Conduct Committed When a Person Grows or Cultivates Marijuana, Public Law 1999, chapter 374 incorporates LD 48.

LD 49

An Act to Amend the Drug Laws Related to Possession of a Firearm

PUBLIC 342

<u>Sponsor(s)</u> BENOIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-278
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LD 49 proposed to amend the criminal code by excluding the mere possession of a firearm as an aggravating factor in an offense of trafficking or furnishing scheduled drugs. This bill proposed to require that the firearm be somehow directly related to the criminal activity; the defendant must have used, carried or been armed with a firearm while engaged in trafficking or furnishing a scheduled drug in order for the offense to be elevated to the aggravated category. This change to the criminal code would make Maine law consistent with federal law, 18 United States Code, Section 924 (1976), which aggravates drug offenses whenever a defendant "uses or carries" a firearm, but not when a firearm is merely somewhere on the premises when a drug offense occurs.

Committee Amendment "A" (S-278) proposed to specify that for possession of a firearm to be an aggravating factor in an offense of trafficking or furnishing scheduled drugs, a person must possess the firearm in furtherance of the offense. This is consistent with 18 United States Code, Section 924(c)(1)(A). The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 342 amends the criminal code by specifying that for possession of a firearm to be an aggravating factor in an offense of trafficking or furnishing scheduled drugs, a person must possess the firearm in furtherance of the offense. This is consistent with 18 United States Code, Section 924(c)(1)(A).

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 342 and other drug laws were enacted simultaneously.

LD 65

An Act to Increase the Length of Probation for Domestic Violence from one Year to 2 Years

**DIED IN
CONCURRENCE**

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

LD 65 proposed to increase the period of probation for domestic abuse from one year to 2 years.

Committee Amendment "A" (H-429) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to add an appropriation and a fiscal note to the bill. This amendment was not adopted.

LD 78 **Resolve, Establishing the Replacement Simultaneously of State Correctional Facilities in Cumberland and Washington Counties as the First Priority If Additional General Obligation Bond Issues or Lease Appropriation Bonds are Authorized by the Legislature** **RESOLVE 17**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAGLEY	OTP-AM	H-150
CASSIDY		

LD 78 proposed to authorize the Maine Governmental Facilities Authority to issue securities in an amount up to \$17,400,000 for construction of a replacement for the Downeast Correctional Facility in Washington County.

Committee Amendment "A" (H-150) proposed to retitle and replace the bill with a resolve that sets the replacement simultaneously of new state correctional facilities in Cumberland and Washington counties as the first priority of the State, if any new general obligation bonds or lease appropriation bonds are authorized. For purposes of this resolve, new state correctional facilities mean those for which bonds may be issued following the issuance of bonds for correctional facilities construction projects located in Warren and Windham, pursuant to Public Law 1997, chapter 752.

Enacted law summary

Resolve 1999, chapter 17 authorizes the Maine Governmental Facilities Authority to issue securities in an amount up to \$17,400,000 for construction of a replacement for the Downeast Correctional Facility in Washington County. For purposes of this resolve, new state correctional facilities mean those for which bonds may be issued following the issuance of bonds for correctional facilities construction projects located in Warren and Windham, pursuant to Public Law 1997, chapter 752.

LD 82 **An Act to Amend the Laws Prohibiting Terrorizing** **PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L	OTP-AM	H-20

LD 82

Current law includes in the crime of criminal terrorizing a threat of violence whose natural and probable consequence is to cause the evacuation of a building, place of assembly or facility of public transport. LD 82 proposed to expand the

This bill was submitted on behalf of the Department of Public Safety.

Enacted law summary

Public Law 1999, chapter 11 amends the endangering the welfare of a child statute by making a person who knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age gunpowder or smokeless powder. It is an affirmative defense to prosecution that the defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished a child under 16 years of age gunpowder or smokeless powder for use in a supervised manner.

LD 144 An Act to Make Corrections to the Laws Governing the County Jail INDEF PP
Prisoner Support and Community Corrections Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KIEFFER	OTP-AM	

LD 144 proposed to direct the Department of Corrections to include in its proposed current services budget estimates the amount necessary to fully fund the County Jail Prisoner Support and Community Corrections Fund at current levels, based on the United States Consumer Price Index established by the United States Department of Labor, Bureau of Labor Statistics.

The bill also proposed to include unallocated language that expresses the Legislature's intent that in the Governor's current services recommendations the Governor provide for full funding of the County Jail Prisoner Support and Community Corrections Fund, adjusted by a factor equal to the percent change in the United States Bureau of Labor Statistics' Consumer Price Index. As proposed, if the Governor's recommendations do not include full funding, then the Governor shall submit a report to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs explaining why the Governor's legislation differs from the Department of Corrections' budget submission.

Committee Amendment "A" (H-40) proposed to direct the Department of Corrections, beginning July 1, 2002 and annually thereafter, to distribute the County Jail Prisoner Support and Community Corrections Fund to counties based on the percent distribution of actual funds reimbursed to counties pursuant to the Maine Revised Statutes, former Title 34-A, section 1210 in fiscal year 1997-98. The amendment proposed to clarify that each county's community corrections program account is nonlapsing. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 153 An Act to Increase the Fee Charged by Bail Commissioners PUBLIC 15

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

LD 153 proposed to increase the fee a bail commissioner may charge from \$25 to \$40.

Enacted law summary

Public Law 1999, chapter 15 increases from \$25 to \$40 the fee a bail commissioner may charge.

LD 195

An Act to Prohibit Sex Offenders from Being near Schools or Day Care Facilities

ONTP

<u>Sponsor(s)</u> MACKINNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 195 proposed to prohibit a sex offender from residing or loitering within 1,000 feet of a school or day care facility.

LD 201

An Act to Amend the Maine Criminal Justice Academy Requirements for Candidates for Sheriff

PUBLIC 338

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-560
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LD 201 proposed to remove the requirement that a sheriff or candidate for sheriff be certified by the Maine Criminal Justice Academy.

Committee Amendment "A" (H-184) proposed to replace and retitle the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to repeal the requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead require a candidate to meet only the Maine Criminal Justice Academy basic law enforcement training standards or the basic corrections training standards. This amendment was not adopted.

Committee Amendment "B" (H-185) proposed to replace and retitle the bill and was the minority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to repeal the existing requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead require a candidate to hold current certification in basic law enforcement training under the Maine Criminal Justice Academy standards and to have at least 5 years of experience as a law enforcement officer. The amendment also proposed to repeal the grandfather provision after current terms of office are served and require all who seek to be candidates for reelection to meet the new requirements. This amendment was not adopted.

Committee Amendment "C" (H-560) proposed to replace and retitle the bill. The amendment proposed to repeal the requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead require a candidate to meet only the Maine Criminal Justice Academy basic law enforcement training standards or meet the basic corrections training standards and have 5 years of supervisory employment experience. Committee Amendment "C" was a compromise that replaced Committee Amendments "A" and "B".

Enacted law summary

Public Law 1999, chapter 338 removes the requirement that a sheriff or candidate for sheriff be certified by the Maine Criminal Justice Academy and repeals the requirement that a candidate for sheriff qualify for an executive certificate under the Maine Criminal Justice Academy standards and instead requires a candidate to meet only the Maine Criminal Justice Academy basic law enforcement training standards or meet the basic corrections training standards and have 5 years of supervisory employment experience.

LD 211

An Act to Criminalize the Negligent or Purposeful Transmission of HIV

ONTP

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

LD 211 proposed to make the transmission of HIV a crime. As proposed, a person who knows or has reason to believe that the person is infected with HIV commits a Class A crime if that person transmits HIV to another person intentionally, knowingly, recklessly or with criminal negligence.

Committee Amendment "A" (H-81) was the minority report of the Joint Standing Committee on Criminal Justice and proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 224 **An Act to Prohibit the Misuse of Identification** **PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE MILLS	OTP-AM	H-183 H-315 POVICH

LD 224 proposed to create the Class D crime of misuse of legal identification. As proposed, the crime is committed if a person intentionally or knowingly presents or uses a form of legal identification that is stolen or forged.

The bill proposed that a person who has suffered economic loss as the result of this crime may receive restitution from the offender under current provisions of the Maine Criminal Code. The bill also proposed to make it a defense to a civil action seeking monetary damages that the action is based on the misuse of a legal identification for which another person has been convicted.

Committee Amendment "A" (H-183) proposed to replace the bill. The amendment proposed to repeal current law regarding misuse of credit identification and enact a broader Class D crime regarding misuse of identification. Specifically, the amendment proposed to criminalize misuse of credit identification and debit cards and add a provision that criminalizes any use of a form of legal identification that a person is not authorized to use. The amendment also proposed to make it a defense to a civil action seeking monetary damages that the action is based on the misuse of a form of legal identification for which another person has been convicted. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-315) proposed to clarify that the defense to a civil action for damages arising from the misuse of identification may be raised only by the person whose identification was misused.

Enacted law summary

Public Law 1999, chapter 190 repeals current law regarding misuse of credit identification and enacts a broader law regarding misuse of identification. A person is guilty of committing the new Class D crime if the person misuses credit identification, debit cards and any other form of legal identification that a person is not authorized to use. Public Law 1999, chapter 190 also makes it a defense to a civil action for the person whose identification was misused that the action is based on the misuse of a form of legal identification for which another person has been convicted.

LD 244 **An Act to Permit the Release and Publication of the Name of a Juvenile** **ONTP**
14 Years of Age or Older Who Commits a Crime

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

LD 244 proposed to allow the name of a juvenile charged with a crime and the juvenile crime or crimes committed to be revealed if the juvenile was at least 14 years of age at the time of the offense.

LD 258 **An Act to Make Purposeful Misrepresentation and Stolen Identity of Another Person a Class C Crime** **ONTP**

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

LD 258 proposed to create the Class C crime of misuse of legal identification. As proposed, the crime is committed if a person intentionally or knowingly presents or uses a form of legal identification that is stolen or forged. LD 224, An Act to Prohibit the Taking of Another Person’s Legal Identification, Public Law 1999, chapter 190 incorporates concepts from LD 258.

LD 266 **An Act to Require Records Checks for Persons Providing Direct Care to Clients of the Department of Mental Health, Mental Retardation and Substance Abuse Services** **CARRIED OVER**

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

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

This bill has been carried over to the Second Regular Session.

LD 268 **An Act to Prohibit the Misuse of Laser Pointers** **PUBLIC 163
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER O’GARA	OTP-AM	H-300

LD 268 proposed to make it a Class D crime for a person not authorized by law to intentionally point a laser device at another person. This prohibition of the use of laser devices is similar to provisions in current law pertaining to the use of disabling chemicals such as mace and pepper spray. The bill was proposed as emergency legislation due to the health dangers and safety risks posed by the misdirecting of laser devices at people.

Committee Amendment "A" (H-300) proposed to replace the bill. The amendment proposed to redefine the offense "criminal use of a laser pointer." As proposed, a person is guilty of criminal use of a laser pointer if:

1. The person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person;
2. That other person is a law enforcement officer in uniform; or
3. The person causes a reasonable person to suffer intimidation, annoyance or alarm.

The amendment proposed to specify that it is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. The amendment also proposed to allow the State to confiscate laser pointers. The amendment also adds a fiscal note.

Enacted law summary

Public Law 1999, chapter 163 creates the crime of criminal use of laser pointers. A person is guilty of criminal use of a laser pointer if:

1. The person intentionally, knowingly or recklessly points a laser pointer at another person, while the laser pointer is emitting a laser beam, and causes bodily injury to that other person;
2. That other person is a law enforcement officer in uniform; or
3. The person causes a reasonable person to suffer intimidation, annoyance or alarm.

Violation of 1 or 2 above is a Class D crime and violation of 3 is a Class E crime.

Public Law 1999, chapter 163 also specifies that is a defense to a prosecution that at the time of the laser pointer's use the person who pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. Public Law 1999, chapter 163 further allows the State to confiscate laser pointers that constitute the basis for conviction.

Public Law 1999, chapter 163 was enacted as an emergency measure effective May 13, 1999.

LD 272

**Resolve, Establishing the Commission to Study High-speed Chases and
Emergency Responses**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN O'GARA	OTP-AM	

LD 272 proposed to establish the Commission to Study High-speed Chases. As proposed, the commission would have consisted of the following 11 members: 2 Legislators, 2 members of the public and 7 law enforcement officials.

The bill proposed to require that the commission study current law enforcement policies governing the use of high-speed chases, the history of high-speed chases in Maine and other states' use of high-speed chases. The bill proposed to require that the commission report its findings to the Joint Standing Committee on Criminal Justice by December 1, 1999. The bill further proposed that the Joint Standing Committee on Criminal Justice may submit legislation in the Second Regular Session of the 119th Legislature to implement the commission's recommendations.

Committee Amendment "A" (H-63) proposed to rename the resolve and make changes to incorporate into the scope of the study commission review of emergency responses as well as high-speed chases by law enforcement officers. The amendment proposed to expand membership of the commission to 13 members. The amendment also proposed to remove the Department of Public Safety from staffing duties and provide that, upon approval from the Legislative Council, the Office of Policy and Legal Analysis provide staffing resources to the commission. The amendment also proposed to add an appropriation and a fiscal note to the resolve.

LD 300 An Act to Require Life Imprisonment for Habitual Violent Offenders ONTP

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

LD 300 proposed to define "habitual violent offender" as a person who has 3 convictions for certain violent offenses including murder, felony murder, manslaughter, aggravated assault, elevated aggravated assault, gross sexual assault, sexual abuse of a minor, unlawful sexual contact, sexual exploitation of a minor, kidnapping, criminal restraint, burglary, robbery, arson, any other offense involving the actual or threatened use of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical harm upon another person. As proposed, a habitual violent offender must be sentenced to mandatory life imprisonment without probation or any other form of release from confinement.

LD 307 An Act to Establish the Crime of Aggravated Criminal Trespass PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-9

LD 307 proposed to create the Class C crime of aggravated criminal trespass. As proposed, a person is guilty of aggravated criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters any dwelling place between the hours of sunset and sunrise and, at the time of the offense, has a prior conviction for burglary or criminal trespass.

Committee Amendment "A" (S-9) proposed to replace the bill and create 2 Class C crimes of aggravated criminal trespass. The amendment proposed to increase the penalty when a person commits a violent offense or sexual assault in the course of a trespass in a dwelling place. The amendment also proposed to increase the penalty when the offender has repeatedly engaged in similar conduct in the past. This repeat offender provision is similar to those for repeat violent offenders and repeat theft offenders.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 434 creates 2 Class C crimes of aggravated criminal trespass. Public Law 1999, chapter 434 increases the penalty when a person commits a violent offense or sexual assault in the course of a trespass in a dwelling place and increases the penalty when the offender has repeatedly engaged in similar conduct in the past.

LD 308

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

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

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

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

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

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

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

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

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

Finally, the bill also provides for the inclusion of a period of supervised release after imprisonment for any person convicted of a Title 17-A, section 253 offense. Unlike the dangerous sexual offender group, however, the length of the

LD 353 **An Act Regarding the Administration of Polygraph Tests to Prospective Law Enforcement Personnel** **CARRIED OVER**

<u>Sponsor(s)</u> MUSE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 353 proposes to eliminate employees of or applicants for employment with law enforcement agencies from the list of exceptions for which employers may request polygraph tests. The bill proposes that only law enforcement officers or applicants for employment as law enforcement officers may be asked to undergo polygraph tests.

This bill has been carried over to the Second Regular Session.

LD 354 **An Act to Establish Certain Crimes of Domestic Violence** **CARRIED OVER**

<u>Sponsor(s)</u> MUSE DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 354 proposes to create 2 new offenses in the criminal code: domestic violence assault for assault against a family member and domestic violence terrorizing for terrorizing a family member. Both of these new offenses are Class D crimes, except in cases of assault by a person 18 years of age or older against a person under 6 years of age, which is a Class C crime. Both of these new offenses would require a judge, not a bail commissioner, to set bail.

This bill has been carried over to the Second Regular Session.

LD 384 **An Act to Establish Victims' Rights for the Victims of Juvenile Crimes** **PUBLIC 280**

<u>Sponsor(s)</u> PEAVEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-457
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LD 384 proposed to give a victim of a crime committed by a juvenile the same rights as a victim of a crime committed by an adult, in addition to any rights provided to the victim of a juvenile crime by the Maine Juvenile Code.

This bill was submitted on behalf of the Department of Corrections.

Committee Amendment "A" (H-457) proposed to replace the bill. The amendment proposed to give a victim of a crime committed by a juvenile the right to request to receive notification of the juvenile offender's release in addition to any rights provided to the victim of a juvenile crime by the Maine Juvenile Code. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 280 gives a victim of a crime committed by a juvenile the right to request to receive notification of the juvenile offender's release in addition to any rights provided to the victim by the Maine Juvenile Code.

LD 390 **An Act Defining Witness, Informant and Victim for the Crime of Tampering with a Witness, Informant or Victim Under the Criminal Code** **ONTP**

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 390 proposed to define the terms "witness" and "informant" under the Maine Criminal Code. This bill also proposed to clarify the term "victim" for the crime of tampering with a witness, informant, victim or juror.

LD 398 **An Act to Require the Revocation of Probation for a Person Convicted of Domestic Violence if the Person Fails to Attend a Certified Batterers' Intervention Program** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u> STANLEY CATHCART	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 398 proposed to require that probation officers arrest and bring a motion to revoke the probation of a person who violates a condition of the person's probation requiring attendance in a certified batterers' intervention program. **Committee Amendment "A" (H-430)** was the minority report. The amendment proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 433 **An Act to Treat All Assaults on Law Enforcement Officers as Class C Crimes** **ONTP**

<u>Sponsor(s)</u> GOOLEY CAREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 433 proposed to make any assault on a law enforcement officer a Class C crime. Current law requires a law enforcement officer to suffer bodily injury for the crime of assault on an officer to have been committed. The bill proposed to expand this crime to allow offensive physical contact to meet the standard for a Class C crime.

LD 436 **An Act to Establish an Appeal Process for Concealed Firearms Permit Applications and to Grant Reciprocity to Other States** **ONTP**

<u>Sponsor(s)</u> MACK AMERO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 436 proposed to allow appeals to the Commissioner of Public Safety of denials of concealed firearms permit applications. This bill also proposed to allow persons who are allowed to carry concealed firearms in other states to carry concealed firearms in this State without having to get a permit to do so in this State.

LD 454 **An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident** **CARRIED OVER**

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

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

This bill has been carried over to the Second Regular Session.

LD 457 **An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility** **PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY FERGUSON	OTP-AM	H-149

LD 457 proposed to require a sentence for criminal mischief or any other crime involving damage or destruction of government property within a state or county correctional facility to be nonconcurrent with the offender's original sentence.

This bill was submitted on behalf of the Department of Corrections.

Committee Amendment "A" (H-149) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 458 requires a sentence for criminal mischief or any other crime involving damage or destruction of government property within a state or county correctional facility to be nonconcurrent with the offender's original sentence.

LD 466 **An Act Concerning Payment of Medical Costs for Prisoners in County Correctional Facilities** **ONTP**

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

LD 466 proposed to require the Department of Corrections to fully reimburse counties for costs incurred in providing medical care to prisoners who are held in county jails on state charges for more than 30 days for failure to make bail or pending trial or are held pending sentencing. The bill also proposed to allow counties to hold prisoners liable for the costs of medical treatment for medical conditions that existed before incarceration.

LD 474 An Act Relating to the Crime of Murder and to the Murder of Children CARRIED OVER

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

LD 474 proposes to make an assault of a child 4 years of age or younger that results in the child's death punishable as murder. Current law requires a sentence of imprisonment no less than 25 years for a conviction of murder. This bill has been carried over to the Second Regular Session.

LD 512 An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence PUBLIC 492

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM MAJ OTP-AM MAJ	H-451 S-427 MICHAUD

LD 512 proposed to allow the length of probation for a person convicted of a Class D or E crime involving domestic violence to be extended by up to one year beyond the period of probation if it is necessary for the person to complete a certified batterers' intervention program.

Committee Amendment "A" (H-451) proposed to replace the bill and was the majority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a person who is convicted of a Class D or Class E crime involving domestic violence must be sentenced to a period of probation of 2 years, except that the period of probation must be terminated when the person completes a certified batterers' intervention program. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Committee Amendment "B" (H-452) proposed to replace the bill and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to specify that a person who is convicted of a Class D or Class E crime involving domestic violence must be sentenced to a period of probation of 2 years. The amendment also proposed to specify that the probationer complete a certified batterers' intervention program during the period of probation. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-427) proposed to remove the appropriation section that funded 4 new probation officers and their related costs.

Enacted law summary

Public Law 1999, chapter 492 requires that a person who is convicted of a Class D or Class E crime involving domestic violence must be sentenced to a period of probation of 2 years, except that the period of probation must be terminated when the person completes a certified batterers' intervention program.

LD 530

An Act to Require the State to Pay the Salaries of Sheriffs and County Jail Employees

ONTP

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

LD 530 proposed to require the Department of Corrections to pay the costs of salaries and expenses for county sheriffs, deputy sheriffs and jailers, masters or keepers and all subordinate assistants and employees of the county jails as agreed upon between the Department of Corrections and each county. The bill proposed that counties remain responsible for providing suitable office space. This arrangement is similar to that of the district attorneys, whose salaries and expenses are paid for through the Office of the Attorney General's budget but whose office space is provided for by the counties.

LD 532

An Act to Limit Children's Access to Firearms

ONTP

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

LD 532 proposed to amend the endangering the welfare of a child law. The bill proposed to add to the types of endangerment storing a firearm that is not in a locked container or does not have a trigger lock device in a place where a child is likely to gain access to the firearm. The bill is based upon Child Access Prevention laws (CAP laws) that require adults to either store loaded guns in a place that is reasonably inaccessible to children or to use a device to lock the gun. CAP laws hold the adult owner criminally liable if a child obtains an improperly stored gun.

Committee Amendment "A" (S-208) proposed to amend the endangering the welfare of a child law and was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed that a person is guilty of endangering the welfare of a child if the person stores a loaded firearm in an unlocked container or without a trigger lock device and a child under 16 years of age gains access to the firearm without the permission of the child's parent or guardian. The amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

Committee Amendment "B" (S-209) proposed to replace the bill and was the second minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to require the Department of Public Safety to coordinate and implement a one-year media campaign, beginning September 30, 1999, of written and televised public service messages that warn the public of the danger of firearms and the importance of safely storing firearms to ensure that children do not have unsupervised access to firearms. The amendment also proposed to add an appropriation section and a fiscal note. This amendment was not adopted.

LD 546

An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy

CARRIED OVER

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

LD 546 proposes to exempt harbor masters and municipal shellfish conservation wardens from the full course of study at the Maine Criminal Justice Academy. It does not propose to exempt them from ongoing training requirements.

This bill has been carried over to the Second Regular Session.

LD 550 **An Act to Ensure a Continuum of Proper Medical Care for Prisoners with Mental Disabilities or Mental Illness** **ONTP**

<u>Sponsor(s)</u> MACDOUGALL PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 550 proposed to prohibit a physician for the Department of Corrections from countermanding a prescription previously prescribed for a client with mental disabilities or mental illness without first consulting the physician who prescribed the medication unless there is an emergency.

LD 557 **An Act to Prohibit Surveillance of Dressing Rooms, Bathrooms and Similar Places** **PUBLIC 116**

<u>Sponsor(s)</u> O'BRIEN L		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-155
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LD 557 proposed that it is an invasion of a person's privacy to engage in surveillance of that person in a store dressing room.

Committee Amendment "A" (H-155) proposed to replace and retitle the bill. As proposed, the amendment clarified that "private place" for purposes of the crime of violation of privacy includes changing or dressing rooms, bathrooms and similar places. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 116 clarifies that "private place" for purposes of the crime of violation of privacy includes changing or dressing rooms, bathrooms and similar places.

LD 562 **An Act Concerning Consecutive Sentencing** **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 562 proposed to amend the Maine Criminal Code so that multiple sentences for murder and Class A, B and C crimes must be imposed consecutively absent a reason stated on the record. It further proposed to require that the court in sentencing state its reasons on the record for imposing a concurrent sentence.

LD 607 **An Act Making It a Crime for Failure of a Junk Dealer to Keep Certain Records** **ONTP**

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

LD 607 proposed to provide that a junk dealer who fails to keep a record of the name of every person selling junk to that dealer and of the registration number of the motor vehicle used by that seller to deliver the junk commits a Class E crime. Currently, that failure is a civil violation for which a fine of not more than \$100 may be adjudged. This bill proposed to bring the provision into line with the Maine Revised Statutes, Title 15, section 456, which makes it a Class E crime for dealers in personal property to fail to record dates of purchase, sellers' names and addresses and brief descriptions of property.

LD 616 **An Act Relating to the Forfeiture of Bail** **ONTP**

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

LD 616 proposed to prevent a defendant from avoiding forfeiture of money bail by assigning or transferring it prior to court action on the pending motion for default.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

LD 629 **An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems** **CARRIED OVER**

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

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

LD 637 **An Act to Amend the Law Enforcement Officer Certification Standards** **CARRIED OVER**

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

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

This bill was submitted on behalf of the Department of Public Safety.

This bill has been carried over to the Second Regular Session.

LD 650 **An Act to Amend the Crime of Theft by Deception to Include False Impressions as to Identity** **PUBLIC 455**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACKINNON MCALEVEY	OTP-AM	S-60

LD 650 proposed to amend the current crime of theft by deception to make it clear that the crime is committed when a person obtains the property of another as a result of intentionally creating a false impression as to the offender's identity. As proposed, the crime is committed when, for example, utility services or credit is obtained through the intentional creation of the false impression as to identity.

Committee Amendment "A" (S-60) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 455 amends the current crime of theft by deception to make it clear that the crime is committed when a person obtains the property of another as a result of intentionally creating a false impression as to the offender's identity.

LD 651 **An Act to Prohibit Leaving a Child Alone in a Motor Vehicle** **ONTP**

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

LD 651 proposed to make leaving a child under five years of age unattended in a motor vehicle a Class E crime.

LD 678 **An Act to Require Completion of an Ambulance Operator Course** **CARRIED OVER**

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

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

This bill has been carried over to the Second Regular Session.

LD 684 **An Act to Allow for Continuing Law Enforcement Certification of the Commissioner of Public Safety and the Assistant to the Commissioner** **PUBLIC 114**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-154

LD 684 proposed to amend the duties of the Commissioner of Public Safety to allow a commissioner who has completed the basic law enforcement training course and who is certified by the Board of Trustees of the Maine Criminal Justice Academy to enforce the laws of the State. The bill also proposed to make minor technical changes.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-154) proposed to retitle and replace the bill. Instead of giving the Commissioner of Public Safety law enforcement powers, the amendment proposed to provide that the certification of a commissioner or assistant to the commissioner who is a law enforcement officer does not lapse during the period the officer serves as commissioner or as assistant to the commissioner. Currently, the administrative rules of the Maine Criminal Justice Academy provide that preservice and basic law enforcement certification lapse if an officer terminates employment and is not employed full time in a law enforcement capacity for a period of four years after termination.

Enacted law summary

Public Law 1999, chapter 114 provides that Maine Criminal Justice Academy certification of a commissioner or assistant to the commissioner who is a law enforcement officer does not lapse during the period the officer serves as commissioner or as assistant to the commissioner.

LD 696 **An Act to Provide for Sentence Reform** **ONTP**

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

LD 696 proposed to require the court to set a life term of imprisonment for a person who is convicted of murder or a Class A, B or C crime and has two prior convictions for murder or a Class A, B or C crime.

LD 738

An Act to Revise Maine's Trespass Laws

PUBLIC 115

<u>Sponsor(s)</u> DUNLAP CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-181
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LD 738 proposed to remove the provisions of law that allow posting land by painting silver stripes on trees or other objects.

Committee Amendment "A" (H-181) proposed to replace the bill and specify that a landowner who posts that landowner's land by paint markings may also mark the land with qualifying signs to indicate that access is prohibited only without permission of the landowner or the landowner's agent or that access is prohibited only for certain purposes.

Enacted law summary

Public Law 1999, chapter 115 specifies that a landowner who posts that landowner's land by paint markings may also mark the land with qualifying signs to indicate that access is prohibited only without permission of the landowner or the landowner's agent or that access is prohibited only for certain purposes.

LD 741

An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks

**PUBLIC 110
EMERGENCY**

<u>Sponsor(s)</u> MCALEVEY O'GARA	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-152
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LD 741 proposed to change the fingerprinting process currently provided for in the Maine Revised Statutes, Title 20-A, section 6103, subsection 6 in the following 4 ways:

1. Place the responsibility for the taking of fingerprints for applicants solely upon the Maine State Police;
2. Remove the responsibility from the applicant to forward the fingerprints to the Department of Education and instead require the Maine State Police to forward the prints to the State Bureau of Identification, which is the state entity that will actually conduct or arrange for the necessary state and national criminal history record checks on behalf of the Department of Education;
3. Make fingerprinting by the Maine State Police contingent upon payment of the necessary expenses by the applicant. Those expenses are as specified in Title 20-A, section 6103, subsection 4; and
4. Eliminate the requirement that two fingerprint cards be prepared.

The bill also proposes to amend Title 20-A, section 6103, subsection 4 to specifically identify the expenses to be borne by the applicant.

The bill also proposed to amend the fingerprinting provisions of Title 25, section 1542-A to accommodate the changes to Title 20-A, section 6103, subsections 4 and 6.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-152) proposed that teachers or other educational personnel required to have fingerprints taken pursuant to the Maine Revised Statutes, Title 20-A, section 6103 may request that those fingerprints be removed from the State Bureau of Identification's file if the requester's certification, authorization or approval has expired and the requester has not applied for renewal. As proposed, upon receiving the request, the State Bureau of Identification shall remove the fingerprints from the file. The amendment also proposed to clarify that the applicant or any other entity required by law is responsible for paying a one-time \$25 processing fee when the Department of Public Safety takes the applicant's fingerprints. The fee is used to offset the department's costs. The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 110 amends the fingerprinting process currently provided for teachers and educational personnel in the Maine Revised Statutes, Title 20-A, section 6103, subsection 6 as follows:

1. Places the responsibility for the taking of fingerprints for applicants solely upon the Maine State Police;
2. Removes the responsibility from the applicant to forward the fingerprints to the Department of Education and instead require the Maine State Police to forward the prints to the State Bureau of Identification;
3. Makes fingerprinting by the Maine State Police contingent upon payment of the necessary expenses by the applicant;
4. Eliminates the requirement that two fingerprint cards be prepared;
5. Identifies the expenses to be borne by the applicant;
6. Amends the fingerprinting provisions of Title 25, section 1542-A to accommodate the changes to Title 20-A, section 6103, subsections 4 and 6;
7. Specifies that teachers or other educational personnel required to have fingerprints taken pursuant to the Maine Revised Statutes, Title 20-A, section 6103 may request that those fingerprints be removed from the State Bureau of Identification's file if the requester's certification, authorization or approval has expired and the requester has not applied for renewal; and
8. Clarifies that the applicant or any other entity required by law is responsible for paying a one-time \$25 processing fee when the Department of Public Safety takes the applicant's fingerprints.

Public Law 1999, chapter 110 was enacted as an emergency measure effective May 3, 1999.

LD 761

An Act to Improve the Collection of Restitution

PUBLIC 469

Sponsor(s)
MURRAY

Committee Report
OTP-AM

Amendments Adopted
H-763 PEAVEY
S-67

LD 761 proposed to amend existing state laws to enable the Department of Corrections to more efficiently collect and disburse court-ordered restitution to crime victims.

The bill also proposed to reduce the amount of interest going to the General Fund, therefore reducing General Fund revenue by \$50,000 each fiscal year.

Committee Amendment "A" (S-67) proposed to remove the provision that would allow restitution of missing and deceased victims to be placed in the Victims' Compensation Fund and replace it with a provision that would require the restitution of deceased victims be forwarded to the estate of the victim. The amendment proposed to limit to June 30, 2002 the period of time that interest on restitution may be placed in the Other Special Revenue Account within the Department of Corrections and that the position to administer the collection of restitution is funded. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-86) proposed to strike the provision in the committee amendment that would allow the office of a prosecuting attorney to request that the Department of Corrections direct compensation to the office of a prosecuting attorney for disbursement to victims. The amendment also proposed to clarify that the Department of Corrections may hire an additional Victim Services Representative, instead of an Account Clerk I.

This bill was submitted on behalf of the Department of Corrections.

Enacted law summary

Public Law 1999, chapter 469 does the following:

1. Allows the Department of Corrections to more efficiently collect and disburse court-ordered restitution to crime victims;
2. Requires that interest accrued on restitution collected be deposited into the Other Special Revenue - Administration account within the Department of Corrections, which will reduce General Fund revenues by \$50,000;
3. Requires that income withholding orders be used to collect restitution from offenders who will not be incarcerated;
4. Specifies that if a victim dies or cannot be located, an offender's obligation to pay restitution is not affected. Restitution of a deceased victim must be forwarded to the estate of the victim; and
5. Limits to June 30, 2002 the period of time that interest on restitution may be placed in the Other Special Revenue Account within the Department of Corrections and that the position to administer the collection of restitution is funded.

LD 765

An Act to Make Materiality a Jury Issue Relative to the Crime of Perjury

PUBLIC 13

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 765 proposed to remove the current directive that the trial court rather than the jury determine the materiality question. Since "materiality" is an element of the crime of perjury as legally defined, a defendant has the constitutional right to have the jury rather than the trial court determine the question of materiality. United States v. Gaudin, 515 U. S. 506 (1995).

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 13 removes the current directive that the trial court rather than the jury determine the question of materiality.

LD 766

An Act to Clarify the Criminal Code Relative to Strict Liability Crimes

PUBLIC 23

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 766 proposed to make 5 changes to the Maine Revised Statutes, Title 17-A, section 34:

1. Merge the substantive content of Title 17-A, section 34, subsection 5 in that of Title 17-A, section 34, subsection 4;
2. Expressly recognize in Title 17-A, section 34, subsection 4 that, in addition to specific elements of a crime not being accompanied by a culpable mental state by legislative design, the Legislature can also impose criminal liability relative to an entire criminal statute without requiring proof by the State of a culpable mental state as to any of the elements of that crime. See e.g., State v. Boyce, 1998 Me. 219, ¶4, 718 A.2d 1097, 1099 (depraved indifference murder); State v. Seamen's Club, 1997 Me. 70, ¶11, 691 A.2d 1248, 1252 (crime of possession of short lobsters).
3. Define "strict liability crime" in a new subsection 4-A in Title 17-A, section 34 and provide for its use in subsection 4 of that section as a nonexclusive legislative means of expressly signaling an intent to impose criminal liability without the State having to prove a culpable state of mind as to any of the elements of the crime;
4. Make Title 17-A, section 34 gender neutral; and
5. Enact Title 17-A, section 2, subsection 23-A to reference the section 34 definition of "strict liability crime."

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 23 does the following:

1. Merges the substantive content of Title 17-A, section 34, subsection 5 in that of Title 17-A, section 34, subsection 4;
2. Expressly recognizes in Title 17-A, section 34, subsection 4 that, in addition to specific elements of a crime not being accompanied by a culpable mental state by legislative design, the Legislature can also impose criminal liability relative to an entire criminal statute without requiring proof by the State of a culpable mental state as to any of the elements of that crime. See e.g., State v. Boyce, 1998 Me. 219, ¶4, 718 A.2d 1097, 1099 (depraved indifference murder); State v. Seamen's Club, 1997 Me. 70, ¶11, 691 A.2d 1248, 1252 (crime of possession of short lobsters).
3. Defines "strict liability crime" in a new subsection 4-A in Title 17-A, section 34 and provides for its use in subsection 4 of that section as a nonexclusive legislative means of expressly signaling an intent to impose criminal liability without the State having to prove a culpable state of mind as to any of the elements of the crime;
4. Makes Title 17-A, section 34 gender neutral; and
5. Enacts Title 17-A, section 2, subsection 23-A to reference the section 34 definition of "strict liability crime."

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 791 proposed to remove the sentencing alternative of unconditional discharge from the Maine Revised Statutes, Title 17-A, chapter 49, section 1201 of the Criminal Code and give it unique treatment in new chapter 54-D, section 1346. It additionally proposed to make clear relative to this punishment alternative that it is to be imposed only when no other authorized sentencing alternative is found appropriate to be imposed by a sentencing court. Under current law, unconditional discharge is treated solely as an alternative to a sentencing alternative involving probation. Further, this bill proposed to address directly the currently authorized sentencing alternative of a wholly suspended term of imprisonment with probation by creating a new section 1203-C. (See section 1152, subsection 2, paragraph D.) Currently, this sentencing alternative is implicit in chapter 49. It also proposed to make a nonsubstantive change to section 1203, subsection 1 to conform it to new section 1203-C. Finally, this bill proposed to eliminate from section 1201 the current prohibition against the use of a sentencing alternative involving probation in the event the person to be sentenced poses a significant risk of further criminal activity while on probation.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 24 does the following:

1. Removes the sentencing alternative of unconditional discharge from the Maine Revised Statutes, Title 17-A, chapter 49, section 1201 of the Criminal Code and places it in new chapter 54-D, section 1346;
2. Makes clear that unconditional discharge is to be imposed only when no other authorized sentencing alternative is found appropriate to be imposed by a sentencing court. Under current law, unconditional discharge is treated solely as an alternative to a sentencing alternative involving probation;
3. Addresses directly the currently authorized sentencing alternative of a wholly suspended term of imprisonment with probation by creating a new section 1203-C. (See section 1152, subsection 2, paragraph D.) Currently, this sentencing alternative is implicit in chapter 49;
4. Makes a nonsubstantive change to section 1203, subsection 1 to conform it to new section 1203-C; and
5. Eliminates from section 1201 the current prohibition against the use of a sentencing alternative involving probation in the event the person to be sentenced poses a significant risk of further criminal activity while on probation.

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 811 proposed to leave to the discretion of the court whether to order certain juvenile sex offenders to undergo the required diagnostic evaluation at a detention facility and change the circumstances under which a court may order a juvenile to undergo a diagnostic evaluation at a detention facility to include that the facility is one in which the juvenile may otherwise be detained.

This bill was submitted on behalf of the Department of Corrections.

Enacted law summary

Public Law 1999, chapter 65 leaves to the discretion of the court whether to order certain juvenile sex offenders to undergo the required diagnostic evaluation at a detention facility and changes the circumstances under which a court may order a juvenile to undergo a diagnostic evaluation at a detention facility.

LD 812 An Act to Allow the State Police to Accept Revenue for Providing PUBLIC 111
Services to Municipalities and Counties

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH DAVIS P	OTP-AM	H-180

LD 812 proposed to allow the State Police to charge municipalities and counties for services provided to the municipalities or counties. The bill proposed that the revenue received be used to fund the cost of providing the services.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-180) proposed to replace the bill. The amendment proposed to add provisions dealing with radio communications and dispatch services to the current statutes dealing with law enforcement telecommunications systems. Specifically, the amendment proposed to allow the State Police, at the request of a federal agency, state department and agency, municipality or county to provide radio communications and dispatch services. As proposed, revenue received for providing these services, as well as telecommunications services, must be allocated for the purpose of funding the cost of providing the services. The amendment proposed that current law enforcement telecommunications systems are criminal justice telecommunications systems. The amendment also proposed to make technical changes and add a fiscal note.

Enacted law summary

Public Law 1999, chapter 111 adds provisions dealing with radio communications and dispatch services to the current statutes dealing with law enforcement telecommunications systems. Specifically, PL 1999, chapter 111 allows the State Police, at the request of a federal agency, state department and agency, municipality or county to provide radio communications and dispatch services. Revenue received for providing these services, as well as telecommunications services, must be allocated for the purpose of funding the cost of providing the services.

LD 839 An Act to Ensure Proper Identification of Nonresident Concealed ONTP
Firearms Permit Applicants

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

LD 839 proposed to require a nonresident applicant for a concealed firearms permit to submit fingerprints at a location in the State and at a time specified by the Chief of the State Police for the purpose of conducting fingerprint-based state and national criminal record information checks.

This bill was submitted on behalf of the Department of Public Safety.

LD 856

Resolve, Establishing the Commission to Study the Educational Needs of Offenders in the State's Correctional System

DIED IN CONCURRENCE

<u>Sponsor(s)</u> BAKER PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-299
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LD 856 proposed to require the Commissioner of Corrections to develop and implement a mandatory educational program for all prisoners. As proposed, prisoners who are not exempt must participate in the mandatory educational program, whose standard is the attainment of a General Education Diploma or a verified high school diploma. The bill proposed to require that the commissioner report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The report would include an overview of the department's current educational programs, the participation rate of prisoners and resource needs. The bill also proposed to require that the commissioner adopt routine technical rules for the implementation and review of mandatory educational programs for prisoners and for addressing prisoners' failure to participate in the mandatory educational programs.

Committee Amendment "A" (H-299) proposed to replace the title and the bill with a resolve to create a commission to develop a plan to assess the correctional system's ability to meet the educational and vocational needs of offenders who are within the State's correctional facilities and under community supervision. As proposed, the commission's duties also include identifying the special needs and learning requirements of offenders within the State's correctional facilities; the skills and abilities necessary to ensure a successful transition to family, work force and community; and the community services necessary to support offenders under community supervision. The amendment proposed to require that the commission collect and analyze information regarding the educational levels and needs of offenders in the State's correctional facilities, review research on effective correctional educational practices; evaluate the current and potential use of technology in delivering educational programs and identify resources necessary to carry out any recommendations. In doing its work, the commission could consult with other state departments, persons representing associations concerned with learning disabilities and family literacy, law enforcement agencies and persons providing probation services. The amendment proposed to require that the commission report its recommendations to the Joint Standing Committee on Criminal Justice by January 15, 2000.

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

LD 861

An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems

P & S 35 EMERGENCY

<u>Sponsor(s)</u> BAKER MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-82
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LD 861 proposed to direct the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate a comprehensive substance abuse program for prisoners. As proposed, the program must include uniform clinical assessment of prisoners to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the prisoner and the prisoner's family, to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.

The bill proposed to require the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund the comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The bill also proposed to require the proposal to include a plan to make annual reports to the Joint Standing Committee on Criminal Justice with a summary regarding the progress of substance abuse treatment programs.

The bill also proposed to direct county jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate the same type of comprehensive substance abuse program for inmates in county jails. As proposed, county jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse also must report to the Joint Standing Committee on Criminal Justice regarding the progress of substance abuse treatment programs.

Committee Amendment "A" (H-82) proposed to strike the provisions that require the county jails, with the help of the Office of Substance Abuse, to create, implement and operate comprehensive substance abuse treatment plans. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 35 directs the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate a comprehensive substance abuse program for prisoners. The program must include uniform clinical assessment of prisoners to identify substance abuse problems, to ensure access to a comprehensive substance abuse treatment program that facilitates participation of the prisoner and the prisoner's family, to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion.

Private and Special Law 1999, chapter 35 requires the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to prepare and present a proposal to implement and fund the comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. Private and Special 1999, chapter 35 also requires the proposal to include a plan to make annual reports to the Joint Standing Committee on Criminal Justice with a summary regarding the progress of substance abuse treatment programs.

Private and Special Law 1999, chapter 35 also directs county jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to create, implement and operate the same type of comprehensive substance abuse program for inmates in county jails. County jail administrators and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse also must report to the Joint Standing Committee on Criminal Justice regarding the progress of substance abuse treatment programs.

Private and Special Law 1999, chapter 35 was enacted as an emergency measure effective June 10, 1999.

LD 877

An Act to Clarify Public Nuisance Descriptions

ONTP

Sponsor(s)
COLWELL
GOLDTHWAIT

Committee Report
ONTP

Amendments Adopted

LD 877 proposed to clarify that automobile graveyards are a public nuisance and that a person who establishes, operates or maintains an automobile graveyard without a permit commits a Class E crime.

LD 903

An Act to Amend the Concealed Weapons Permit Laws

CARRIED OVER

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

LD 903 proposes to make the following changes to the chapter regarding permits to carry concealed firearms:

1. Specify that the only issuing authorities for permits are a full-time chief of police for legal residents of a municipality and the Chief of the State Police for all others;
2. Clarify that an issuing authority verify information about an applicant and ensure all criteria are satisfied before issuing a permit to an applicant;
3. Require an applicant for a permit to be at least 21 years of age;
4. Require an applicant for a permit to be photographed and for any permit issued to include that photograph;
5. Require an applicant for a permit to submit to a criminal history record check;
6. Repeal the provisions regarding permit renewals and increases the permit fee to \$45 for legal residents and private investigators licensed in the State and \$75 for nonresidents;
7. Clarify that the Attorney General shall develop all forms for the Chief of the State Police and forms for police chiefs that are necessary for the permitting process and that those issuing authorities shall provide and use only those forms;
8. Lengthen the term of a permit from 4 years to 5 years; and
9. Clarify that a person may not carry a concealed firearm without having the permit in that permit holder's immediate possession and that the permit holder may not fail to display the permit holder's permit to a law enforcement officer upon that officer's demand. A person who violates these provisions commits a civil violation.

This bill has been carried over to the Second Regular Session.

LD 936

An Act to Amend the Bail Code to Imprison Violators of Bail

ONTP

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

LD 936 proposed to amend the Maine Bail Code as follows:

1. Amend the definitions of the terms "bail" and "ensure the integrity of the judicial process;"
2. Change the standards for release of a defendant in custody for a crime bailable as of right preconviction;
3. Provide that a judicial officer may not order the pretrial release of a defendant on personal recognizance or upon execution of an unsecured appearance bond on new criminal conduct if the defendant has pending criminal charges;

4. List criteria for a judicial officer to consider in determining whether the pretrial release of a defendant on personal recognizance or an unsecured appearance bond is appropriate;
5. Provide that a judicial officer may not order the defendant released on personal recognizance or unsecured appearance bond if the defendant's crime is serious or the judicial officer finds the defendant's criminal record inappropriate for granting the defendant release on personal recognizance or unsecured appearance bond;
6. Repeal the provision that permits the Superior Court to make a de novo determination of the refusal of a judge of the District Court or a bail commissioner acting under the Maine Revised Statutes, Title 15, section 1026 to authorize the defendant's release on personal recognizance or on the execution of an unsecured appearance bond and replace it with a provision that permits a defendant to appeal to the Superior Court to review whether the District Court or bail commissioner abused the court's or commissioner's discretion in setting the bail;
7. Provide that for a defendant in custody, an appeal hearing must be scheduled within 96 hours of the filing of the appeal;
8. Provide that a surety for a defendant admitted to bail is responsible for the appearance of the defendant at all times, the defendant's compliance with the conditions of release and ensuring that the defendant refrains from engaging in new criminal conduct; and
9. Change the standards for determining whether to release a person on bail in connection with probation revocation proceedings and provide that bail is not available to any person pending the appeal of a revocation of probation pursuant to Title 17-A, section 1207.

LD 961

An Act to Strengthen the State's Drug Laws

PUBLIC 417

Sponsor(s)
SCHNEIDER

Committee Report
OTP-AM

Amendments Adopted
H-454

LD 961 proposed to amend the definition of aggravated trafficking or furnishing scheduled drugs to include: furnishing a scheduled drug while on a school bus or within 1,000 feet of an elementary or secondary school; using a person under the age of 18 to furnish or traffick in a scheduled drug; and whenever serious bodily injury or death results to another person as a result of the furnishing or trafficking.

Committee Amendment "A" (H-454) proposed to delete language that would have amended the definition of aggravated trafficking and furnishing to include whenever serious bodily injury or death results to another person as a result of the furnishing or trafficking. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 417 amends the definition of aggravated trafficking or furnishing scheduled drugs to include furnishing a scheduled drug while on a school bus or within 1,000 feet of an elementary or secondary school and using a person under the age of 18 to furnish or traffick in a scheduled drug.

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 417 and other drug laws were enacted simultaneously.

LD 1021 **An Act to Allow a Movie Rental Company Restitution if a Person Fails to Return a Movie** **ONTP**

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

LD 1021 proposed to require a person convicted of theft, when the property is a movie or video rental, to pay restitution to the owner in the amount equal to the revenue lost by the owner due to the absence of the property for rental purposes plus expenses.

LD 1044 **An Act to Require Notification by Law Enforcement Officers Before Tape-recording Certain Conversations** **ONTP**

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

LD 1044 proposed to amend the law regarding interception of wire and oral communications by requiring both a law enforcement officer and the person with whom the law enforcement officer is communicating to agree to the recording of their communication. As proposed, both the law enforcement officer and the other person also have to agree to allow another party to listen to their recorded communication. As proposed, these requirements would not apply when the law enforcement officer was working undercover.

LD 1075 **An Act to Continue Restorative Justice** **PUBLIC 167
EMERGENCY**

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

Current law proposed to repeal state laws establishing community resolution teams for juvenile offenders and community reparation boards for adult offenders as restorative justice sentencing alternatives on May 1, 1999. LD 1075 proposed to continue these sentencing alternatives.

This bill was submitted on behalf of the Department of Corrections.

Committee Amendment "A" (S-69) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to appropriate funding for 25 new probation officers whose duties would be to ensure the implementation of restorative justice. The amendment also proposed to add a fiscal note. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 167 repeals the provision that would have repealed community resolution teams and community reparation boards.

LD 1095 **An Act to Expand the Geographic Availability of the Supervised
Community Confinement Program** **CARRIED OVER**

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

This bill has been carried over to the Second Regular Session.

LD 1096 **An Act to Make Schools Safer** **INDEF PP**

<u>Sponsor(s)</u> COLWELL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1096 proposed to increase the penalty for assault, criminal threatening and terrorizing from a Class D crime to a Class C crime and criminal trespass from a Class E crime to a Class D crime if any of the offenses occur on school grounds. This bill was not referred to committee.

LD 1140 **An Act to Protect Cemeteries** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO DAVIS P		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 1140 proposed to require a mandatory minimum sentence for a person convicted of vandalizing a cemetery. As proposed, if the violator is a minor, the court must require the violator or the violator's family to pay restitution and require the violator to perform eight hours of community service per week for the cemetery for two consecutive summers following the conviction; if the violator is an adult, the court must require the violator to pay restitution and to perform five hours of community service for the cemetery per week for one year.

LD 1145 **An Act to Increase the Penalties for Persons in Possession of Crack
Cocaine in Conformity with the Penalties for Similarly Dangerous Drugs** **ONTP**

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

LD 1145 proposed to increase the penalty for possession of crack cocaine in conformity with the penalties for similarly dangerous drugs. This bill was the recommendation of the Office of the Attorney General.

LD 1153 **An Act to Require Counties to be Reimbursed 100% for all Prisoners Incarcerated in Jail From Other Jurisdictions From Arrival Until Departure** **ONTP**

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

LD 1153 proposed to require the Department of Corrections to reimburse in full a county for the costs that county incurs boarding a prisoner from another jurisdiction in its jail.

LD 1202 **An Act to Ensure Just Sentences** **CARRIED OVER**

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

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

LD 1202 proposes to provide a "safety valve" for sentencing courts in cases where a mandatory minimum sentence would result in substantial injustice and a frustration of the general purposes of sentencing as outlined in the Maine Criminal Code. The bill proposes to allow the court to take into consideration documented evidence of severe hardship to the offender as well as the wishes of the victim.

Finally, LD 1202 proposes to remove mandatory minimum sentences for the crime of aggravated trafficking or furnishing scheduled drugs.

This bill has been carried over to the Second Regular Session.

LD 1220 **An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force** **PUBLIC 119**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-153

LD 1220 proposed to allow a municipality without an organized police department to contract with the Bureau of the State Police to have a state police officer specifically assigned to provide police services to the municipality. As proposed, the municipality must pay the expense of providing the assigned state police officer.

Committee Amendment "A" (H-153) proposed that no more than three adjoining municipalities together may contract to have a state police officer assigned to provide police services. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 119 allows one and up to three adjoining municipalities without organized police departments together to contract with the Bureau of State Police to have a state police officer assigned to provide police services to the municipalities. Contracting municipalities must pay for the services.

LD 1221 An Act Requiring a Mandatory Jail Sentence for a Person Convicted ONTP
Twice of Sexual Abuse Against a Minor

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

LD 1221 proposed to require a court to impose an underlying jail sentence and order counseling for a person convicted of sexual abuse of a minor if that person has one or more prior convictions of sexual abuse of a minor.

LD 1245 An Act to Modify the Laws on Negotiating a Worthless Instrument DIED BETWEEN
BODIES

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

LD 1245 proposed to amend the crime of negotiating a worthless instrument. Specifically, the bill proposed to:

1. Change the notice of dishonor provision from requiring the issuer of the check to actually receive the notice to requiring the return of the instrument to a bank for collection to be considered sufficient notice;
2. Decrease the minimum amount of the face value of the worthless negotiable instrument at which it becomes a Class D crime from over \$1,000 to over \$500;
3. Decrease the maximum amount of the face value of the worthless negotiable instrument at which it becomes a Class E crime from \$1,000 to \$500; and
4. Increase the penalty for a person who is convicted of more than one violation of passing a worthless negotiable instrument with a face value of \$500 or less.

House Amendment "A" (H-638) proposed to change the requirement for the return of a worthless instrument to a bank for collection from within 5 days to within 10 days. The amendment also proposed to remove the provisions that decrease the minimum amount of the face value of the worthless negotiable instruments for Class D and E crimes and remove the increase in penalty for a person who is convicted of more than one violation of passing a worthless negotiable instrument with a face value of \$500 or less. This amendment was not adopted.

LD 1260**An Act to Offer Reciprocity Concerning Concealed Firearms Permits****ONTP**

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

LD 1260 proposed to allow a person to carry a concealed firearm in the State if that person has a concealed firearms permit from another state or country and the permit to carry a concealed firearm from that state or country is granted reciprocity. As proposed, reciprocity is granted to a permit to carry a concealed firearm from another state or country if:

1. The other state or country that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and
2. The other state or country that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under Maine law.

LD 1280**An Act to Provide Funding for School Drug Awareness and Education Programs****CARRIED OVER**

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

LD 1280 proposes to establish the Drug Awareness and Education for Schools Fund. The fund is a nonlapsing interest-bearing account. Ten percent of all fines paid for violations of the Maine Revised Statutes, Title 17-A, chapter 45 must be deposited into the fund, which must be used to support school programs for drug awareness and education, including the DARE program.

This bill has been carried over to the Second Regular Session.

LD 1281**An Act to Raise Penalties for Cases of Cruelty to Animals or Birds****PUBLIC 481**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEVENS KILKELLY	OTP-AM	H-419

LD 1281 proposed to increase the penalties for cruelty to animals and cruelty to birds and make those penalties consistent.

Committee Amendment "A" (H-419) proposed to replace the bill. The amendment proposed to clarify that the crimes of cruelty to animals and cruelty to birds require the offender to have an intentional, knowing or reckless state of mind. The amendment proposed to allow the State to aggravate the crimes of cruelty to animals and cruelty to birds from Class

D crimes to Class C crimes if the State pleads and proves that at the time of a violation the offender has 2 or more convictions for these crimes or for essentially similar crimes in other jurisdictions. The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 481 clarifies that the crimes of cruelty to animals and cruelty to birds require the offender to have an intentional, knowing or reckless state of mind. PL 1999, chapter 481 allows the State to aggravate the crimes of cruelty to animals and cruelty to birds from Class D crimes to Class C crimes if the State pleads and proves that at the time of a violation the offender has 2 or more convictions for these crimes or for essentially similar crimes in other jurisdictions.

LD 1282 An Act to Make It a Class E Crime to Write a Check on a Closed Account ONTP

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1282 proposed to make writing a check on a closed account a Class E crime. The bill proposed to base the penalties on the number of prior offenses, instead of on value.

LD 1293 An Act Concerning the Responsibility of County Sheriffs to Transport Juvenile Detainees ONTP

<u>Sponsor(s)</u> WHEELER E DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1293 proposed to clarify the sheriffs' duties to transport juvenile detainees to and from the Maine Youth Center and to or from a court house.

LD 1320 An Act to Create a Penalty for the Intentional Transmission of a Sexually Transmitted Disease ONTP

<u>Sponsor(s)</u> DAGGETT BUMPS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1320 proposed to make the transmission of a sexually transmitted disease a crime. As proposed, a person who knows or has reason to believe that the person is infected with a sexually transmitted disease commits a Class C crime if that person transmits that sexually transmitted disease to another person intentionally, knowingly, recklessly or with criminal negligence.

LD 1330 An Act Concerning Corrections Employees PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE	OTP-AM	S-307 S-423 MICHAUD

LD 1330 proposed to remove the provision of law that allowed the Commissioner of Corrections to hire intermittent employees.

Committee Amendment "A" (S-307) proposed to replace the bill. The amendment proposed to continue to allow the Commissioner of Corrections to hire intermittent employees, but it provides that intermittent positions in the institutional services unit must be identified through a separate agreement with labor and may be used only at the preidentified posts and sites. The amendment proposed that the use of intermittent employees for the purpose of overtime must be governed by an agreement between the parties. The amendment also proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-423) proposed to add necessary language, for fiscal year 1999-00 only, to grant the Department of Corrections the needed authority to establish intermittent positions. It also proposed to require the department to report to the Legislature by January 14, 2000 concerning utilization of that authority.

Enacted law summary

Public Law 1999, chapter 459 continues to allow the Commissioner of Corrections to hire intermittent employees, but it provides that intermittent positions in the institutional services unit must be identified through a separate agreement with labor and may be used only at the preidentified posts and sites. Use of intermittent employees for the purpose of overtime must be governed by an agreement between the parties.

Public Law 1999, chapter 459 also adds necessary language, for fiscal year 1999-00 only, to grant the Department of Corrections the needed authority to establish intermittent positions, and requires the department to report to the Legislature by January 14, 2000 concerning utilization of that authority.

LD 1334 An Act Concerning the Distribution of Certain Fines and Forfeitures ONTP

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

LD 1334 proposed to establish within the Department of the Attorney General the Tobacco Revenues Grants Committee, which has the authority to award to law enforcement agencies funds derived from one-half of the fines and forfeitures collected from persons found in violation of the retail tobacco sales law.

LD 1347 An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced PUBLIC 196

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

LD 1347 proposed to:

1. Transfer the basic allegation requirement relating to a prior conviction to be used for sentencing enhancement, including the definition of sentencing enhancement, from the Maine Revised Statutes, Title 15, section 757 to a new section 9-A of the Criminal Code, Title 17-A;
2. Transfer the issue of identity from Title 15, section 757 to a new section 9-A of the Criminal Code, Title 17-A; and
3. Repeal the remaining procedural portions of Title 15, section 757 and direct, in the new section 9-A of the Criminal Code, Title 17-A, that the manner of alleging a prior conviction in a charging instrument and conditions for using that prior conviction at trial be as the Supreme Judicial Court provides by rule.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 196 transfers the basic allegation requirement relating to a prior conviction to be used for sentencing enhancement, including the definition of sentencing enhancement, from the Maine Revised Statutes, Title 15, section 757 to a new section 9-A of the Criminal Code, Title 17-A. PL 1999, chapter 196 transfers the issue of identity from Title 15, section 757 to a new section 9-A of the Criminal Code, Title 17-A and repeals the remaining procedural portions of Title 15, section 757 and directs that the manner of alleging a prior conviction in a charging instrument and conditions for using that prior conviction at trial be as the Supreme Judicial Court provides by rule.

LD 1361 An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to 6 Months PUBLIC 442

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-458
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LD 1361 proposed to increase the requirement that the drugs be confiscated from a 48-hour period to a period of one year when a prosecutor wishes to aggregate conduct that is committed pursuant to one scheme or course of conduct. The bill also proposed to incorporate the cultivation statute. This bill was the recommendation of the Attorney General.

Committee Amendment "A" (H-458) proposed to retitle and replace the bill. The amendment proposed to increase the requirement that the drugs be confiscated from a 48-hour period to a 6-month period when a prosecutor wishes to aggregate conduct that is committed pursuant to one scheme or course of conduct that involves trafficking, furnishing or aggravated trafficking or furnishing. As proposed, drugs confiscated pursuant to a possession charge continue to be limited to the 48-hour confiscation period. The amendment also proposed to create a new section in the Maine Revised Statutes, Title 17-A, chapter 45 to address all aggravation based on confiscation.

The summary of the bill incorrectly indicated that the bill included the cultivation statute; neither the bill nor the amendment includes cultivation for purposes of aggregation based upon confiscation.

The amendment also proposed to add a fiscal note.

Enacted law summary

Public Law 1999, chapter 442 increases the requirement that the drugs be confiscated from a 48-hour period to a 6-month period when a prosecutor wishes to aggregate conduct that is committed pursuant to one scheme or course of conduct that involves trafficking, furnishing or aggravated trafficking or furnishing. Drugs confiscated pursuant to a possession charge continue to be limited to the 48-hour confiscation period. Public Law 1999, chapter 442 also creates a new section in the Maine Revised Statutes, Title 17-A, chapter 45 to address all aggravation based on confiscation.

LD 1362

An Act to Allow the State to Initiate Default Proceedings in Order to Obtain Forfeited Assets When the Defendant Fails to Appear in a Court Proceeding

PUBLIC 395

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1362 proposed to allow the State to initiate default proceedings in order to obtain forfeited assets when the defendant fails to appear in a court proceeding. This bill was the recommendation of the Attorney General.

Enacted law summary

Public Law 1999, chapter 395 allows the State to initiate default proceedings in order to obtain forfeited assets when the defendant fails to appear in a court proceeding.

LD 1369

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

CARRIED OVER

<u>Sponsor(s)</u> TOWNSEND PENDLETON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1369 proposes to transfer responsibility for the Maine Youth Center and the Northern Maine Regional Juvenile Detention Facility from the Department of Corrections to the Department of Human Services. The bill proposes to retain the current structure of the facilities and their relationships with the other departments and with the federal Department of Justice.

This bill has been carried over to the Second Regular Session.

LD 1382

An Act to Require That Both the Northern Maine Regional Juvenile Detention Facility and the Maine Youth Center Receive Detainees

PUBLIC 463

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-182
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LD 1382 proposed to allow a court to order a juvenile who is sentenced to a period of detention that may not exceed 30 days to serve that sentence in any Department of Corrections juvenile facility. Current law only allows such a sentence to be served at the Northern Maine Regional Juvenile Detention Facility.

Committee Amendment "A" (H-182) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 463 allows a court to order a juvenile who is sentenced to a period of detention that may not exceed 30 days to serve that sentence in any Department of Corrections juvenile facility.

LD 1386

Resolve, to Establish a Police Cadet Program for the State, Municipal and County Law Enforcement Agencies

RESOLVE 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-151

LD 1386 proposed to direct the Department of Public Safety, Bureau of State Police to develop and implement a police cadet program for youth who have graduated from high school or have a General Equivalency Diploma.

Committee Amendment "A" (H-151) proposed to replace the title and the resolve. The amendment proposed to expand the scope of planning and potential implementation for the police cadet program to include the entire Department of Public Safety; other state law enforcement agencies, including the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Conservation; municipal law enforcement agencies; and county law enforcement agencies. The amendment also proposed to direct the law enforcement agencies to work with the University of Maine at Augusta and direct the Department of Public Safety to coordinate reporting to the Joint Standing Committee on Criminal Justice. The amendment also proposed to add a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 58 directs the following entities to develop and implement a police cadet program: the Department of Public Safety; other state law enforcement agencies, including the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Conservation; municipal law enforcement agencies; and county law enforcement agencies. Resolve 1999, chapter 58 directs the law enforcement agencies to work with the University of Maine at Augusta and directs the Department of Public Safety to coordinate reporting to the Joint Standing Committee on Criminal Justice.

LD 1400

An Act to Amend Juvenile Corrections Laws and to Establish a Juvenile Records Repository

PUBLIC 260

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM	H-428 H-475 CAMERON

Part A of LD 1400 proposed to amend the juvenile corrections laws to:

1. Require prosecutors to effect detention placement within 12 hours following arrest just as is now required of juvenile careworkers;
2. Specify that a conditional release becomes unconditional if report of notification is not filed by police within the 24 hours mandated by present law;
3. Clarify that a juvenile caseworker may decide that ongoing supervision of a juvenile is not required;
4. Eliminate administrative preliminary hearings and require court detention hearings to determine probable cause for probation revocation; and
5. Eliminate the age restriction on juveniles who may be detained at the Northern Maine Regional Juvenile Detention Facility so that it like the Maine Youth Center may be used to detain younger juveniles for whom there is no other alternative.

Part B of the bill proposed to establish the State Bureau of Identification of the Department of Public Safety as the central repository for juvenile crime information.

This bill was submitted on behalf of the Department of Corrections.

Committee Amendment "A" (H-428) proposed to do the following:

1. Clarify that juvenile caseworkers are responsible for detention placement;
2. Allow juvenile caseworkers to review conditions imposed on a juvenile and lessen or eliminate the conditions if the law enforcement report for the incident is not filed within 15 days;
3. Permit juvenile caseworkers to disclose the identities of juveniles on conditional release or informal adjustment to criminal justice agencies for the purpose of administration of juvenile criminal justice;
4. Change from 48 hours to 24 hours the time a detention hearing must be held after a juvenile is placed in a secure detention facility, which is consistent with federal requirements; and add a mandate preamble and a fiscal note to the bill.

House Amendment "A" (H-475) This amendment was presented on behalf of the Committee on Bills in the Second Reading and proposed to prevent a statutory conflict by incorporating a change made to the Maine Revised Statutes, Title 25, section 1542-A, subsection 1, paragraphs F and G; subsection 3, paragraph F; subsection 4; and subsection 8 in Public Law 1999, chapter 110.

Enacted law summary

Public Law 1999, chapter 260 has two parts.

Part A amends the juvenile corrections laws to:

1. Require prosecutors to effect detention placement within 12 hours following arrest just as is now required of juvenile careworkers and to clarify that juvenile caseworkers are responsible for that placement;
2. Allow juvenile caseworkers to review conditions imposed on a juvenile and lessen or eliminate the conditions if the law enforcement report for the incident is not filed within 15 days;
3. Clarify that a juvenile caseworker may decide that ongoing supervision of a juvenile is not required;
4. Eliminate administrative preliminary hearings and require court detention hearings to determine probable cause for probation revocation;
5. Eliminate the age restriction on juveniles who may be detained at the Northern Maine Regional Juvenile Detention Facility so that it like the Maine Youth Center may be used to detain younger juveniles for whom there is no other alternative;
6. Permit juvenile caseworkers to disclose the identities of juveniles on conditional release or informal adjustment to criminal justice agencies for the purpose of administration of juvenile criminal justice; and
7. Change from 48 hours to 24 hours the time a detention hearing must be held after a juvenile is placed in a secure detention facility. This is consistent with federal requirements.

Part B establishes the State Bureau of Identification as the central repository for juvenile crime information.

Note: LD 2252, An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine, Public Law 1999, chapter 510 corrects PL 1999, chapter 110 by clarifying that Part B is effective September 1, 2000. Part A is effective 90 days after the Legislature adjourns.

LD 1421 **An Act to Amend the Definition of Firearms to Include Paint Guns** **ONTP**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1421 proposed to add paint gun to the definition of a firearm.

LD 1428 **Resolve, to Create the Commission to Study the Enhancement of Fire Protection Services throughout the State** **RESOLVE 65
EMERGENCY**

<u>Sponsor(s)</u> MCALEVEY O'GARA		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-557 S-447 MICHAUD
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LD 1428 proposed to direct the Department of Public Safety, the Maine State Retirement System, the Maine Fire Training and Education Program within the Maine Technical College System and the State Employee Health Commission within the Bureau of Human Resources to take several steps to enhance fire protection services throughout the State. The resolve also proposed to direct those entities to report their progress regarding the creation and implementation of fire safety enhancements and submit any necessary legislation to the Joint Standing Committee on Criminal Justice by January 15, 2000.

Committee Amendment "A" (H-557) proposed to retitle and replace the resolve. The amendment proposed to create the Commission to Study the Enhancement of Fire Protection Services throughout the State. It also proposed to add an emergency preamble and emergency clause, an appropriation section and a fiscal note to the resolve.

House Amendment "A" to Committee Amendment "A" (H-586) was presented on behalf of the Committee on Bills in the Second Reading and proposed to change the date by which the commission must make its report to January 14, 2000.

Senate Amendment "A" to Committee Amendment "A" (S-447) proposed to change the reporting date from January 14, 2000 to December 1, 1999. The amendment also proposed to clarify that, following receipt of the commission's report, the Joint Standing Committee on Criminal Justice may report out a bill to the Second Regular Session of the 119th Legislature.

Enacted law summary

Resolve 1999, chapter 65 creates the Commission to Study the Enhancement of Fire Protection Services throughout the State. The commission's members include: the President of the Maine Fire Chiefs Association, the President of the Professional Firefighters of Maine, the President of the Maine State Federation of Firefighters and 3 members of the Joint Standing Committee on Criminal Justice. The commission is required to report its recommendations to the Joint Standing Committee on Criminal Justice by January 14, 2000.

LD 1433 **An Act to Repeal the Requirement That a Person Have a Permit to Carry a Concealed Weapon** **ONTP**

<u>Sponsor(s)</u> TRACY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1433 proposed to repeal the current requirement that a person obtain a permit prior to carrying a concealed weapon. The bill proposed to require that a person who wants to carry a concealed firearm must complete a handgun safety course and must carry proof of the successful completion of that course. As proposed, failure to obtain and carry such proof while carrying a concealed firearm is a Class D crime. As proposed, a person who had a concealed weapon permit may apply to the Commissioner of Public Safety for a waiver of the safety course requirement.

LD 1443 **An Act to Set Aside a Portion of Juvenile Justice Block Grant Money for Quality Child and After-school Care Programs** **ONTP**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1443 proposed to require the Juvenile Justice Advisory Group to set aside 10% of funds for quality child and after-school care programs.

LD 1473 **An Act to Amend the Maine Emergency Medical Services Act of 1982** **PUBLIC 182**

<u>Sponsor(s)</u> MCALEVEY CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-301
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LD 1473 proposed to amend the laws regarding emergency medical services in the following ways:

1. Make the position of Director of Maine Emergency Medical Services a major policy-influencing position and delete language that requires the Governor to set the director's salary;
2. Amend the definitions of "ambulance attendant," "basic emergency medical technician" and "protocol," and create new definitions for "first responder" and "Medical Direction and Practices Board;"
3. Allow the Medical Direction and Practices Board to define protocols for the emergency medical services system;
4. Make minor technical changes in the language regarding the minimum requirements for initial licensing of emergency medical services persons;
5. Allow flight nurses to care for patients being transported by ambulance from the scene of an emergency;

6. Allow the Emergency Medical Services' Board to hold rule-making hearings regionally using current technology such as video conferencing and make clear that the board may adopt rules establishing the requirements for certification, recertification and decertification of persons engaged in emergency medical services education and training;
7. Provide for the certification and decertification of emergency medical services persons on a statewide rather than a regional basis; and
8. Expand the responsibilities of the Emergency Medical Services' Board to include the creation of a statewide quality assurance and improvement committee.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-301) proposed to make several technical changes and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 182 amends the laws regarding emergency medical services as follows.

1. It makes the position of Director of Maine Emergency Medical Services a major policy-influencing position and deletes language that requires the Governor to set the director's salary.
2. It amends the definitions of "ambulance attendant," "basic emergency medical technician" and "protocol." It also creates new definitions for "first responder" and "Medical Direction and Practices Board."
3. It allows the Medical Direction and Practices Board to define protocols for the emergency medical services system.
4. It makes minor technical changes in the language regarding the minimum requirements for initial licensing of emergency medical services persons.
5. It allows flight nurses to care for patients being transported by ambulance from the scene of an emergency.
6. It allows the Emergency Medical Services' Board to hold rule-making hearings regionally using current technology such as video conferencing. It also makes it clear that the board may adopt rules establishing the requirements for certification, recertification and decertification of persons engaged in emergency medical services education and training.
7. It provides for the certification and decertification of emergency medical services persons on a statewide rather than a regional basis.
8. It expands the responsibilities of the Emergency Medical Services' Board to include the creation of a statewide quality assurance and improvement committee.

LD 1539

An Act to Require More Timely Court-ordered Psychological Evaluations

PUBLIC 373

Sponsor(s)
MACDOUGALL

Committee Report
OTP-AM

Amendments Adopted
H-534

LD 1539 proposed to change the time frame for the completion of a court-ordered mental examination of an incarcerated person accused of a crime from 90 days to 30 days from the date of arrest.

Committee Amendment "A" (H-534) proposed to require that a court-ordered examination of a defendant before trial must be completed within 45 days of the arrest if the defendant is incarcerated. It also proposed to require the State Forensic Service to notify the court when the examination is completed.

Enacted law summary

Public Law 1999, chapter 373 changes the time frame for the completion of a court-ordered mental examination of an incarcerated person accused of a crime from 90 days to 45 days from the date of arrest. Public Law 1999, chapter 373 also requires the State Forensic Service to notify the court when the examination is completed.

Note: LD 2252, An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine, Public Law 1999, chapter 510 amends Public Law 1999, chapter 373. Public Law 1999, chapter 510 corrects misuse of the word "arrest." A psychological evaluation must be completed within 45 days from the date of the court order instead of the date of the defendant's arrest.

LD 1566 **An Act to Clarify the Definition of Terms Relating to Scheduled Drugs** **PUBLIC 239**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-420
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LD 1566 proposed to clarify the definition of "cultivate" as it relates to the prohibition against growing marijuana. The bill proposed to limit to 1 1/4 ounces the amount of marijuana a person may possess and be subject to civil, as opposed to criminal, penalties. This bill was the recommendation of the Attorney General.

Committee Amendment "A" (H-420) proposed to strike section 2 of the bill that defines "usable amount of marijuana" as a usable amount weighing not more than 1 1/4 ounces.

Enacted law summary

Public Law 1999, chapter 239 clarifies the definition of "cultivate" as it relates to the prohibition against growing marijuana. "Cultivate" means to sow a seed; to grow, raise or tend a plant; to harvest a plant; or to knowingly possess a plant.

LD 1572 **An Act to Establish Lifetime Probation for Multiple Sex Offenders** **ONTP**

<u>Sponsor(s)</u> O'BRIEN L		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1572 proposed to require that a person convicted of a Class A, B or C sex offense who has two or more other convictions of any Class A, B or C sex offense or a comparable offense in another jurisdiction must be placed on probation for life or sentenced to a term of imprisonment of 15 years. As proposed, if the person is placed on probation for life, the person may be sentenced to a term of imprisonment up to 15 years, and if the person is sentenced to a term of imprisonment of 15 years, the person may be placed on any period of probation up to life.

LD 1575 **An Act to Criminalize Internet Dissemination of Child Pornography** **PUBLIC 444**

Sponsor(s)
SCHNEIDER
LONGLEY

Committee Report
OTP-AM

Amendments Adopted
H-418
H-600 POVICH

LD 1575 proposed to:

1. Clarify the definition of "disseminate" to make clear that the dissemination of sexually explicit materials via computer is covered by the laws regulating sexual exploitation of minors and does not, in fact, require receipt by another as a precondition to the completion of the act of dissemination;
2. Clarify that representations of person who do not in fact exist but who are depicted to be under 18 years of age are within the scope of the prohibition and that any person actually viewing the visual image or material, including jurors, may render an opinion as to the age of the representation or person depicted;
3. Clarify the modality of reproducing visual images or material to include, in addition to mechanical, electronic or chemical reproduction;
4. Make it an affirmative defense that the person depicted was the spouse of any actor and add affirmative defenses for medical, scientific or law enforcement purposes;
5. Modify the existing prohibitions from covering persons under 14 years of age to persons under 18 years of age in conformity with the laws of the United States and neighboring jurisdictions, such as Massachusetts;
6. Create a new crime of aggravated dissemination, which is a Class B crime, and prohibit the dissemination of sexually explicit visual images or materials to persons the offender believes or knows to be a minor. As proposed, this section would encompass as an aggravated offense the dissemination of sexually explicit visual images or material to a person the offender believes to be a minor, but who is, in fact, an adult law enforcement officer acting undercover; and
7. Allow for a simple criminal forfeiture procedure for equipment used to facilitate a violation of the sexual exploitation of minors laws.

Committee Amendment "A" (H-418) proposed to retain the expansion of the definition of "disseminate" and the description of the crime of "dissemination of sexually explicit materials" to cover the dissemination of sexually explicit materials over the Internet. The amendment proposed to delete the following from the bill:

1. "Attempt" from the proposed definition of "disseminate;"
2. The provisions raising the age of persons protected by the laws from 14 years of age to 18 years of age;
3. The proposal to include the "representation" of a minor in the definition of minor and in the definition of the offense of dissemination of sexually explicit materials;
4. Proposed authorized methods for determining the age of the person depicted;
5. Changes in defenses and the terms "uncovered or covered;" and
6. The proposed new crime of aggravated dissemination of sexually explicit materials.

The amendment also proposed to add a fiscal note.

House Amendment "A" (H-600) proposed to clarify that a defendant or other party-in-interest in the in rem civil forfeiture proceeding may request a jury trial.

Enacted law summary

Public Law 1999, chapter 444 clarifies the definition of "disseminate" and the description of the crime of "dissemination of sexually explicit materials" to cover the dissemination of sexually explicit materials over the Internet. Public Law 1999, chapter 444 also allows for the criminal forfeiture of equipment used to facilitate a violation of the sexual exploitation of minors laws.

LD 1583 An Act to Amend the Definition of Sex Offender and to Require Sheriffs to Notify the State Bureau of Identification of a Sex Offender's Release from Jail for Purposes of Registration and Notification CARRIED OVER

<u>Sponsor(s)</u> O'BRIEN L		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1583 proposes to expand the definition of "sex offender" for purposes of the Sex Offender Registration and Notification Act to include all sex offenses in the Maine Revised Statutes, Title 17-A, chapter 11 that are Class A, B or C crimes and the crime of sexual exploitation of a minor. For purposes of registration and notification, the bill also proposes to require county sheriffs to notify the Department of Public Safety, State Bureau of Identification when a sex offender is released from a county jail.

This bill has been carried over to the Second Regular Session.

LD 1588 An Act to Increase the Penalties for Persons in Possession of Methamphetamine in Conformity with the Penalties for Similarly Dangerous Drugs PUBLIC 422

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-535
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LD 1588 proposed to bring the general treatment of methamphetamine into conformity with the treatment of cocaine for persons charged with possession, furnishing and trafficking. This bill proposed to treat methamphetamine in virtually the same manner as cocaine hydrochloride is treated under existing law for purposes of aggravated trafficking, trafficking, furnishing and possession. The bill also proposed to provide for possession of any amount of methamphetamine to be a Class C offense, similar to the treatment of heroin under existing law. The bill was the recommendation of the Attorney General.

Committee Amendment "A" (H-535) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 422 brings the general treatment of methamphetamine into conformity with the treatment of cocaine for persons charged with possession, furnishing and trafficking. This bill treats methamphetamine in virtually the same manner as cocaine hydrochloride, is treated under existing law for purposes of aggravated trafficking, trafficking, furnishing and possession. The bill also provides for possession of any amount of methamphetamine to be a Class C offense, similar to the treatment of heroin under existing law.

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 422 and other drug laws were enacted simultaneously.

LD 1589 **An Act to Require an Assessment Evaluation of Juveniles Entering the Juvenile Justice System** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> O'BRIEN L	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-689
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LD 1589 proposed to require that the Department of Corrections provide a juvenile with an assessment evaluation as soon as a juvenile caseworker receives notice of the juvenile's arrest. As proposed, the purpose of an assessment evaluation is to assess the risks the juvenile may pose and to determine the needs the juvenile may have. It was proposed that an assessment evaluation include the following: educational, vocational, psychological, psychiatric and substance abuse examinations.

Committee Amendment "A" (H-689) proposed to specify that the assessment evaluation must include sufficient comprehensive evaluation to allow appropriate intervention strategies to be developed for the juvenile. The amendment also proposed to specify that an assessment evaluation must be conducted for every juvenile who is placed on informal adjustment and every juvenile who has been adjudicated of committing a juvenile crime. The amendment also proposed to add a fiscal note to the bill.

LD 1610 **An Act to Require Prior Agreement by Both the Sender and the Receiver for a Recording to Take Place** **ONTP**

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1610 proposed to amend law regarding interception of wire and oral communications by requiring both the sender and the receiver to agree to the recording of their communication. As proposed, this requirement does not apply if the receiver is a law enforcement officer performing official duties or an employee of the Department of Human Services investigating an abuse and neglect case.

LD 1632 **An Act to Increase Penalties for Certain Drug-related Crimes Committed In or Near Low-income Housing** **ONTP**

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1632 proposed to amend the Maine Criminal Code to provide that conduct that ordinarily would subject the actor to penalties for unlawful trafficking in scheduled drugs subjects that actor to the higher penalties for aggravated trafficking or furnishing scheduled drugs if conducted on or within 1,000 feet of the real property of low-income housing.

LD 1658 **An Act to Release Juvenile Crime Records to School Personnel** **PUBLIC 345**

Sponsor(s)
CATHCART
SKOGLUND

Committee Report
OTP-AM

Amendments Adopted
S-277

LD 1658 proposed to require that when a petition has been filed against a juvenile for an offense that alleges the use or threatened use of physical force against a person or when a juvenile has been adjudicated as having committed such an offense, the district attorney in the district where the charges were brought shall provide to the superintendent of the juvenile's school or the superintendent's designees the name of the juvenile and other specified information about the charges. As proposed, any information received under these new provisions may not become part of the student's educational record.

Committee Amendment "A" (S-277) proposed to direct a superintendent who receives notice from a district attorney that a juvenile has been charged in a juvenile petition to create a notification team. As proposed, a notification team must include the building administrator, a classroom teacher, a parent or guardian and a guidance counselor. The amendment proposed that the notification team would identify which school employees will receive on the basis of need the information provided to the superintendent and team. The amendment further proposed that the superintendent shall ensure that all who have access to juvenile criminal justice information receive confidentiality training.

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

Enacted law summary

Public Law 1999, chapter 345 requires that when a petition has been filed against a juvenile for an offense that alleges the use or threatened use of physical force against a person or when a juvenile has been adjudicated as having committed such an offense, the district attorney in the district where the charges were brought shall provide to the superintendent of the juvenile's school or the superintendent's designees the name of the juvenile and other specified information about the charges. Any information received under these new provisions may not become part of the student's educational record.

Upon receipt of the information that a petition has been filed, a superintendent is required to create a notification team. A notification team must include the building administrator, a classroom teacher, a parent or guardian and a guidance counselor. A notification team shall identify which school employees will receive on the basis of need the information provided to the superintendent and team. The superintendent is required to ensure that all who have access to juvenile criminal justice information receive confidentiality training.

LD 1671

An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity

PUBLIC 126

Sponsor(s)
POVICH

Committee Report
OTP

Amendments Adopted

LD 1671 proposed to broaden victim notification of a defendant's release, conditional or unconditional, from institutional confinement under the Maine Revised Statutes, Title 15, section 104-A following involuntary commitment under Title 15, section 103 as a consequence of the defendant having been found not criminally responsible by reason of mental disease or defect. Currently, victim notification of a defendant's release from such confinement applies only to a gross sexual assault victim under 16 years of age. This bill proposed to include a murder victim as well as a victim of any Class A, Class B or Class C crime. The bill was the recommendation of the Department of the Attorney General.

Enacted law summary

Public Law 1999, chapter 126 broadens victim notification of a defendant's conditional or unconditional release from institutional confinement under the Maine Revised Statutes, Title 15, section 104-A following involuntary commitment under Title 15, section 103 as a consequence of the defendant having been found not criminally responsible by reason of mental disease or defect. Currently, victim notification of a defendant's release from such confinement applies only to a gross sexual assault victim under 16 years of age. Public Law 1999, chapter 126 expands notification to include a murder victim as well as a victim of any Class A, Class B or Class C crime.

LD 1679

An Act Regarding Supervised Community Confinement

ONTP

Sponsor(s)
PIEH

Committee Report
ONTP

Amendments Adopted

LD 1679 proposed to repeal the law that prohibits the transferring of a prisoner to supervised community confinement with more than one year remaining on the term of imprisonment or on the unsuspended portion of a split sentence.

LD 1685

An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates

PUBLIC 369

Sponsor(s)
POVICH

Committee Report
OTP

Amendments Adopted

LD 1685 proposed to provide that information communicated to victim witness advocates and coordinators remains confidential within the office of the prosecutor, except that disclosure may be made to the prosecuting attorney and disclosure must be made to the prosecuting attorney if it involves child abuse; if a court orders an in camera inspection; if a victim dies or is unable to consent; or if evidence is of an exculpatory nature, which also must be disclosed to the defendant. Such communications are currently not explicitly confidential pursuant to law, and some trial judges have ordered that such communications be made available to defendants.

Enacted law summary

Public Law 1999, chapter 369 provides that information communicated to victim witness advocates and coordinators remains confidential within the office of the prosecutor, except that disclosure may be made to the prosecuting attorney and disclosure must be made to the prosecuting attorney if it involves child abuse; if a court orders an in camera inspection; if a victim dies or is unable to consent; or if evidence is of an exculpatory nature, which also must be disclosed to the defendant.

LD 1698

An Act to Amend the Restitution Law for Prisoners

ONTP

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

LD 1698 proposed to allow counties to recapture part of the cost of booking inmates.

LD 1708 An Act to Amend the Home-release Monitoring Program PUBLIC 247

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KIEFFER	OTP-AM	H-417

LD 1708 proposed to amend the home-release monitoring program to allow an inmate to be released and monitored electronically or to be intensively supervised, pursuant to standards established by the Commissioner of Corrections for intensive supervision. The bill also proposed to expand the eligibility requirements for the program. Current law requires a person serving a sentence of less than 30 days to actually serve at least 2/3 of the sentence and a person serving a sentence of 30 days or more to serve at least 1/2 of the sentence before the person may participate in home release monitoring. The bill proposed to change the minimum times to 2 days and 5 days, respectively. The bill also proposed to repeal the provision that limits eligibility for home-release monitoring to persons serving Class C, D, or E crimes or offenses under the inland fisheries and wildlife or motor vehicle laws.

Committee Amendment "A" (H-417) proposed to remove that part of the bill that deletes the limitation for the home-release monitoring program concerning the crime for which the inmate is serving the sentence. The amendment proposed to change the limitations for eligibility by deleting the requirement that the inmate have no history of escape or violent behavior and by adding that the offense for which the inmate is serving a sentence is not a sex offense. It also proposed to change the minimum time an inmate must serve to be eligible for home-release monitoring to one-third of the sentence for all sentences and to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 247 amends the home-release monitoring program to allow an inmate to be released and monitored electronically or to be intensively supervised, pursuant to standards established by the Commissioner of Corrections for intensive supervision. Public Law 1999, chapter 247 changes the limitations for eligibility by deleting the requirement that the inmate have no history of escape or violent behavior and by adding that the offense for which the inmate is serving a sentence is not a sex offense. It also changes the minimum time an inmate must serve to be eligible for home-release monitoring to one-third of the sentence for all sentences.

LD 1721 An Act to Create the Sex Offender Registration and Notification Act of 1999 PUBLIC 437

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY O'BRIEN L	OTP-AM	H-679 COLWELL S-332

LD 1721 proposed to create the Sex Offender Registration and Notification Act of 1999, which provides for the registration of sex offenders and sexually violent predators in order to conform with federal law. The bill proposed to expand the scope of the definition of "sex offender" for purposes of registration to include juveniles and adults convicted of a sex offense.

The bill proposed to add “sexually violent predator” as a new category of persons who must register.

The bill proposed to increase the type of identifying information for sex offenders and sexually violent predators that must be kept by the State Bureau of Identification and direct the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database. The bill proposed to set guidelines for sex offender responsibilities regarding registration and creates a Class D crime for failure to comply with sex offender registration requirements, which may be enhanced to a Class C crime if offender has 2 or more violations.

The bill also proposed that no changes be made to the current notification law and proposed to establish a provision to grant law enforcement officials immunity from liability for release of sex offender information.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (S-332) proposed to clarify which offenses fall under the definitions of "sex offender" and "sexually violent predator" for purposes of registration. The amendment also proposed to clarify that only a notation that an offender received treatment is necessary for purposes of registration. The amendment proposed to require sex offenders and sexually violent predators to pay an initial \$25 fee for registration and an annual \$25 fee on the anniversary of their registration for registration and domicile verification. The amendment also proposed to add an appropriation, an allocation and a fiscal note to the bill.

House Amendment "A" (H-679) was presented on behalf of the Committee on Engrossed Bills and proposed to correctly identify persons to whom the bill applies.

Enacted law summary

Public Law 1999, chapter 437 creates the Sex Offender Registration and Notification Act of 1999, which provides for the registration of sex offenders and sexually violent predators in order to conform with federal law. Public Law 1999, chapter 437 expands the scope of the definition of “sex offender” for purposes of registration to include juveniles and adults convicted of a sex offenses.

Public Law 1999, chapter 437 adds “sexually violent predator” as a new category of persons who must register.

Public Law 1999, chapter 437 increases the type of identifying information for sex offenders and sexually violent predators that must be kept by the State Bureau of Identification and directs the bureau to forward registration information to the Federal Bureau of Investigation for inclusion in the national sex offender database. Public Law 1999, chapter 437 sets guidelines for sex offender responsibilities regarding registration and creates a Class D crime for failure to comply with sex offender registration requirements, which may be enhanced to a Class C crime if offender has 2 or more violations.

Public Law 1999, chapter 437 requires sex offenders and sexually violent predators to pay a fee to cover the costs of registration and verification of registration.

Public Law 1999, chapter 437 does not change the current notification process.

LD 1758

An Act to Amend the Victims' Compensation Fund Law

PUBLIC 360

Sponsor(s)
MCGLOCKLIN
O'GARA

Committee Report
OTP-AM

Amendments Adopted
H-421
H-465 POVICH

LD 1758 proposed to:

1. Expand the category of harm that gives rise to the application of laws under Victims' Compensation Fund to include psychological injury when the victim sustains bodily injury or a threat of bodily injury;
2. Provide coverage to victims of stalking, terrorizing and criminal threatening, including victims of domestic abuse;
3. Clarify the list of eligible expenses and losses and add costs of cleaning up a crime scene;
4. Remove the requirement of notarization of an application; and
5. Subject an applicant to the penalties for unsworn falsification.

This bill was the recommendation of the Attorney General.

Committee Amendment "A" (H-421) proposed to:

1. Strike superfluous language regarding bodily injury from the provision dealing with eligibility;
2. Provide that a signed application is effective under state law to authorize the release of health care and employment information. The signed application would comply with the Maine Revised Statutes, Title 22, section 1711-C, subsection 3;
3. Authorize the Department of the Attorney General to hire one Research Assistant to help administer the Victims' Compensation Fund; and
4. Add a fiscal note and an allocation provision to the bill.

House Amendment "A" to Committee Amendment "A" (H-465) proposed to change language regarding the circumstances under which a victim is eligible for compensation based on psychological injury from the Victims' Compensation Fund.

Enacted law summary

Public Law 1999, chapter 360 does the following:

1. Expands the category of harm that gives rise to the application of laws under Victims' Compensation Fund to include psychological injury when the victim sustains bodily injury or a threat of bodily injury.
2. Allows victims of stalking, terrorizing and criminal threatening, including victims of domestic abuse, to be eligible for benefits;
3. Clarifies the list of eligible expenses and losses and adds costs of cleaning up a crime scene;
4. Removes the requirement of notarization of an application;
5. Makes an applicant subject to the penalties for unsworn falsification;
6. Provides that a signed application is effective under state law to authorize the release of health care and employment information. The signed application would comply with the Maine Revised Statutes, Title 22, section 1711-C, subsection 3; and
7. Authorizes the Department of the Attorney General to hire one Research Assistant to help administer the Victims' Compensation Fund.

LD 1782

An Act to Amend the Maine Criminal Code Regarding Improper Gifts

PUBLIC 149

Sponsor(s)
CAREY

Committee Report
OTP

Amendments Adopted

LD 1782 proposed to amend the laws governing the crime of improper gifts to public servants to more closely align these laws with the laws governing legislative ethics.

Enacted law summary

Public Law 1999, chapter 149 amends the laws governing the crime of improper gifts to public servants to more closely align these laws with the laws governing legislative ethics. PL 1999, chapter 149 adds another element of proof that requires showing of a quid pro quo benefit, instead of the potential for such a benefit. Specifically, a public servant may not accept a pecuniary benefit if the public servant knows or should know that purpose of the benefit is to influence that public servant's actions or reward that public servant for past actions.

LD 1803

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

CARRIED OVER

Sponsor(s)
CATHCART

Committee Report

Amendments Adopted

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

This bill has been carried over to the Second Regular Session.

LD 1821

An Act to Expressly Treat Involuntary Conduct as a Defense in the Maine Criminal Code

PUBLIC 195

Sponsor(s)

Committee Report
OTP

Amendments Adopted
H-339 POVICH

LD 1821 proposed to remove "voluntary conduct" from the Maine Revised Statutes, Title 17-A, section 31 in chapter 2 of the Maine Criminal Code and enact a new section 103-B in chapter 5. New section 103-B proposed to treat the issue as a "defense" under section 101, subsection 4 of the Maine Criminal Code, rename the issue "involuntary conduct" and describe what constitutes involuntary rather than voluntary conduct. Although in *State v. Case*, 672 A.2d 586 (Me. 1996) the Law Court treated section 31 as a "defense," in *State v. Therrien*, 695 A.2d 119 (Me. 1997), p. 123 n. 7 the Court stated that "Section 31 does not fall within the purview of and must be distinguished from the general rules governing defenses; affirmative defenses and justification set forth in Chapter 5 of 17-A M.R.S.A. (1983)." *State v. Therrien* leaves unclear how the issue of "voluntary conduct" is to be legally treated, in view of the court's assertion that the general rules of chapter 5 are inapplicable. The bill proposed to seek to clarify this ambiguity.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

House Amendment "A" (H-339) proposed to change the title to clarify that involuntary conduct is a defense in the Maine Criminal Code.

Enacted law summary

Public Law 1999, chapter 195 removes "voluntary conduct" from the Maine Revised Statutes, Title 17-A, section 31 in chapter 2 of the Maine Criminal Code and enacts a new section 103-B in chapter 5. New section 103-B expressly treats the issue as a "defense" under section 101, subsection 4 of the Maine Criminal Code, renames the issue "involuntary conduct" and describes what constitutes involuntary rather than voluntary conduct.

LD 1858

An Act to Amend the Possession of Firearms by Felons

CARRIED OVER

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

LD 1858 proposes to prohibit the use, possession and control of a firearm by a person convicted of certain Class D or Class E crimes of domestic violence. The prohibition lasts until the person has served the sentence resulting from the conviction.

A crime of domestic violence is defined as a crime in which:

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

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

This bill has been carried over to the Second Regular Session.

LD 1871

An Act to Revise Procedures for Probation Revocation

PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-427

LD 1871 proposed to restructure the laws governing probation revocation and probation violation. The bill proposed to separate the procedures for probation revocation by arrest and by summons and also make the following substantive changes.

1. Require that when a person arrested for a violation of probation is held subsequent to a preliminary hearing, the motion for probation revocation must be filed within five days of the arrest. In addition, when such a person is not sooner released, an initial appearance must be held by the court within 14 days of the arrest;
2. Codify the practice that has developed whereby initial appearances are conducted on motions for revocation of probation and set forth procedures governing initial appearances on motions to revoke probation;
3. Make clear that a court may find a violation of probation, but nevertheless utilize none of the initially suspended sentence. This commonly occurs when a person on probation admits a violation of probation but, prior to final disposition, remedies the situation to the satisfaction of the attorney for the State and the court, for example, by paying restitution owed. The bill proposed to eliminate an ambiguity that exists under current law as to whether this practice is authorized and make clear that the running of the period of probation is tolled between the date the proceedings are commenced and the date of final disposition, even if no part of the original suspension order is modified; and
4. Provide the same protection to persons entering into an agreement with the attorney for the State for disposition of a motion to revoke probation as is currently provided under the Maine Rules of Criminal Procedure for persons entering guilty pleas to substantive charges. As proposed, the person on probation is provided the opportunity to withdraw that person's admission if the court deems the agreed upon disposition too lenient and intends to enter a harsher disposition than that agreed to.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Committee Amendment "A" (H-427) proposed to do the following:

1. Clarify that a preliminary hearing is not required if a person is charged with or convicted of a new offense and is incarcerated as a result of the pending charge or conviction;
2. Specify that a motion for probation revocation must be approved by the prosecuting attorney;
3. Continue to use failure to hold a preliminary hearing as grounds for a person's release;
4. Specify that at an initial appearance the court shall advise the probationer of the right to be represented by counsel at a hearing and that if the probationer can not afford counsel the court shall appoint counsel.

Enacted law summary

Public Law 1999, chapter 246 restructures the laws governing probation revocation and probation violation. It separates the procedures for probation revocation by arrest and by summons. Specifically, Public Law 1999, chapter 246 makes the following substantive changes:

1. Requires that when a person arrested for a violation of probation is held subsequent to a preliminary hearing, the motion for probation revocation must be filed within five days of the arrest and when such a person is not sooner released, an initial appearance must be held by the court within 14 days of the arrest;
2. Clarifies that a preliminary hearing is not required if a person is charged with or convicted of a new offense and is incarcerated as a result of the pending charge or conviction;

3. Specifies that a motion for probation revocation must be approved by the prosecuting attorney;
4. Continues to use failure to hold a preliminary hearing as grounds for a person's release;
5. Specifies that at an initial appearance the court shall advise the probationer of the right to be represented by counsel at a hearing and that if the probationer can not afford counsel the court shall appoint counsel.
6. Codifies the practice that has developed whereby initial appearances are conducted on motions for revocation of probation and sets forth procedures governing initial appearances on motions to revoke probation.
7. Makes clear that a court may find a violation of probation, but nevertheless utilize none of the initially suspended sentence.
8. Makes clear that the running of the period of probation is tolled between the date the proceedings are commenced and the date of final disposition, even if no part of the original suspension order is modified; and
9. Provides a person on probation the opportunity to withdraw that person's admission if the court deems the agreed upon disposition too lenient and intends to enter a harsher disposition than that agreed to.

LD 1878

An Act to Make More Uniform the Training of Firefighters

**VETO
SUSTAINED**

Sponsor(s)
RUHLIN
BERRY R

Committee Report
OTP-AM

Amendments Adopted
S-194

LD 1878 proposed that the Maine Fire Training and Education Program of the Maine Technical College System provide a centralized training resource center for firefighters of the State. Specifically, the bill proposed that the Maine Fire Training and Education Program ensure that more firefighters are trained in local communities statewide. As proposed, training must be offered annually and must be free of charge. The program proposed to increase grant funds available to local communities to support construction of specialized training facilities where the State's firefighters can practice life-saving skills; provide firefighters with the opportunity for fire science education and leadership education through available distance learning technologies, including interactive television and the Internet; ensure that local fire departments have current training and education materials and equipment to prepare members for fires and other community emergencies; provide a one-stop resource center for firefighters and citizens; and support the development of fire and emergency leaders throughout the State.

Committee Amendment "A" (S-194) proposed that the Maine Fire Training and Education Program of the Maine Technical College System provide a centralized training resource center for firefighters of the State. Specifically, the amendment proposed that the Maine Fire Training and Education Program shall provide a one-stop resource center for training materials. As proposed, the program must strengthen curriculum development to ensure that materials meet applicable regulations and can be customized for local use, and the program must strengthen firefighter certification to increase training uniformity and local recognition. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1878, as amended, was enacted but subsequently vetoed by the Governor.

LD 1892

An Act to Refine Certain Theft Provisions in the Law

ONTP

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

LD 1892 proposed to make failure to provide payment on a bad check a Class E crime. The bill also proposed to require that the court order the defendant to pay restitution in the amount of the bad check.

LD 1899 **Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees** **CARRIED OVER**

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

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

This bill has been carried over to the Second Regular Session.

LD 1909 **An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta** **PUBLIC 357**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY DAVIS P	OTP-AM	H-559

LD 1909 proposed to create the Maine Community Policing Institute Surcharge Fund. As proposed, the fund would be established by collecting an additional 2% surcharge on every fine, forfeiture or penalty imposed by any court in the State in order to fund the Maine Community Policing Institute, which is funded through a federal grant.

Committee Amendment "A" (H-559) proposed to do the following:

1. Shift the administration of the Maine Community Policing Institute from the Department of Education to the University of Maine System;
2. Require the Maine Community Policing Institute to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters;
3. Specify that the Judicial Department may incur expenses up to \$11,000 in fiscal years ending June 30, 2000 and June 30, 2002 to implement administration of the 2% surcharge and to amend the system when the surcharge is repealed;

4. Provide that the surcharge created to fund the Maine Community Policing Institute is repealed on September 30, 2001; and
5. Add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 357 creates the Maine Community Policing Institute Surcharge Fund. The fund is established by collecting an additional 2% surcharge on every fine, forfeiture or penalty imposed by any court in the State. Funds collected through the additional surcharge must be paid to the University of Maine System to fund the Maine Community Policing Institute. Public Law 1999, chapter 357 directs the Maine Community Policing Institute to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The Judicial Department may incur expenses up to \$11,000 in fiscal years ending June 30, 2000 and June 30, 2002 to implement administration of the 2% surcharge and to amend the system when the surcharge is repealed on September 30, 2001.

LD 1912

An Act to Provide for Tougher Treatment of Drunk Drivers

ONTP

Sponsor(s)
BAKER

Committee Report
ONTP

Amendments Adopted

Current law allows a law enforcement officer at the officer's discretion to impound the vehicle of a person who is arrested for operating the motor vehicle under the influence of intoxicants. LD 1912 proposed to require a law enforcement officer to impound the motor vehicle of a person arrested for operating the vehicle under the influence if the person:

1. Was under 21 years of age;
2. Has at least one conviction of operating under the influence within the past 10 years;
3. Was tested as having a blood-alcohol level of 0.15% or higher;
4. Was exceeding the speed limit by 30 miles per hour or more;
5. Eluded or attempted to elude an officer;
6. Was operating with a passenger under 21 years of age; or
7. Failed to submit to a blood-alcohol test at the request of a law enforcement officer.

This bill proposed to require that the motor vehicle be impounded at the time of the arrest and to prohibit the release of the vehicle for a period of not less than 48 hours after the time of impoundment. The bill proposed that the owner of the motor vehicle pay all of the expenses incident to the impoundment and storage of the vehicle and a \$100 impoundment fee to the law enforcement agency whose officer ordered the motor vehicle impounded to pay the expenses of the law

enforcement agency in conducting the impoundment. As proposed, an owner of an impounded motor vehicle may not recover the motor vehicle until all expenses and the impoundment fee are paid and the owner, if the owner is the person arrested, passes a blood-alcohol test. Finally, this bill proposed to hold harmless the law enforcement agency or person or entity who impounded, towed or stored the motor vehicle.

LD 1925

An Act to Deter Environmental Terrorism in the State

ONTP

<u>Sponsor(s)</u> KILKELLY CAMERON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1925 proposed to establish the Class C crime of environmental terrorizing, which is the destruction of property or the interference with a place of business's normal course of business by individuals or groups for the primary purpose of making a political statement on natural resource and environmental issues.

LD 1933

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

CARRIED OVER

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Current law allows a juvenile court to distribute information about a juvenile offender to a criminal justice agency and the juvenile's school.

This bill proposes to allow the juvenile's school to distribute information about the juvenile to the court and a criminal justice agency under certain conditions. The information would remain confidential and not be distributed further.

This bill has been carried over to the Second Regular Session.

LD 1936

An Act to Modify the Juvenile Code with Regard to the Service of Juvenile Summonses

PUBLIC 266

<u>Sponsor(s)</u> HARRIMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-193
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LD 1936 proposed to allow police officers to summons a juvenile to court at the time of the juvenile's arrest. This bill also proposed to codify the requirements of the Maine Rules of Criminal Procedure regarding the manner of service of summons.

Committee Amendment "A" (S-193) proposed to make a technical correction and add a mandate preamble and fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 266 allows law enforcement officers to summons a juvenile to court at the time of the juvenile's arrest.

LD 1937 **An Act to Allow the State to Obtain a Defendant's Medical Records in Cases Involving OUI** **ONTP**

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

LD 1937 proposed to allow a defendant's hospital records that contain blood-alcohol results to be available to the State through ordinary discovery procedures. The bill also proposed to allow the discovery of any medical records related to the treatment of an injury suffered by a defendant who is charged with operating a motor vehicle or watercraft while intoxicated if the defendant denies culpability for the accident that caused the injury.

Committee Amendment "A" (S-207) was the minority report of the Joint Standing Committee on Criminal Justice. The amendment proposed to limit the discovery of medical records of the defendant to situations in which another person has suffered serious bodily injury or death. This amendment was not adopted.

LD 1944 **An Act to Establish the Crime of Assault Against Sports Officials** **ONTP**

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

LD 1944 proposed to make assault against a sports official a Class C crime punishable by a fine of \$10,000 and imprisonment of not more than three years.

LD 1996 **An Act to Allow the Forfeiture of Firearms Seized during a Lawful Search for Scheduled Drugs** **ONTP**

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

LD 1996 proposed to amend the firearms forfeiture laws to require a defendant who is convicted of a drug offense to forfeit, if the State requests, any firearm seized during a lawful search for drugs during which drugs were found.

LD 2003 **An Act to Allow A Municipal Officer to Accept Forfeited Assets to Expedite the Administration of Drug Case Prosecution** **ONTP**

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

LD 2003 proposed to allow the municipal officers, rather than the voters at a town meeting, to accept a drug trafficker's forfeited assets as conveyed to the municipality by a court of law. As proposed, the change would expedite the closing of

drug prosecution cases that otherwise must remain open until the convening of the affected municipalities' town meetings.

LD 2011, An Act to Amend the Laws Regarding Asset Forfeiture, Public Law 1999, chapter 408 incorporates the changes proposed in LD 2003.

LD 2009 **An Act to Redefine Trafficking and Furnishing of Heroin in Terms of the Amount of the Drug Possessed** **PUBLIC 453**

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-456
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LD 2009 proposed to bring the treatment of heroin into conformity with the treatment of other similarly dangerous drugs under the criminal code and eliminate the concept of "presumption" as to intent. The bill proposed that the definition of "trafficking" include the possession of 2 or more grams or 90 or more packets of heroin with no further proof of intent needed. The bill proposed to amend the definition of "furnishing" to include the possession of one or more but less than 2 grams or 45 or more but less than 90 packets of heroin with no further proof of intent required. The bill does not propose to change current law in that possession of any amount of heroin with the intent to do any act in the Maine Revised Statutes, Title 17-A, section 1101, subsection 17, paragraph C continues to be "trafficking" and possession of any amount of heroin with the intent to do any act in Title 17-A, section 1101, subsection 18, paragraph A continues to be "furnishing." The bill also proposed to provide for the trafficking of 4 or more grams or more than 180 packets of heroin to be included in the offense of aggravated trafficking in or furnishing of scheduled drugs, also to bring the treatment of heroin in line with the treatment of cocaine and cocaine base. The amounts of heroin referred to in the bill, 45, 90 and 180 packets, relate to the common practice of selling heroin in increments of 50 packets and the tendency of addict-traffickers to consume several packets of the drug during the trip from the source city, usually out of state, to their place of residence in Maine.

Committee Amendment "A" (H-456) proposed to change from 4 grams to 6 grams and from 180 bags to 270 bags the amount of heroin required for aggravated trafficking or furnishing. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 453 brings the treatment of heroin into conformity with the treatment of other similarly dangerous drugs under the criminal code and eliminates the concept of "presumption" as to intent. Public Law 1999, chapter 453 provides for the definition of "trafficking" to include the possession of 2 or more grams or 90 or more packets of heroin with no further proof of intent needed. The definition of "furnishing" is amended to include the possession of one or more but less than 2 grams or 45 or more but less than 90 packets of heroin with no further proof of intent required. Public Law 1999, chapter 453 does not change current law in that possession of any amount of heroin with the intent to do any act in the Maine Revised Statutes, Title 17-A, section 1101, subsection 17, paragraph C continues to be "trafficking" and possession of any amount of heroin with the intent to do any act in Title 17-A, section 1101, subsection 18, paragraph A continues to be "furnishing." Public Law 1999, chapter 453 also provides for the trafficking of 4 or more grams or more than 180 packets of heroin to be included in the offense of aggravated trafficking in or furnishing of scheduled drugs, also to bring the treatment of heroin in line with the treatment of cocaine and cocaine base.

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 453 and other drug laws were enacted simultaneously.

LD 2011

An Act to Amend the Laws Regarding Asset Forfeiture

PUBLIC 408

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-619
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LD 2011 proposed to provide that property subject to forfeiture may be proceeded against by complaint in District Court. The bill also proposed to provide that the court may order forfeiture of as much property as is appropriate to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case.

Committee Amendment "A" (H-619) proposed to add language to allow the municipal officers, instead of voters at a town meeting, to accept forfeited assets conveyed to a municipality by a court of law. The amendment also proposed to allow the Attorney General as well as the Governor to approve the transfer of title of property in order to transfer a forfeited asset which will expedite the closing of drug prosecution cases. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 408 expedites the closing of drug prosecution cases by:

1. Providing that property subject to forfeiture may be proceeded against by complaint in District Court;
2. Providing that the court may order forfeiture of as much property as is appropriate to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case;
3. Allowing the municipal officers to accept forfeited assets conveyed to a municipality by a court of law; and
4. Allowing the Attorney General to approve the transfer of title of property in order to transfer a forfeited asset.

LD 2012

**An Act to More Accurately Describe the Criminal Conduct Committed
When a Person Grows or Cultivates Marijuana**

PUBLIC 374

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-561
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LD 2012 proposed to create the new crime of marijuana cultivation and eliminate the inclusion of growing or cultivating marijuana under the crime of trafficking. As proposed, the penalties for the new crime of marijuana cultivation are the same as they had been when included under the offense of trafficking. As proposed, marijuana cultivation is treated the same as trafficking for purposes of aggravation of charges under the Maine Revised Statutes, Title 17-A, section 1105.

Committee Amendment "A" (H-561) proposed to clarify that only the cultivation of marijuana is excepted from the crime of trafficking. The amendment proposed to specify that a person who grows or cultivates 5 or fewer plants is guilty of a Class E crime. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 374 creates the new crime of marijuana cultivation and eliminates the inclusion of growing or cultivating marijuana under the crime of trafficking. The penalties for the new crime of marijuana cultivation are the same as they had been when included under the offense of trafficking. Marijuana cultivation is treated the same as trafficking for purposes of aggravation of charges under the Maine Revised Statutes, Title 17-A, section 1105. Public Law 1999, chapter 374 also specifies that it is a Class E crime to grow or cultivate 5 or fewer plants.

Public Law 1999, chapter 374 incorporates LD 48, "An Act to Amend the Definition of "Traffick" in the Drug Laws."

Note: LD 2255, An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature, Public Law 1999, chapter 531 corrects conflicts that were created when P. L. 1999, c. 374 and other drug laws were enacted simultaneously.

LD 2018 **An Act to Simplify the Rule of Reasonable Belief in the Maine Criminal Code** **PUBLIC 358**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2018 proposed to provide that in the event a defense is precluded solely because the statutory requirement that the person's belief be reasonable has not been met, conviction of a crime for which recklessness or criminal negligence suffices is nonetheless available to the State if the State can prove beyond a reasonable doubt to the fact finder that the person's holding of the belief is grossly deviant from what a reasonable and prudent person would believe in the same situation. As proposed, the modification would eliminate the current requirement that holding the belief be analyzed under the distinct culpable mental states of acting "recklessly" or with "criminal negligence," as defined in the Maine Revised Statutes, Maine Criminal Code, Section 35, and also the further requirement for criminal liability that the crime charged be satisfied by the same culpable mental state. See, e.g., *State v. Davis*, 528 A.2d 1267, 1269-1270 (Me. 1987) (in the context of a self-defense claim in an assault case); *State v. Lagasse*, 410 A.2d 537, 543 (Me. 1980) (in the context of a self-defense claim in a manslaughter case).

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 358 provides that in the event a defense is precluded solely because the statutory requirement that the person's belief be reasonable has not been met, conviction of a crime for which recklessness or criminal negligence suffices is nonetheless available to the State if the State can prove beyond a reasonable doubt to the fact finder that the person's holding of the belief is grossly deviant from what a reasonable and prudent person would believe in the same situation. The modification eliminates the current requirement that holding the belief be analyzed under the distinct culpable mental states of acting "recklessly" or with "criminal negligence," as defined in the Maine Revised Statutes, Maine Criminal Code, Section 35, and also the further requirement for criminal liability that the crime charged be satisfied by the same culpable mental state.

LD 2019 **An Act to Remove the Statute of Limitations for Unlawful Sexual Contact and Sexual Abuse of Minors** **PUBLIC 438**

<u>Sponsor(s)</u> SAXL M		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-536
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LD 2019 proposed to eliminate the statute of limitations for criminal prosecution for unlawful sexual contact or sexual abuse of minors if the victim was under the age of 16, or 18 if the perpetrator was a school employee.

Committee Amendment "A" (H-536) proposed to eliminate the statute of limitations for criminal prosecution for unlawful sexual contact or sexual abuse of minors if the victim was under the age of 16. The amendment also proposed to add an application section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 438 eliminates the statute of limitations for criminal prosecution for unlawful sexual contact or sexual abuse of minors if the victim was under the age of 16. Public Law 1999, chapter 585 similarly eliminated the statute of limitations for criminal prosecution for gross sexual assault or incest if the victim was under the age of 16 at the time of the crime.

LD 2021

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

**RESOLVE 84
EMERGENCY**

Sponsor(s)
NORBERT
LONGLEY

Committee Report
OTP-AM

Amendments Adopted
H-455
S-232 MURRAY
S-457 MICHAUD

LD 2021 was a concept bill draft pursuant to Joint Rule 208. This bill proposed to establish an alternative process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims.

Committee Amendment "A" (H-455) proposed to replace the bill. The amendment proposed to create a resolve to establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. As proposed, the commission, with the assistance of experts and interested parties, would review the current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims; identify needs of sexual assault victims; review other states' processes for providing forensic examinations; and make necessary recommendations to propose changes to the State's current process. The amendment proposed that the commission report its findings to the Joint Standing Committee on Criminal Justice by December 15, 1999. The amendment also proposed to add a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-232) proposed to change the membership of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims by removing the President of the Maine Association of Criminal Defense Lawyers and adding the Executive Director of the Maine Hospital Association.

Senate Amendment "B" to Committee Amendment "A" (S-457) proposed to clarify that, following the receipt of the commission's report, the Joint Standing Committee on Criminal Justice may report out a bill to the Second Regular Session of the 119th Legislature. The amendment also proposed to strike language that entitles members other than Legislators to a per diem equal to the legislative per diem.

Enacted law summary

Resolve 1999, chapter 84 establishes the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims. The commission, with the assistance of experts and interested parties, is required to review the current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims; identify needs of sexual assault victims; review other states' processes for providing forensic

examinations; and make necessary recommendations to propose changes to the State's current process. The commission shall report its findings to the Joint Standing Committee on Criminal Justice by December 15, 1999.

Resolve 1999, chapter 84 was enacted as an emergency measure effective June 17, 1999.

LD 2031 **An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court** **PUBLIC 368**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2031 proposed to eliminate the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also proposed to provide that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. An information, like a criminal complaint, is a charging instrument utilized in the District Court. Finally, the bill proposed to remove additional language now addressed in the Maine Code of Judicial Conduct, the Code of Professional Responsibility and the Maine Rules of Criminal Procedure.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

Public Law 1999, chapter 368 eliminates the current bar, absent consent by the defendant, to a Judge of the District Court sitting at the trial stage in a criminal matter as to which that judge issued before the trial a warrant for the arrest of the defendant based upon a finding of probable cause for that charged crime. It also provides that when an information charging a person with the commission of an offense is presented to any judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of that person. Finally, Public Law 1999, chapter 368 removes additional language now addressed in the Maine Code of Judicial Conduct, the Code of Professional Responsibility and the Maine Rules of Criminal Procedure.

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

<u>Sponsor(s)</u> LAVERDIERE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2069 proposes to require that any investigation conducted by the Attorney General or a law enforcement agency of any incident in which a law enforcement officer used physical force in performing that officer's duties that resulted in serious bodily injury or death to another person be completed within 30 days.

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

This bill has been carried over to the Second Regular Session.

LD 2070

An Act to Protect Library Materials in Circulation

PUBLIC 262

<u>Sponsor(s)</u> DUNLAP DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-416
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LD 2070 proposed to protect library and museum materials possessed by a person pursuant to a borrower's agreement by clarifying that unlawful retention of these materials is theft. It also proposed to create a new crime, "theft or destruction of institutional property." As proposed, a person is guilty of this crime if the person takes, uses or exercises control over or defaces or destroys property of a library, school, college, museum, church or public institution. The class of crime is based on the value of property and whether it can be replaced. The bill also proposed that as an alternative to criminal prosecution, an offender may be charged with a civil violation and the court must order restitution.

Committee Amendment "A" (H-416) proposed to rename the title to reflect the scope of the bill and strike the provision that created the new crime, theft or destruction of institutional property. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 262 protects library and museum materials possessed by a person pursuant to a borrower's agreement by clarifying that unlawful retention of these materials is theft.

LD 2093

An Act to Authorize the Disposition of Forfeited Firearms

ONTP

<u>Sponsor(s)</u> SCHNEIDER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2093 proposed to set the guidelines by which a law enforcement agency may dispose of a forfeited firearm. The Criminal Justice Committee dealt with issues relating to forfeited firearms in LD 99, An Act to Require Auctions for Confiscated Firearms, that was enacted as Public Law 1999, chapter 47.

LD 2098

An Act to Improve the Safety of Firefighters

ONTP

<u>Sponsor(s)</u> DUPLESSIE DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2098 proposed to require structures that use trusses in the floor or roof or parts of the floor or roof to display an emblem on the building signifying that construction and the materials used in the truss construction. As proposed, the purpose is to increase the protection to firefighters by informing them that trusses are present. As proposed, a violation for noncompliance is a Class E crime.

The bill also proposed to provide a voluntary statewide recommendation for a uniform program of identifying dangerous or vacant properties to further protect firefighters.

LD 2118

**Resolve, to Establish the Commission to Study Alternative Uses for
Unused Maine Youth Center Land and Buildings**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT RAND	OTP-AM	H-558 H-587 CAMERON

LD 2118 proposed to create the Study Commission to Create and Submit a Master Plan for the Future Use of the Existing Land and Buildings at the Maine Youth Center.

Committee Amendment "A" (H-558) proposed to change the title of the resolve to establish the Commission to Study Alternative Uses for Unused Maine Youth Center Land and Buildings. The amendment proposed to add to the membership a representative of the City of South Portland who has planning expertise. The amendment also proposed to direct the Office of Policy and Legal Analysis to provide staffing and add an emergency preamble and emergency clause and provisions regarding compensation, commission meetings and a work plan to the resolve. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-587) was presented on behalf of the Committee on Bills in the Second Reading and proposed to change the date by which the commission was required to make its report.

LD 2129

**An Act to Bring Certain Criminal Code Provisions Addressing Fines Into
Conformity with Recently Amended Criminal Code Provisions
Addressing Restitution**

PUBLIC 367

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

LD 2129 proposed to conform the provisions governing fines in the Maine Criminal Code to similar restitution provisions that were recently amended by Public Law 1997, chapter 413. In the Maine Revised Statutes, Title 17-A, compare section 1302, subsection 1 with section 1325, subsection 1, paragraph C and section 1325, subsection 2, paragraph D; compare section 1302, subsection 2 with section 1325, subsection 4; compare section 1303-A with section 1328, see also former section 1305, subsection 2; compare section 1303-B with section 1328-A; compare section 1304, subsections 1 and 2 with section 1329, subsections 1 and 2; compare section 1304, subsection 3 with section 1329, subsection 3, see also former section 1304, subsections 3 and 4; and compare section 1304, subsections 4 and 5 with section 1329, subsections 4 and 5.

The bill also proposed to enact Title 17-A, section 1301-A, which contains provisions regarding the use of a fine relative to a natural person convicted of a crime that parallel the provisions in Title 17-A, section 1152, subsection 2-B and in the 2nd sentence of section 1302, which would be repealed and replaced in this bill.

Finally, the bill proposed to add to Title 17-A, section 1329, subsection 3 the requirement that confinement for a default in payment of restitution be treated as nonconcurrent with any other judgment of conviction involving a term of imprisonment. As proposed, this same requirement that existed in section 1304, subsection 4 is repealed and exists in section 1304, subsection 3, paragraph D, which is enacted in this bill, relative to a default in payment of a fine.

This bill was submitted on behalf of the Criminal Law Advisory Commission.

Enacted law summary

This bill has been carried over to the Second Regular Session.

LD 2196 **An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center** **CARRIED OVER**

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

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

This bill has been carried over to the Second Regular Session.

LD 2214 **An Act to Reinstate the Death Penalty** **ONTP**

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

LD 2214 proposed to change the permissible sentences for the crime of murder under certain circumstances. The bill proposed to require that a separate sentencing proceeding be held for murder convictions, and that the jury for that proceeding must recommend either a sentence of life in prison or a sentence of death. As proposed, a sentence of death is permissible only when the murder caused the death of 2 or more people or when the murder was especially heinous, atrocious or cruel. As proposed, death sentences would be automatically reviewable by the Supreme Judicial Court and may be set aside if the Court finds the sentence excessive or disproportionate to the sentences imposed in similar cases

As proposed, if a person is sentenced to death and the Supreme Judicial Court affirms the sentence, the Governor is required to issue a warrant directing the warden of the state prison to execute the sentence. As proposed, the Governor must stay an execution if the person is mentally ill or pregnant, and if the Governor unjustifiably fails to issue a warrant, the Attorney General may petition the Supreme Judicial Court for such a warrant, and the Court is required to issue one. The bill proposed that a death sentence must be carried out through lethal injection.

The bill also proposed to make the death penalty subject to a referendum on whether the people of Maine want to reinstate the death penalty.

Committee Amendment "A" (H-590) was the minority report of the Joint Standing Committee on Criminal Justice. This amendment proposed to add a fiscal note and appropriation to the bill. This amendment was not adopted.

House Amendment "A" (H-609) proposed to prohibit a person who was less than 18 years of age at the time of the murder from being sentenced to death. This amendment was not adopted.

LD 2237

**Resolve, Authorizing the Commissioner of Corrections and the
Commissioner of Administrative and Financial Services to Lease Up to 2
Acres of Land at the Maine Youth Center**

RESOLVE 53

Sponsor(s)

Committee Report

Amendments Adopted

LD 2237 proposed to authorize the Commissioner of Corrections and the Commissioner of Administrative and Financial Services to enter into a lease with Youth Alternatives, Inc. for an emergency youth shelter. This resolve was not referred to committee.

Enacted law summary

Resolve 1999, chapter 53 authorizes the Commissioner of Corrections and the Commissioner of Administrative and Financial Services to enter into a lease with Youth Alternatives, Inc. for an emergency youth shelter.

Joint Standing Committee on Education and Cultural Affairs

LD 24 **An Act to Change the Name of the "Department of Education" to the "Department of Schooling"** **ONTP**

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

LD 24 proposed to change the name of the Department of Education to the Department of Schooling.

LD 59 **An Act to Change the Date a Child Starts School** **ONTP**

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

LD 59 proposed to allow a child who has reached age five by July 1st, rather than by October 15th as under current law, to enroll in school. As under current law, this bill proposed to leave the decision of appropriate grade placement to each school administrative unit.

LD 90 **An Act to Establish the Endowment Incentive Fund** **PUBLIC 511**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER CATHCART	OTP-AM	H-47 S-399 MICHAUD

LD 90 proposed to establish the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit academic purposes at the various campuses of Maine's publicly-assisted postsecondary education institutions. The bill would encourage private fund raising at Maine's publicly-assisted postsecondary institutions by allowing campus donors to multiply the value of their gifts through state matching funds.

The bill proposed to establish the following requirements.

1. The Endowment Incentive Fund would be established as a nonlapsing fund. The State Treasurer would be responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State would also be responsible for disbursement of the Endowment Incentive Fund upon certification that established criteria are met.
2. Interest earned on the investment of the Endowment Incentive Fund would be credited to the respective publicly-assisted postsecondary institution or its qualified institutionally-related foundation.
3. For the administration of the Endowment Incentive Fund, "academic purposes" would be defined as scholarships, professorships or other endowed faculty positions, the repair of classrooms and laboratories and the acquisition of equipment for classrooms and laboratories.

4. The respective board of trustees for each publicly-assisted postsecondary institution would be required to adopt criteria establishing qualifications for private gifts and grants to be matched from the Endowment Incentive Fund; and for each campus within the University of Maine System, the board of visitors would advise their respective campus president on the qualifications that are to be included in the final recommendations to the board of trustees.
5. Qualified recipients of private donations eligible for matching funds would be the respective institutions of the three publicly-assisted postsecondary institutions, as well as institutionally-related foundations; and qualified institutionally-related foundations would have the authority to receive and manage the investment of matching funds, and may, at their discretion, deposit funds allocated to them. Unless otherwise restricted by the donors, qualified recipients could also combine, merge or pool these funds with similar funds at the system level.
6. Matching funds would be made available to the three entities on a percentage basis according to the amount appropriated from the General Fund.
7. The Board of Trustees of the University of Maine System would be required to ensure that the Endowment Incentive Fund distributed to the University of Maine System is allocated to each of the universities in the system in accordance with the formula that the board adopts for the distribution of education and general funds.

Committee Amendment "A" (H-47) proposed to remove the repair or acquisition of equipment for classrooms or laboratories from the definition of "academic purposes" established under the Endowment Incentive Fund.

Senate Amendment "A" (S-399) proposed to reduce the General Fund appropriation provided to establish the Endowment Incentive Fund from \$14,000,000 to \$100,000 and clarify that the appropriation is made on a one-time basis.

Enacted law summary

Public Law 1999, chapter 511 establishes the Endowment Incentive Fund for the University of Maine System, the Maine Technical College System and the Maine Maritime Academy to benefit certain academic purposes at the various campuses of Maine's publicly-assisted postsecondary education institutions. The law encourages private fund raising at Maine's publicly-assisted postsecondary institutions by allowing campus donors to multiply the value of their gifts through state matching funds. The law establishes the following requirements.

1. The Endowment Incentive Fund is established as a nonlapsing fund. The State Treasurer is responsible for the custodial care of the fund and may deposit state funds pursuant to the Maine Revised Statutes, Title 5, section 135; the Treasurer of State is also responsible for disbursement of the Endowment Incentive Fund upon certification that established criteria are met.
2. Interest earned on the investment of the Endowment Incentive Fund is to be credited to the respective publicly-assisted postsecondary institution or its qualified institutionally-related foundation.
3. For the administration of the Endowment Incentive Fund, "academic purposes" is defined as scholarships, professorships or other endowed faculty positions.
4. The respective board of trustees for each publicly-assisted postsecondary institution is required to adopt criteria establishing qualifications for private gifts and grants to be matched from the Endowment Incentive Fund; and for each campus within the University of Maine System, the board of visitors shall advise their respective campus president on the qualifications that are to be included in the final recommendations to the board of trustees.
5. Qualified recipients of private donations eligible for matching funds are the respective institutions of the three publicly-assisted postsecondary institutions, as well as institutionally-related foundations.

LD 209

An Act to Amend the Definition of Exceptional Student

ONTP

<u>Sponsor(s)</u> GAGNE BERUBE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 209 proposed to amend part of the current definition of "exceptional student" in the state special education law with language consistent with the federal Individuals with Disabilities Act (IDEA) defining the term "child with disability." The major changes proposed by this bill are the following: (1) add three new handicapping conditions--autism, traumatic brain injury and other health impairment; (2) replace impairment based on "behavior" with "serious emotional disturbance;" and (3) replace impairment based on "cerebral or perceptual functions" with "specific learning disability." This bill was given an ONTP committee report because the Department of Education offered a more comprehensive bill; see LD 2026.

LD 214

An Act to Provide Funds for the Repair of Schools

ONTP

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 214 was referred to the Appropriations and Financial Affairs Committee and proposed to appropriate funds to be distributed as grants by the Maine Municipal Bond Bank to schools that have lost their accreditation due to the inadequacies or defects in the physical state of the schools.

LD 220

An Act to Require Certification in First Aid and Cardiopulmonary Resuscitation for Certain School Personnel

ONTP

<u>Sponsor(s)</u> BAKER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 220 proposed to require school boards to enforce a policy beginning in the 2000-2001 school year that school personnel who have regular contact with students be certified in first aid and cardiopulmonary resuscitation.

LD 232

An Act to Restrict the Posting on the Internet of Personal Information About Public School Students

PUBLIC 17

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-8 BERUBE
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LD 232 proposed to prohibit a public school from publishing on the Internet or furnishing for publication on the Internet any information that can be used to identify a student of that public school without first obtaining the written approval of the parents of that student.

Senate Amendment "A" (S-8) proposed to add a mandate preamble.

Enacted law summary

Public Law 1999, chapter 17 requires that school administrative units must first obtain the written approval of a student's parents prior to publishing on the Internet or furnishing for publication on the Internet any personal information that can be used to identify a student of that public school.

LD 235 **An Act to Increase the Amount of State Contribution to Out-of-district Placements** **INDEF PP**

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

LD 235 proposed to increase the state share of out-of-district placements to 75% of the actual cost of the placements.

Committee Amendment "A" (S-21) proposed to change the state share of out-of-district placement funding to 60%. The amendment also proposed to retain the adjustment provision in the Maine Revised Statutes, Title 20-A, section 15612, subsection 11 that specifies that a school administrative unit that places a student in an out-of-district placement must receive an adjustment equal to the amount, if any, by which the tuition, treatment and room and board costs for an approved out-of-district special education placement in the year of allocation exceeds three times the secondary foundation per pupil operating rate for that year or a prorated amount if the placement is less than a full year.

The substance of this amendment was enacted as part of the Part II Budget bill (see Public Law 1999, chapter 401, Part HH).

LD 269 **An Act to Authorize a General Fund Bond Issue for the Repair and Renovation of Schools** **CARRIED OVER**

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

LD 269 was referred to the Appropriations and Financial Affairs Committee and proposes to provide funds to capitalize the School Revolving Renovation Fund. The Governor's Commission on School Facilities presented a plan to the Governor and the 118th Legislature designed to address Maine's public school construction, renovation and repair needs. One recommendation was that the State issue \$35,000,000 in general obligation bonds in each fiscal year 1998-99 and 1999-00. Part A of this bill proposes a \$35,000,000 bond to be presented to the voters in November 1999. The commission also recommended an immediate General Fund appropriation of \$30,000,00. Part B of this bill proposes to appropriate \$10,000,000 to the School Revolving Renovation Fund to bring the total appropriation level of the program to \$30,000,0000. Public Law 1997, chapter 787 included a General Fund appropriation of \$20,000,000 to the School Revolving Renovation Fund. This bill was carried over to the Second Regular Session.

LD 312 **An Act to Prohibit the University of Maine System and the Public Vocational Schools from Competing in the Printing Industry** **ONTP**

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

LD 312 proposed to prohibit the University of Maine System, the Maine Technical College System, and applied technology centers and regions from competing with commercial printing businesses.

LD 364 **An Act to Increase Postsecondary Educational Opportunities** **ONTP**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 364 proposed to provide a total of \$7,500,000 in General Fund appropriations to increase postsecondary educational opportunities for Maine students. The bill proposed to provide \$1,000,000 to the Department of Education to develop a program to assist Maine high schools to hire college guidance counselors. The bill also proposed to provide \$250,000 each to the University of Maine System and to the Maine Technical College System for the development of student retention programs. Finally, the bill proposed to provide a General Fund appropriation of \$6,000,000 to the University of Maine System to create a special financing fund as a last-resort mechanism to supplement existing financial aid.

LD 399 **An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education** **VETO SUSTAINED**

<u>Sponsor(s)</u> WATSON KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-26 S-400 MICHAUD
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LD 399 proposed to provide a General Fund appropriation to the Department of Education for the Interdepartmental Committee on Transition. The funds would be used to assist Maine public schools to reach compliance with federal and state transition laws and regulations as they relate to Maine's system of learning results.

Committee Amendment "A" (H-26) proposed to strike the title and replace it with a new title that more accurately reflects the purpose of the bill.

Senate Amendment "A" (S-400) proposed to provide for General Fund appropriations of \$100,000 in each year of the biennium rather than a \$200,000 appropriation in fiscal year 1999-00.

LD 424 **An Act to Remove Favorable Weighting of Consolidation in the School Funding Formula** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 424 proposed to remove the favorable weighting provided to school consolidation projects in the school construction project rating process. Under this bill, the State Board of Education could not assign any additional points to a school construction project that proposes to consolidate two or more existing schools into one new school building.

Sponsor(s)
SNOWE-MELLO
PARADIS

Committee Report

Amendments Adopted

LD 490 proposes to require that educational services be provided to a student with a disability who is being suspended for behavior that is caused by the student's disability. It proposes that schools be required to conduct a prompt review of whether the misconduct for which the school seeks to suspend a student with a disability is a manifestation of the student's disability. If it is, the school would still be allowed to suspend the

student, but would have to provide educational services consistent with the student's individual education plan during the suspension (see also LD 1308, enacted as P.L. 1999, c. 424 Sec. A-1). The bill was carried over to the Second Regular Session.

This bill was submitted on behalf of the Department of Education.

LD 499 **An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing**

**P & S 55
EMERGENCY**

Sponsor(s)
COLWELL
CATHCART

Committee Report

Amendments Adopted

LD 499 was referred to the Appropriations and Financial Affairs Committee and proposed to increase the Maine State Library's acquisition budget to the level of the other area reference and resource centers located at the Bangor and Portland Public Libraries. The bill also proposed to provide funds to merge the current CD ROM program, MaineCat, with the on-line Maine Info Net project to produce a single comprehensive and accurate statewide library catalog immediately accessible from any computer with an Internet connection.

Senate Amendment "A" (S-391) proposed to eliminate the appropriation of \$75,000 in fiscal year 1999-00 to support an improved version of MaineCat since the supplemental budget includes \$75,000 in each of fiscal years 1999-00 and 2000-01 for operating costs associated with MaineCat and Info Net updates (please see P.L. 1999, c. 401, Part A, Sec. A-1).

Enacted law summary

Private and Special Law 1999, chapter 55 provides a \$200,000 increase in the Maine State Library's acquisition budget to the level of the other area reference and resource centers located at the Bangor and Portland Public Libraries.

Chapter 55 was enacted as an emergency measure effective June 16, 1999.

LD 517 **An Act to Amend the School Funding Formula by Taking Sales Tax into Account**

ONTP

Sponsor(s)
GLYNN

Committee Report
ONTP

Amendments Adopted

LD 517 is a concept draft pursuant to Joint Rule 208. This bill proposed to amend the school funding formula by taking the sales tax receipts of a community into account when that community's state education funding is determined.

LD 559 **An Act to Prohibit the University of Maine System from Financially Supporting Greek Organizations**

ONTP

Sponsor(s)
O'NEIL

Committee Report
ONTP

Amendments Adopted

LD 559 proposed to amend the charter of the University of Maine System to prohibit public money from being used to support a Greek fraternity or sorority.

LD 573

An Act Relating to the Construction of a Locally Funded Arts and Technology Center in Maine School Administrative District No. 49

**P & S 2
EMERGENCY**

Sponsor(s)
TESSIER
MILLS

Committee Report
OTP

Amendments Adopted

LD 573 proposed to repeal Private and Special Law 1995, chapter 32 and Private and Special Law 1997, chapter 59, which authorized Maine School Administrative District No. 49 to construct and equip a locally funded arts and technology center. Subject to approval by the voters of the district, the bill proposed to authorize the Board of School Directors of Maine School Administrative District No. 49 to expend \$5,500,000 and to use a design for its proposed locally funded arts and technology center that includes a technology suite, an auditorium using the structure of the existing junior high school gymnasium, a new junior high school gymnasium and other additions and improvements to the Lawrence Junior-Senior High School complex in the Town of Fairfield. This bill also proposed to clarify that construction of an auditorium using the structure of the existing junior high school gymnasium and construction of a new junior high school gymnasium are permitted as part of the project. As with the prior laws, the district would be authorized to enter into a design-build contract or other alternative construction arrangements for the project and the only state approvals required for the project are approval of the plans and specifications by the State Fire Marshal and the Department of Human Services.

Under this bill, the additional operating costs of the project during its first two years would be required to be paid from gifts to the district, available funds of the district from sources other than taxation and local appropriations without state participation approved by the voters of the district pursuant to the Maine Revised Statutes, Title 20-A, section 15614, subsection 3.

Enacted law summary

Private and Special 1999, chapter 2 repeals Private and Special Law 1995, chapter 32 and Private and Special Law 1997, chapter 59, which authorized Maine School Administrative District No. 49 to construct and equip a locally funded arts and technology center. Subject to approval by the voters of the district, the bill authorizes the Board of School Directors to expend \$5,500,000 and to use a design for its proposed locally funded arts and technology center that includes a technology suite, an auditorium using the structure of the existing junior high school gymnasium, a new junior high school gymnasium and other additions and improvements to the Lawrence Junior-Senior High School complex in the Town of Fairfield. This law also clarifies that construction of an auditorium using the structure of the existing junior high school gymnasium and construction of a new junior high school gymnasium are permitted as part of the project. As with the prior laws, this law authorizes the district to enter into a design-build contract or other alternative construction arrangements for the project and establishes that the only state approvals required for the project are approval of the plans and specifications by the State Fire Marshal and the Department of Human Services.

Under this law, the additional operating costs of the project during its first two years are required to be paid from gifts to the district, available funds of the district from sources other than taxation and local appropriations without state participation approved by the voters of the district pursuant to the Maine Revised Statutes, Title 20-A, section 15614, subsection 3.

Chapter 2 was enacted as an emergency measure effective March 11, 1999.

LD 578

An Act to Remove the Percentage Reduction Method from the School Funding Law

ONTP

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

LD 578 proposed to remove the so-called "percentage reduction method" from the School Finance Act of 1985. Under this bill, the state share of school funding would return to 55% of the combined total state and local allocations for school funding.

LD 589

An Act to Reduce Property Taxes by the State Reimbursing Special Education Costs

ONTP

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

LD 589 proposed to require the State to subsidize at least 50% of a school administrative district's special education cost if a hardship is proven. This bill also proposed to require the Department of Education by January 15, 2000 to develop a formula to convert this special education subsidization into a property tax reduction for the taxpayers of the municipalities served by the district.

LD 624

An Act to Require Public Hearings for School Administrative District Referenda

PUBLIC 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON SMALL	OTP-AM	H-87

LD 624 proposed to require school administrative districts to hold public hearings on all district referendum votes.

Committee Amendment "A" (H-87) changes from 10 to seven the number of days before a school administrative district referendum that the district board of directors must hold a public hearing on the referendum. The amendment also adds a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 93 requires school administrative districts to hold a public hearing at least seven days before a district referendum vote.

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

LD 630 proposed to establish the Maine Communities in the New Century Program to preserve, revitalize and improve the State's cultural resources in order to provide the State's citizens with: preservation of the character and quality of life of the State, improved educational resources and access to them; and expanded community and economic development opportunities. The program would fall under the auspices of and be monitored and evaluated by the Maine State Cultural Affairs Council, a legislatively mandated public board that coordinates the needs of the State's public cultural resources. The participating agencies in the program would be the Maine Arts Commission, the Maine Historic Preservation Commission, the Maine State Library, the Maine State Museum, the Maine Historical Society, the Maine State Archives and the Maine Humanities Council. The program would provide matching grants, technical assistance and other services to local, nonprofit, community-based organizations. The bill also proposed an appropriation section.

Committee Amendment "A" (H-66) proposed that the Maine State Cultural Affairs Council report annually to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The amendment also proposed a fiscal note to the bill.

The contents of the bill (but not the reporting requirement of the committee amendment) were included in the Part II Budget bill, Public Law 1999, Chapter 401, Part LLL, and this bill was indefinitely postponed.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-107

LD 632 proposed to provide for legislative review of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education. These rules govern the application and approval process for projects to be considered through the School Revolving Renovation Fund; Facility Maintenance and Capital Improvement Programs; Maine School Facilities Finance Program and lease and lease/purchase of temporary interim space and small nonadministrative space.

Committee Amendment "A" (H-107) proposed to authorize final adoption of rule Chapter 64 with amendments that clarify the purpose of the State Planning Office analyses that must be included in the 10-year capital plan and that may be included in the supporting materials as part of a school administrative unit's application for the School Revolving Renovation Fund.

Enacted law summary

Resolve 1999, chapter 14 authorizes the final adoption of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a major substantive rule of the Department of Education. These rules govern the application and approval process for projects to be considered through the School Revolving Renovation Fund; Facility Maintenance and Capital Improvement Programs; Maine School Facilities Finance Program and lease and lease/purchase of temporary interim space and small nonadministrative space.

LD 664 **An Act to Fully Fund Implementation of All Learning Results Standards and Reimburse Professional Development Costs** **ONTP**

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

LD 664 proposed to require the State to fully fund the costs of implementing the system of learning results and related professional development costs.

LD 681 **An Act to Fund Public School Alliances** **P & S 56**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON DAGGETT	OTP-AM	H-95 S-402 MICHAUD

LD 681 proposed to make General Fund appropriations to the Department of Education of \$140,000 annually to develop a grant program that will help fund public school alliances such as the Kennebec Alliance.

Committee Amendment "A" (H-95) proposed limiting the number of grants to support public school alliances under the bill to 20 per year and requiring the Department of Education to adopt rules that establish a preference in awarding grants to school alliances that obtain local matching funds.

Senate Amendment "A" (S-402) proposed to reduce the amount of General Fund support for the public school alliance grant program to \$100,000 and delay the beginning of the grant program until fiscal year 2000- 01.

Enacted law summary

Private and Special 1999, chapter 56 makes a General Fund appropriation of \$100,000 in FY 2000-01 to establish a grant program in the Department of Education to support up to 20 public school alliances. The department is authorized to adopt rules to implement the grant program which rules must provide a preference in awarding grants to school alliances that secure matching local resources.

LD 700

An Act to Amend Voting Procedures for School Unions

ONTP

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 700 proposed to change the voting procedure for school union committees from one based on the relative populations of the school units comprising the union to one based on the relative student enrollment within the school units comprising the union.

LD 708

An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children

PUBLIC 216

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-231
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LD 708 proposed to provide a tuition waiver at state postsecondary educational institutions for persons 17 or 18 years of age who have resided in foster care for at least one full year.

Committee Amendment "A" (H-231) proposed to clarify the eligibility criteria and limitation provisions of tuition waivers established in the original bill. This amendment proposed to accomplish the following.

1. It would eliminate the age criterion as a basis for eligibility and clarify that any person who was in the custody of the Department of Human Services and resided in foster care at the time that person graduated from high school or successfully completed a general educational development examination or its equivalent is eligible for a tuition waiver.
2. It would permit a tuition waiver to be available to a student enrolled in a certificate program of at least one year, as well as for a student enrolled in an undergraduate degree program.
3. It would define "unmet need" and would limit the amount of the tuition waiver available to an eligible person to the difference between the total cost of attendance at the postsecondary educational institution and the total of all sources of financial assistance, including federal funds provided through the Department of Human Services.
4. It would limit the scope of the tuition waiver program by limiting it to 25 eligible persons per year.

Enacted law summary

Public Law 1999, chapter 216 provides a tuition waiver at state postsecondary educational institutions for persons 17 or 18 years of age who have resided in foster care for at least one full year. The law establishes that any person who was in the custody of the Department of Human Services and resided in foster care at the time that the person graduated from high school or successfully completed a general educational development examination or its equivalent is eligible for a tuition waiver. The law permits a tuition waiver to be available to a student enrolled in a certificate program of at least one year, as well as for a student enrolled in an undergraduate degree program. The law further defines "unmet need" and limits the amount of the tuition waiver available to an eligible person to the difference between the total cost of attendance at the postsecondary educational institution and the total of all sources of financial assistance, including federal funds provided through the Department of Human Services. Finally, the law delimits the scope of the tuition waiver program by limiting it to 25 eligible persons per year.

LD 716

An Act to Amend the Law Relating to School Construction and School Facilities

PUBLIC 81

<u>Sponsor(s)</u> RICHARD PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-108
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LD 716 proposed to clarify provisions of Public Law 1997, chapter 787, related to the construction of school facilities in the State. The bill proposed to accomplish the following.

1. The bill would clarify the allocation of resources a school administrative unit will commit to a maintenance and capital improvement program for all school facilities within the school administrative unit to allow more flexibility in determining local allocation to maintenance and capital improvement plans and programs.
2. The bill would clarify the intent of the original legislation under the Maine school facilities finance lease-purchase program that this program apply to lease-purchase only, not leases in general and allows lease-purchase to remain in the calculation of the circuit breaker.
3. The bill would amend the definition of subsidizable debt service on school construction projects to exclude debt service payments made from unused bond principal amounts and interest earned on investment of these unused funds.
4. The bill would provide that permanent space lease-purchase school projects whose costs are wholly eligible as debt service costs for purposes of calculating state subsidy must be approved by the legislative body of the school administrative unit. If any portion of the costs of the permanent space lease-purchase project is not eligible for inclusion in debt service costs for the purpose of calculating state subsidy, the permanent space lease-purchase project must be approved at a referendum. The bill would also permit school construction projects to be considered at referenda conducted under the alternate voting procedures of the Maine Revised Statutes, Title 20-A, section 1305.
5. The bill would also qualify certain projects for the School Revolving Renovation Fund that were undertaken during the summer of 1998 in anticipation of borrowing from that fund.

This bill was submitted on behalf of the Department of Education.

Committee Amendment "A" (H-108) proposed to correct a technical error in the Maine School Facilities Finance Program statutes and proposed to change the authorization date in the School Revolving Renovation Fund statutes from April 30, 1998, as proposed in the bill, back to the original date of June 1, 1998.

Enacted law summary

Public Law 1999, chapter 81 clarifies several provisions of Public Law 1997, chapter 787, related to the construction of school facilities in the State. The law accomplishes the following.

The law clarifies the allocation of resources a school administrative unit will commit to a maintenance and capital improvement program for all school facilities within the school administrative unit to allow more flexibility in determining local allocation to maintenance and capital improvement plans and programs.

The law also clarifies the intent of the original legislation under the Maine school facilities finance lease-purchase program that this program apply to lease-purchase only, not leases in general and allows lease-purchase to remain in the calculation of the circuit breaker.

The law amends the definition of subsidizable debt service on school construction projects to exclude debt service payments made from unused bond principal amounts and interest earned on investment of these unused funds.

The law further provides that permanent space lease-purchase school projects whose costs are wholly eligible as debt service costs for purposes of calculating state subsidy must be approved by the legislative body of the school administrative unit. If any portion of the costs of the permanent space lease-purchase project is not eligible for inclusion in debt service costs for the purpose of calculating state subsidy, the permanent space lease-purchase project must be approved at a referendum. The law also permits school construction projects to be considered at referenda conducted under the alternate voting procedures of the Maine Revised Statutes, Title 20-A, section 1305.

Finally, the law qualifies certain projects for the School Revolving Renovation Fund that were undertaken during the summer of 1998 in anticipation of borrowing from that fund.

LD 719

Resolve, Regarding Legislative Review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, Major Substantive Rules of the Department of Education

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 719 proposed to provide for legislative review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, major substantive rules of the Department of Education. These rules would govern the application and approval process for projects to be considered through the School Revolving Renovation Fund; Facility Maintenance and Capital Improvement Programs; Maine School Facilities Finance Program and lease and lease/purchase of temporary interim space and small nonadministrative space. The resolve is a duplicate of LD 632.

This bill was submitted on behalf of the Department of Education.

LD 729

An Act to Increase State Funding for the Purchase of School Buses

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY, R NUTTING		

LD 729 was referred to the Appropriations and Financial Affairs Committee and proposed to increase the funding available for school bus purchases. It proposed to require the Department of Education, in distributing the additional funds, to give priority to the replacement of buses that are at least 10 years old in school administrative units whose current state percentage of aid for program costs is more than 50%.

LD 739

An Act to Form a New Local Education Agency

**PUBLIC 39
EMERGENCY**

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

LD 739 proposed to amend the statutory definition of Applied Technology Region 8 for Knox County to reflect the recent establishment of the Five Town Community School District for the towns of Appleton, Camden, Hope, Lincolnville and Rockport. The new CSD would be the local education agency for applied technology education for secondary students in those towns.

Enacted law summary

Public Law 1999, chapter 39 amends the statutory definition of Applied Technology Region 8 for Knox County to reflect the recent establishment of the Five Town Community School District for the towns of Appleton, Camden, Hope, Lincolnville and Rockport. The new CSD will be the local education agency for applied technology education for secondary students in those towns.

Chapter 39 was enacted as an emergency measure effective March 29, 1999.

LD 746

An Act to Allow Municipal Review of Actual School Budget and Expenditures

ONTP

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 746 proposed that a school committee be required to inform the municipal officers of any variation from the school budget once the budget has been adopted.

LD 781

Resolve, to Provide Vouchers for School Choice

ONTP

<u>Sponsor(s)</u> TRACY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 781 proposed to require that elementary and secondary education be provided by means of a voucher system that allows students and parents to choose in which schools or programs they want to receive an education. Under this resolve, the Department of Education would develop a plan to implement the voucher system beginning for school year 2000-01.

LD 792

An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening

**PUBLIC 35
EMERGENCY**

<u>Sponsor(s)</u> BERUBE TESSIER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 792 proposes to authorize preliminary steps to be taken commencing September 1, 1999, in preparation for the mandatory use of conviction data by the Department of Education in screening teacher and educational personnel applicants beginning on July 1, 2000, as well as extending the date one year when this is to begin. The necessary steps include fingerprinting the applicant, conducting the needed state and federal criminal history record checks by the State Bureau of Identification and the bureau forwarding the results to the department.

This bill was submitted on behalf of the Department of Public Safety.

Enacted law summary

Public Law 1999, chapter 35 authorizes preliminary steps to be taken commencing September 1, 1999, in preparation for the mandatory use of conviction data by the Department of Education in screening teacher and educational personnel applicants beginning on July 1, 2000. The law also extends the implementation date for

this requirement one year, from July 1, 1999 to July 1, 2000. Under this law, the necessary steps include fingerprinting the applicant, conducting the needed state and federal criminal history record checks by the State Bureau of Identification and forwarding the results by the bureau to the department.

Chapter 35 was enacted as an emergency measure effective March 29, 1999.

LD 798 **An Act to Permit Local Control and Funding of An Educational Building
in Accordance With a Municipal Charter** **PUBLIC 95**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ ONTP MIN	S-34

LD 798 proposed that a municipal school unit be permitted to approve a nonstate funded school construction project without a local referendum vote if such powers are vested in the municipal council by municipal charter. See also LD 1329.

Committee Amendment "A" (S-34) proposed language to clarify the intent of the bill to.

Enacted law summary

Public Law 1999, chapter 95 allows a municipal school unit to approve a locally funded school construction project without a local referendum if the municipality operates under a charter that does not require a referendum for other municipal construction projects.

LD 813 **An Act to Amend the Requirements of Full-time Students for State-
funding Purposes** **PUBLIC 439**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE NUTTING J	OTP-AM	H-372

LD 813 proposed to allow school administrative units to be reimbursed proportionally for students participating in equivalent instruction programs, yet still receive some level of on-site academic services provided by their local public school. Under this bill, such students would be classified as full-time equivalent students according to the amount of time they receive on-site academic services at a public school. School administrative units would be required to keep accurate records and report full-time equivalency enrollment.

Committee Amendment "A" (H-372) proposed to clarify that school administrative units receive state subsidy for any student enrolled in an equivalent instruction program who receives instruction through one or more on-site academic courses from a public school but is not a full-time student. Under this amendment, school administrative units that send tuition students to another school administrative unit or to a private school pursuant to the Maine Revised Statutes, Title 20-A, chapter 219 would also be entitled to receive state subsidy for these students.

Enacted law summary

Public Law 1999, chapter 439 allows school administrative units to be reimbursed proportionally for students who participate in equivalent instruction programs, yet still receive instruction through one or more on-site academic courses from a public school. The law establishes that such students are classified as full-time equivalent students according to

the amount of time they receive on-site academic services from a public school. Under this law, school administrative units that send tuition students to another school administrative unit or to a private school pursuant to the Maine Revised Statutes, Title 20-A, chapter 219 are also entitled to receive state subsidy for these students. School administrative units are required to keep accurate records and report full-time equivalency enrollment.

LD 826 An Act Concerning Student Medication ONTP

<u>Sponsor(s)</u> PIEH KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 826 proposed to amend current law and Department of Education rules regarding the administration medication to students. This bill proposed to provide a school secretary with the sole discretion of exercising an option to administer medication to students.

LD 836 Resolve, Establishing a Commission to Study the Maine Education Assessment ONTP

<u>Sponsor(s)</u> MURPHY T	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 836 proposed to establish the Commission to Study the Maine Education Assessment. Under this resolve, the commission would study the construction, implementation, administration, grading and costs of the Maine Education Assessment and would submit a report of its findings and recommendations to the Second Regular Session of the 119th Legislature and the Joint Standing Committee on Education by December 1, 1999.

LD 842 An Act to Authorize a General Fund Bond Issue in the Amount of \$100,000,000 for School Construction and Renovation ONTP

<u>Sponsor(s)</u> FRECHETTE PENDLETON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 842 was referred to the Appropriations and Financial Affairs Committee and proposed to provide funds, in the amount of \$100,000,000 bond issue, that would be used to fund school construction and renovations.

LD 870 An Act to Improve School Safety and Learning Environments CARRIED OVER

<u>Sponsor(s)</u> LAWRENCE SAXL M	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 888

An Act to Grant the State Board of Education Authority to Appoint the Commissioner of Education

ONTP

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

LD 888 proposed to amend current law which grants to the Governor the authority to appoint the Commissioner of Education to give that authority to the State Board of Education.

LD 915

An Act to Ensure the Efficacy of Learning Results

ONTP

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

LD 915 proposed to direct the Department of Education to establish lesson plans and recommended textbook lists to assist schools in meeting the requirement of the system of learning results. The plans and lists would be made available for first use during the 2001-2002 school year. The bill further proposed to repeal the system of learning results if the department failed to meet that deadline.

LD 932

An Act to Establish the Position of School Nurse Consultant

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE LAWRENCE	OTP-AM	H-85

LD 932 proposed to reestablish the position of school nurse consultant within the Department of Human Services and the Department of Education. The school nurse consultant's duties would include acting as a liaison to the school health provider and policy-setting groups; providing health care, nursing, policy and legal information regarding school nursing, school health programs and professional development; promoting staff development and promoting school nursing excellence and optimal health of school children.

Committee Amendment "A" (H-85) proposed to add an appropriation section and a fiscal note to the bill.

LD 933

An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts

CARRIED OVER

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

LD 933 proposes to establish a direct initiative and people's veto process applying to school policies and rules that could be exercised by the voters of any school unit. The processes proposed are similar to those available under the Constitution of Maine for initiation and veto of legislation by the voters of the State. The State Board of Education has

been requested by committee letter to review and report to the committee next session on this bill and other related school governance and budget issues. The bill was carried over to the Second Regular Session.

LD 948 **An Act to Provide Professional Development for Implementing Learning Results** **ONTP**

<u>Sponsor(s)</u> MITCHELL B LOVETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 948 proposed to provide five additional days of teacher in-service training each school year to ensure coordination of school policies for curriculum, instruction and assessment with the attainment of the learning results standards.

LD 956 **Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First** **RESOLVE 79**

<u>Sponsor(s)</u> BAKER LAWRENCE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 956 which was jointly referred to the Health and Human Services Committee (the lead committee) and the Education and Cultural Affairs Committee proposed to implement the following recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers. The resolve proposed to:

1. Direct the Department of Human Services to expand home visiting services to the parents of all newborn children in the State, if the parents desire the services, beginning January 1, 2000, until those children attain the age of five years.
2. Direct the Department of Education to include a course of study in parenting education in its development of curricula and include this course of study in the learning results assessment of students.

The resolve also proposed to change the name of the task force to the "Task Force on Early Care and Education." It proposed to direct the task force to monitor the development of the process that supports home visiting programs by the Department of Human Services and the development of a course of study in parenting education by the Department of Education and to further study the needs of and for family resource centers. The resolve proposed to add two more members who are Legislators to the task force and extend the life of the task force until January 15, 2001. See also LD 1315.

Committee Amendment "A" (H-623) is the majority report of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The amendment proposed to replace the resolve. It proposed to retain the provisions of the resolve expanding home visiting services, require an evaluation component, allow voluntary donations on a sliding scale by families upon termination of services to those families and make General Fund appropriations to fund home visiting services. It proposed to change the name of the task force to the "Task Force on Early Care and Education." It proposed to direct the task force to monitor the development of the process that supports home visiting programs by the Department of Human Services. It proposed to delete reference to a course of study in parenting education. The amendment proposed to retain the provisions of the resolve that add 2 more members who are Legislators to the task force and extend the life of the task force until January 15, 2001. It proposed to require an interim report of the task force before January 15, 2000 and a final report before January 15, 2001. It also proposed to add an appropriation section.

LD 1050 proposed to establish the Scholarships for Law Enforcement Education Fund. The purpose of the fund would have been to provide financial assistance in the form of loans to college students and graduating high school seniors who demonstrate an interest in pursuing a career in law enforcement. The Chief Executive Officer of the Finance Authority of Maine would have administered the fund, including loan repayment requirements.

LD 1053 **An Act to Clarify the Laws Relating to Nonstate-funded School Construction Projects Approved by the Commissioner of Education that Replace Existing School Buildings** **PUBLIC 206**

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

LD 1053 proposed to clarify that, once the voters of a school administrative unit or a consolidated school district and the Commissioner of Education have approved a nonstate-funded school construction project that replaces an existing school building, a separate referendum vote is not required to close the existing school building (closure of buildings due to lack of need or condemnation may still require a referendum vote). The bill also proposed to correct a cross reference in the school closure law to the commissioner’s authority to approve locally funded construction projects under the school construction law.

Enacted law summary

Public Law 1999, chapter 206 clarifies that, once the voters of a school administrative unit or a consolidated school district and the Commissioner of Education have approved a nonstate-funded school construction project that replaces an existing school building, a separate referendum vote is not required to close the existing school building.

LD 1056 **An Act to Clarify Conflicts of Interest Regarding Local School Board Members** **ONTP**

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

LD 1056 proposed to amend the conflict of interest law for school board members to permit the spouse of a board member to be employed as a substitute teacher or extracurricular activity coach or to work as a volunteer in a school within the jurisdiction of the school board on which that person's spouse serves. The school board member of a spouse who did so would have to excuse himself or herself from salary or other personnel decisions affecting the spouse. See also LD 1354.

LD 1085 **An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program** **PUBLIC 495**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON KONTOS	OTP-AM	H-86

LD 1085 proposed to expand the eligibility criteria for participation in the Post-secondary Enrollment Options Program established last year to provide state subsidy for participation in postsecondary study by certain high school students. The bill proposed to allow students enrolled in grade 10, 11 or 12 to participate without satisfying the academic requirements established last year if assessed and recommended for participation by their school guidance counselor. During discussions on the bill, the committee expressed some concerns about how limited grant funds were distributed by the Department of Education during the first year of the program and about the geographical distribution of grants throughout the state. The committee sent a letter to the Commissioner of Education requesting a report back on these and other issues next session.

Committee Amendment "A" (H-86) proposed that a high school student enrolled in grade 11 or 12 qualifies for the eligibility exception for receipt of a state subsidy for postsecondary courses provided in the bill and also proposed that to qualify for the eligibility exception a student must be assessed and recommended by the administration of the student's school. Finally, the amendment proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 495 expands the eligibility criteria for participation in the Post-secondary Enrollment Options Program established last year to provide state subsidy for participation in postsecondary study by certain high school students. Chapter 495 allows students enrolled in grade 11 or 12 to participate without satisfying the statutory academic requirements if assessed and recommended for participation by the administration of their school.

LD 1089 An Act to Require Consideration of Part-time Students for Dean's List and other Academic Honors within the Maine Technical College System ONTP

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

LD 1089 proposed that part-time students enrolled at each college within the Maine Technical College System receive the same consideration for dean's list and other academic honors as full-time students at those colleges.

LD 1143 An Act to Provide Funding for the Education Research Institute P & S 42

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

LD 1143 was referred to the Appropriations and Financial Affairs Committee and proposed to provide General Fund appropriations for the Educational Research Institute in the amount of \$150,000 in each fiscal year of the biennium to maintain the kindergarten to grade 12 education database and support targeted research projects.

Committee Amendment "A" (H-174) proposed to eliminate the reference to the Joint Standing Committee on Education and Cultural Affairs in the appropriations for the Educational Research Institute and to clarify that the appropriated funds may not be used for travel.

Senate Amendment "A" to Committee Amendment "A" (S-404) proposed to return the changes made to the bill in the Committee Amendment and to deappropriate \$75,000 in each year of the biennium from General Purpose Aid to Local Schools and the University of Maine System to offset the appropriations to the institute.

Enacted law summary

Private and Special Law 1999, chapter 42 provides an appropriation for the Educational Research Institute in the amount of \$150,000 in each fiscal year of the biennium to maintain the kindergarten to grade 12 education database and support targeted research projects. The appropriated funds may not be used for travel. To fund the appropriation, \$75,000 is deappropriated in each year of the biennium from General Purpose Aid to Local Schools and the University of Maine System.

LD 1215 An Act Regarding the Eligibility of a Citizen to Serve as a School Board Member ONTP

<u>Sponsor(s)</u> MARVIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1215 proposed to prohibit a person and the spouse of a person suing a school board, the school administrative unit or a school within the jurisdiction of the board from serving on that school board if the suit could result in material gain.

LD 1216 An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values ONTP

<u>Sponsor(s)</u> BELANGER KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1216 proposed to remove the income and cost-of-living factors from the distribution of funding for education under the School Finance Act of 1995, leaving relative property valuation as the only measure of fiscal capacity. It also proposed to require that reductions in state funds be made by applying a mill rate to each school administrative unit rather than a percentage.

LD 1217 An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State INDEF PP

<u>Sponsor(s)</u> BELANGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-373
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LD 1217 proposed to require that approved courses that teach English as a second language be included as a subsidizable program cost under the School Finance Act of 1985. Under this bill, schools with approved courses that teach English as a second language would be reimbursed by the State for the costs of these courses.

Committee Amendment "A" (H-373) proposed to replace the bill. Under this amendment, a school administrative unit that places a student in an approved transitional instruction program using English as a second language or bilingual techniques under the Maine Revised Statutes, Title 20-A, section 4701, subsection 2 would receive an adjustment in its state subsidy equal to the amount of supplemental costs for certified instruction programs that teach English as a second language instruction in the approved program. The adjustment to state subsidy would be limited to the salary and benefit costs of certified teachers with an endorsement in English as a second language or bilingual education, as well as the salary and benefit costs of education technicians providing services through a transitional

instruction program using English as a second language or bilingual techniques that has been approved by the Commissioner of Education.

The amendment further proposed to require that this adjustment would be limited to the amount of funds appropriated to general purpose aid to local schools for this purpose. The amendment also proposed to permit the Department of Education to prorate payments to school units if insufficient funds are appropriated for this adjustment, but would prohibit the department from redistributing existing appropriations for general purpose aid to local schools if insufficient funds are appropriated for this purpose.

The provisions of the bill and a General Fund appropriation were included in the Part II Budget bill (see P.L. 1999, chapter 401, Part JJ), and this bill as amended was indefinitely postponed.

LD 1261 An Act to Require the Training of School Personnel Who Administer Medications CARRIED OVER

<u>Sponsor(s)</u> PENDLETON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1261 proposes to require unlicensed school personnel to be trained before administering medication to students in Maine's public schools and approved private schools. The bill was carried over to the Second Regular Session.

LD 1263 An Act to Ensure Fairness in Calculating the Income Factor in the School Funding Formula ONTP

<u>Sponsor(s)</u> CATHCART DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1263 proposed to establish an appeals process for school administrative units that question the accuracy of the local median household income data used to determine their unit's weighted relative fiscal capacity under the School Finance Act of 1995.

LD 1264 An Act to Ensure Freedom of Speech and Association on Campus ONTP

<u>Sponsor(s)</u> PENDLETON MACK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1264 proposed to ensure that postsecondary students' rights of speech and association would not be unconstitutionally abridged by postsecondary educational institutions incorporated or chartered by the State. The bill further proposed to define protected speech and association and proposed to describe impermissible institutional interference. It also proposed to set forth court action students may take when their rights are violated.

LD 1269

An Act To Improve Indoor Air Quality in Schools

ONTP

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

LD 1269 proposed that school administrative units be required to maintain and operate every school’s heating, ventilation and air conditioning system (HVAC) to provide the quality of indoor air required by OSHA, NIOSH and ASHRAE standards for air flow, quality, composition and exchange rate. The bill also proposed monthly monitoring of HVAC by the schools and reports to DHS, prompt review by DHS and development of corrective action plans when appropriate. Corrective action was to have been completed in 30 days or a civil violation and fine would result.

LD 1287

An Act to Use State Educational Facilities Efficiently

ONTP

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

LD 1287 proposed to require that any higher education institution within the University of Maine System that seeks to sell or dispose of any real property should first attempt to transfer its rights or interests in such property to another institution within the University of Maine System. Under this bill, any higher education institution within the University of Maine System could have acquired such property by agreeing to assume all financial responsibility necessary to maintain the property. The property transfer would have to be approved by the Board of Trustees of the University of Maine System.

LD 1297

An Act to Provide for Timely Implementation of the Maine College Savings Program

ONTP

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

LD 1297 proposed to amend the Maine College Savings Program, which was established last year. That program provides an opportunity for parents to save and invest tax-free toward payment of future college costs for their children. The Finance Authority of Maine was charged with the responsibility of administering the program. The bill proposed that if the Finance Authority of Maine fails to fully implement the college savings program by May 1, 1999, responsibility for administering the program would be transferred to the Maine Educational Loan Authority.

LD 1305

An Act to Establish and Fund Conflict Resolution Education and Civil Rights Team Programs in the Public Schools

CARRIED OVER

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

LD 1305 proposes to create a grant program within the Department of Education to encourage conflict resolution education programs in public elementary and secondary schools. The programs may include peer mediation programs and may be directed at students and teachers, administrators and other staff.

Committee Amendment "A" (H-317) is the majority report of the committee and proposes to change the title of the bill. This amendment proposes to implement part of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The amendment further proposes to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students that emphasize conflict resolution education, peer mediation and early identification and response to signs of violence. The amendment also proposes to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools. Finally, the amendment proposes to provide funding support for the Attorney General's Civil Rights Team Project. The bill as amended was not funded off the appropriations table and was recommitted to committee and carried over to the Second Regular Session.

LD 1308

An Act to Clarify Roles and Responsibilities in the Child Development Services System

**PUBLIC 296
EMERGENCY**

<u>Sponsor(s)</u> RICHARD		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-525
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LD 1308 proposed to clarify the following roles and responsibilities of the Child Development Services (CDS) System:

1. That when the state Department of Education's plan for meeting the requirements of the federal Individuals with Disabilities Education Act exceeds federal minimum requirements, the department must provide justification, to the joint standing committee of the Legislature having jurisdiction over educational matters, for the difference between the State's plan and the federal statute or regulation;
2. That CDS regional site boards of directors are required to seek reimbursement from Medicaid for targeted case management and for Medicaid reimbursable services provided by regional site employees; and
3. That the department is responsible for developing a funding formula for annual grants to the regional sites, and that this funding formula must ensure adequate yearly funding to the extent permitted by department funding and must provide incentives for cost containment.

Committee Amendment "A" (H-525) proposed to replace the bill. The amendment proposed to:

1. Revise the definitions of disability to incorporate the appropriate diagnostic instruments to be used to measure developmental delays;
2. Change the definition of intermediate educational unit to conform to federal law;
3. Clarify that the state department plan to provide early intervention and public education services to eligible children may not exceed federal minimum requirements, except as authorized in state law;
4. Provide for establishment by the Department of Education of a funding formula for regional CDS System sites, including a reserve fund for adjustments to each site's allocation to reflect changes in costs or levels of mandated services;
5. Specifically authorize CDS System sites to establish staff salary scales;
6. Grant greater autonomy to the CDS sites in their administrative activities such as contracting and leasing;
7. Require CDS sites to seek Medicaid reimbursement for eligible services provided by site staff;
8. Authorize the Commissioner of Education to establish up to 10 pilot sites for public schools to provide services to eligible three to six-year-olds year-round; and
9. Add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 296 makes the several changes in the roles and responsibilities of the Child Development Services (CDS) System, including the following:

1. Revises the definitions of disability to incorporate the appropriate diagnostic instruments to be used to measure developmental delays;
2. Clarifies that the state Department of Education plan to provide early intervention and public education services to eligible children may not exceed federal minimum requirements, except as authorized in state law;
3. Provides for establishment by the Department of Education of a funding formula for regional CDS System sites, including a reserve fund for adjustments to each site's allocation to reflect changes in costs or levels of mandated services;
4. Grants greater autonomy to the CDS sites in their administrative activities such as contracting and leasing;
5. Requires CDS sites to seek Medicaid reimbursement for eligible services provided by site staff; and

6. Authorizes the Commissioner of Education to establish up to 10 pilot sites for public schools to provide services to eligible three to six-year-olds year-round.

Chapter 296 was enacted as an emergency measure effective May 24, 1999.

LD 1329 **An Act to Apply the Approval Procedures in Municipal Charters to Locally Funded School Construction Projects** **ONTP**

<u>Sponsor(s)</u> DOUGLASS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1329 proposed that in municipalities governed by municipal charters, locally funded school construction projects must be approved in accordance with the procedures required by the applicable municipal charter rather than the referendum procedures set forth in the Maine Revised Statutes, Title 20-A, section 15904. See also LD 798.

LD 1336 **An Act to Facilitate the Transfer of Credits Between Colleges of the Maine Technical College System** **ONTP**

<u>Sponsor(s)</u> NORBERT LONGLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1336 proposed to add to the powers and duties of the President of the Maine Technical College System. Under this bill, the duty of establishing a uniform system to facilitate the transfer of credits between colleges within the system would have been added to the President's existing duty of promoting intercampus cooperation and coordination.

LD 1340 **An Act to Require Schools to Begin After Labor Day** **ONTP**

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1340 proposed that all public schools including postsecondary educational institutions begin classes after Labor Day. The bill also provided that extracurricular activities could take place before Labor Day.

Committee "A" (H-376), the minority report of the committee, proposed to exempt school administrative units located in Aroostook County from the provision proposed in the bill that the school year begin after labor Day.

LD 1346 **An Act to Amend the Laws Regarding the School Administrative District** **CARRIED OVER**
Budget Approval Process

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1346 proposes that when the voters in a School Administrative District (SAD) that has adopted the alternative budget referendum process initially fail to adopt their budget by referendum, the board of directors of the SAD are required to resubmit their budget proposal using the referendum process. Under current law the directors can decide to bring the budget to a second or subsequent vote at an open meeting rather than by referendum. This bill also proposes that a budget proposal submitted a third time may not be greater than the previous school year's budget plus an increase adjusted for the Consumer Price Index. For a budget submitted more than three times, the bill proposes that the budget proposal submitted to referendum must be lower than the proposal made at the previous referendum. The State Board of Education has been requested by committee letter to review and report to the committee next session on this bill and other related school governance and budget issues.

LD 1348 **An Act to Ensure Support Services for Teachers Serving Under a Certification Waiver** **PUBLIC 238**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART BAKER	OTP-AM	S-165

LD 1348 proposed to establish a process for the approval of any waiver of rules administered by the Department of Education.

Committee Amendment "A" (S-165) proposed to replace the bill and to expand the responsibilities of school support systems to include services for developing good teaching and classroom management skills for teachers serving under a certification waiver. This amendment also proposed to add a fiscal note and a mandate preamble to the bill.

Enacted law summary

Public Law 1999, chapter 238 expands the responsibilities of school support systems to include services for developing good teaching and classroom management skills for teachers serving under a certification waiver.

LD 1354 **An Act to Amend the Law Regarding Conflict of Interest** **PUBLIC 128**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELANGER	OTP-AM	H-186

LD 1354 proposed to clarify the situations in which a school board member or a member’s spouse may be an employee or volunteer at a school within the jurisdiction of the school board to which the member is elected. Board members and spouses would be able to serve as unpaid volunteers if not under the direct supervision of an administrator who is directly accountable to the school board. Employment as a substitute teacher in a stipend position or in a salaried or hourly capacity would still be prohibited.

This bill was submitted on behalf of the Department of Education.

Committee Amendment "A" (H-186) proposed to clarify that the situations in which a school board member or a member's spouse may not serve as a volunteer in a public school within the jurisdiction of that school board are limited to situations in which the volunteer has primary responsibility for a curricular, cocurricular or extracurricular program or activity and also reports directly to a school administrator.

Enacted law summary

Public Law 1997, chapter 128 clarifies the situations in which a school board member or a member's spouse may be an employee or volunteer at a school within the jurisdiction of the school board to which the member is elected. Board members and spouses may serve as unpaid volunteers only if they do not have primary responsibility for the curricular, cocurricular or extracurricular program they volunteer in and do not report directly to a school administrator. Employment as a substitute teacher, in a stipend position or in a salaried or hourly capacity is still prohibited as under current law.

LD 1373

An Act to Require the Coordination of School Calendars

ONTP

<u>Sponsor(s)</u> BERRY R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1373 proposed that school boards be required to coordinate their school calendars with the calendars of applied technology programs attended by their students.

LD 1397

An Act to Promote School Achievement

ONTP

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1397 proposed to establish a grant-award process for school achievement grants. The Department of Education and State Board of Education would establish criteria for the awarding of these grants to school administrative units. The bill proposed an appropriation of \$3,000,000 over the biennium for school achievement grants and provided that those funds would be nonlapsing.

LD 1413

An Act to Amend the Special Education Rules

ONTP

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

LD 1413 proposed to require that the rules adopted by the Department of Education relating to special education conform to federal statutes and regulations and to prohibit the adoption of rules that are more stringent than the federal statutes or regulations. The bill also would have directed that the Department of Education conduct rulemaking to amend any of its current rules that are more stringent than the federal statutes or regulations to conform to federal standards.

LD 1415

An Act to Restore Funding for Continuing Education for Teachers

ONTP

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

LD 1415 proposed to restore statutory language authorizing loans to teachers pursuing graduate study or continuing education under the Teachers for Maine Program and would have restored funding for the program at levels previously available. These two types of loans were eliminated last year in the budget bill.

LD 1459

An Act to Establish Air Quality Standards for Rental Units Leased by Schools

ONTP

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

LD 1459 was a concept draft pursuant to Joint Rule 208. It proposed to establish air quality standards for trailers and other structures or buildings leased by schools and used as temporary classrooms.

LD 1468

An Act to Eliminate the Licensing Requirements for Certain School Administrators

ONTP

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

LD 1468 proposed to repeal the requirement that a person have a superintendent's certificate in order to be employed as a superintendent. It also proposed to provide that the selection of a superintendent by a school board is not subject to approval by the State. It further proposed to repeal the provision of law that requires the Board of Education to establish qualifications for certifying certain school administrators, including superintendents, principals and directors of vocational education.

LD 1470

Resolve, to Establish the Task Force to Study the Simplification of the School Funding Formula

ONTP

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

LD 1470 proposed to establish the Task Force to Study the Simplification of the School Funding Formula. The members of the task force would have consisted of 17 community leaders, one member from each county and one administrator from the University of Maine System. The proposed task force would have been charged with developing a school funding formula that provides for the fair and equitable distribution of funds to schools throughout the State and with restructuring the school funding formula in a way that could be easily understood by people throughout the State.

LD 1509

An Act to Amend and Improve the Education Laws

PUBLIC 75

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

LD 1509, a departmental bill, proposed to make numerous technical corrections to the education laws, including correcting several cross reference errors and a typographical error. It also proposed to change the amount that a town in a school administrative district is required to pay if it votes to keep an elementary school open against the recommendation of the school administrative district board of directors. Under this bill, the town would have to pay the full amount that would have been saved by closing the school. Finally the bill proposed to authorize issuance of a Maine professional teacher certificate (rather than a two-year provisional certificate) to an experienced out-of-state teacher who has a certificate from the National Board for Professional Teaching Standards.

This bill was submitted on behalf of the Department of Education.

Enacted law summary

Public Law 1999, chapter 75 requires a town in a school administrative district to pay the full amount that would have been saved by closing an elementary school if it votes to keep an elementary school open against the recommendation of the school administrative district board of directors. The bill also authorizes issuance of a Maine professional teacher certificate (rather than a two-year provisional certificate) to an experienced out-of-state teacher who has a certificate from the National Board for Professional Teaching Standards. Finally, the bill corrects several cross reference errors and a typographical error.

LD 1534

An Act to Facilitate the Transfer of Education Records for Students Transferring to Another Public School

ONTP

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

LD 1534 proposed to require that all student education records, including special education records, must be forwarded to the receiving school administrative unit by the sending school administrative unit when a student transfers to a new school. The bill also proposed to require school administrative units to send a written notice to parents and guardians

before every school year indicating that records will be sent to the new school when a student applies for a transfer. This bill was given an ONTP committee report because this issue was addressed in another bill; see LD 1798.

LD 1553 An Act to Amend the Definition of "Parent" in the Laws Governing Education ONTP

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

LD 1553 proposed to amend the definition of "parent" in the laws governing education.

LD 1554 An Act to Create a Professional Development Fund for Maine Teachers ONTP

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

LD 1554 proposed to establish and fund the Fund for the Professional Development of Maine Teachers. The fund would have provided matching grants to school administrative units to be used for locally conceived professional development programs for teachers in order to better implement the system of learning results for public schools. The bill also proposed to establish standards by which applications for grants for professional development programs for teachers will be judged.

LD 1559 An Act to Establish a Maine Student Leadership Pilot Program ONTP

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

LD 1559 was a concept draft pursuant to Joint Rule 208. The bill proposed to authorize the Department of Education to contract with tax-exempt, nonprofit organizations to provide nontraditional, experiential education programs designed to increase high school students' leadership, team-building, community service, environmental stewardship and ethical decision-making abilities. The bill proposed that the department develop a pilot program to test the process for determining how, how many and which high schools would be selected to participate in the program. A General Fund appropriation of \$300,000 was proposed in the bill for the Department of Education for the 2000-2001 biennium to implement the program.

LD 1561 An Act to Require High School Students to Earn a Certificate of Mastery CARRIED OVER Before Graduating

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

LD 1621 proposed to amend the laws governing incentive scholarships by permitting a student to receive a scholarship if the student meets the satisfactory academic progress policy of the institution that the student attends rather than limiting the award of a scholarship to a period of eight semesters. This proposed change would have been consistent with recent changes in federal law.

LD 1627

An Act to Ensure Equity in School Funding

ONTP

Sponsor(s)
NUTTING J
RICHARD

Committee Report
ONTP

Amendments Adopted

LD 1627 proposed to repeal the School Finance Act of 1985 and the School Finance Act of 1995 and to replace these laws with a new school funding formula that would be effective for the fiscal year that begins July 1, 2000. This bill proposed to divide General Purpose Aid to Local Schools into its four component parts: operating costs; program costs; debt service; and direct state costs, formerly called "adjustments." The bill also proposed to require that all four components receive separate appropriations that are no longer interdependent. In each case there would be a default appropriation to take effect if the Legislature fails to appropriate new funds prior to March 31st of each year.

Under this bill, the income and cost-of-living factors would no longer be included. Operating, program and debt service subsidies would all be proportional to a school administrative unit's fiscal capacity. The need for percentage reduction would be eliminated. The first dollars available would go to the poorest school units. Program or debt service costs that would exceed a circuit breaker amount would be fully subsidizable. Circuit breaker levels would not be fixed but would float with the level of the annual appropriation.

This bill proposed to calculate the operating cost subsidy for each school administrative unit as follows:

1. The foundation per pupil operating rate would equal the statewide base year operating costs divided by the State's average pupil count;
2. A unit's subsidizable operating costs would equal the foundation per pupil operating rate times the average pupil count for the unit; and
3. The local share of operating costs would equal the operating cost mill rate times the fiscal capacity of the unit.

The "operating cost mill rate" would be a calculated figure that floats to meet the State's annual appropriation.

The state subsidy would be equal to the unit's subsidizable operating costs less the local share, but could not be less than 5% of the unit's costs.

A unit that fails to raise its local share of operating costs would lose a portion of its subsidy equal to what it fails to provide. Such a reduction would not be necessary for program and debt service subsidies because they would continue to be calculated on the basis of the unit's own approved expenditures.

Pupil count averaging would be extended over three separate dates, rather than two as provided in present law. Thus, changes in pupil counts would have a more gradual impact on subsidy changes.

The bill also proposed a contingency cushion for districts that depend on state subsidies to fund 30% or more of their base year operating costs. The cushion would hold these needier units to a 5% loss if their combined losses in operating and program costs, incurred for any reason, exceed 5% from one fiscal year to the next. The cushion would protect against sudden changes in either or both of the two major variables that impact the formula: valuation and pupil count.

The cushion would be funded by reducing excess subsidies that would otherwise go to those units whose gains exceed a maximum percentage annually calculated by the Commissioner of Education at the rate necessary to pay the cushion subsidies.

LD 1635

Resolve, Regarding Results-based Certification for Teachers

RESOLVE 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B WATSON	OTP-AM	H-542 BRENNAN S-170

LD 1635 proposed to replace the current course-based standards for provisional certification of beginning teachers with 10 performance-based standards in which competency must be demonstrated before issuance of the provisional certification in order to implement the recommendations of the Advisory Committee on Results-based Initial Certification of Teachers.

Committee Amendment "A" (S-170) proposed to replace the bill with a resolve directing the State Board of Education and the Department of Education to develop a plan for implementation of results-based initial certification for teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2000. The amendment also proposed that the State Board of Education and the Department of Education study the feasibility of results-based recertification of teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2000.

House Amendment "A" to Committee Amendment "A" (H-542) proposed to change the reporting dates.

Enacted law summary

Resolves 1999, chapter 46 directs the State Board of Education and the Department of Education to develop a plan for implementation of results-based initial certification for teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 14, 2000. The resolve also directs the State Board of Education and the Department of Education to study the feasibility of results-based recertification of teachers and to report to the Joint Standing Committee on Education and Cultural Affairs by January 14, 2000.

LD 1646

An Act to Amend Due Process Hearings for Exceptional Students

ONTP

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

LD 1646 proposed that the Department of Education pay the cost to the school administrative unit of an appeal by a parent or guardian from a due process hearing decision regarding the identification, evaluation or educational program of a special education student if the original decision favored the school administrative unit.

LD 1663

An Act to Restore Fairness and Equity to the Allocation of School Subsidies

ONTP

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

LD 1663 proposed to allow school administrative units to receive an adjustment in their state subsidy payment for enrollment decreases due to resident students enrolled in a private school or through home instruction in an equivalent instruction program. Under this bill, school administrative units would have been reimbursed for students residing in the unit who were participating in approved equivalent instruction programs. School administrative units would have been required to keep accurate records of students residing in the unit who were participating in approved equivalent instruction programs and would have included these students in the annual count of students attending school in the district.

LD 1701

Resolve, to Increase Access to Maine's Technical College System

INDEF PP

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

LD 1701 was referred to the Appropriations and Financial Affairs Committee and proposed to increase the appropriation to the Maine Technical College System for the next biennium by \$2,250,000 per year in order to increase access to the system by allowing the enrollment of 1,000 more students to the Maine Technical College System's current rolls. While this bill was indefinitely postponed, the substance of this bill, including General Fund appropriations of \$1,500,000 in fiscal year 1999-00 and \$2,500,000 in fiscal year 2000-01 to enroll approximately 750 more students across the system, was included in the Part II Budget bill, in (see P.L. 1999, c. 401, Part HH, Sec. H-1).

LD 1706

Resolve, to Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs

INDEF PP

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

LD 1706 proposed to require the Department of Education and the Department of Human Services conduct a comprehensive needs assessment of state agency programs and services that are in support of coordinated school health programs.

Committee Amendment "A" (H-365) proposed to clarify the membership of the subcommittee to which the interim progress report is to be submitted and establishes the date for making that report. The amendment also proposed to correct a typographical error and add an appropriation and a fiscal note to the resolve.

Sponsor(s)
BULL

Committee Report
OTP-AM

Amendments Adopted
H-366

LD 1707 proposed to provide a tuition waiver at a state postsecondary educational institution for a child or spouse of a firefighter or law enforcement officer who has been killed in the line of duty. This bill proposed to extend the tuition waiver to a child or spouse of an emergency medical services person who has been killed in the line of duty. Under this bill, an emergency medical services person would be defined as a person licensed to perform emergency medical treatment pursuant to the Maine Emergency Medical Services Act of 1982.

Committee Amendment "A" (H-366) proposed the following:

1. It would add a definition of "emergency medical service" to the Maine Revised Statutes, Title 20-A, chapter 429;
2. It would clarify the definition of an "emergency medical services person" as a licensed provider who is serving a public agency in an official capacity as an officially recognized or designated employee, as a member of a rescue squad or ambulance crew who serves with or without compensation or as an employee of a nonprofit emergency medical service; and
3. It would establish a definition for "public agency" as a governmental entity or a political subdivision as defined under Title 14, section 8102.

Enacted law summary

Public Law 1999, chapter 234 provides a tuition waiver at a state postsecondary educational institution for a child or spouse of an emergency medical services person who has been killed in the line of duty. The law establishes a definition for emergency medical service entities that are eligible for the tuition waiver and specifies that the child or spouse of an emergency medical service person is eligible for this benefit if the emergency medical services person was a licensed provider who was serving a public agency in an official capacity as an officially recognized or designated employee, as a member of a rescue squad or ambulance crew who serves with or without compensation or as an employee of a nonprofit emergency medical service.

LD 1712

An Act to Ensure Adequate Funding for Maine Schools

ONTP

<u>Sponsor(s)</u> BAKER CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1712 proposed to ensure that pupil equity and taxpayer equity are achieved through the school funding formula by guaranteeing that the State subsidizes 55% of the total allocation costs incurred by school administrative units. Current law requires that the Legislature provide at least 55% of the total allocation for costs incurred by school administrative units, defined as the total of the foundation allocation and the debt service allocation, from General Fund revenues. Current law also requires that school administrative units receive state subsidy for the state share of the foundation allocation, defined as the adjusted total of actual local operating costs and actual local program costs. However, the funds for these subsidizable costs are limited to the amount appropriated by the Legislature for the general purpose aid for local schools program. Appropriations for the past several years have addressed less than 25% of the amount needed to fully fund this program.

This bill proposed the following.

1. It would clarify the statutory provisions requiring the state share to be 55% of total state and local education allocations by indicating that the percentage of state funding must be determined by the amount of funds actually provided by the Legislature.
2. It would require that the state share of the total allocation that would have been payable to each school administrative unit for fiscal year 1999-00 must be paid to each school administrative unit over a three-year period beginning July 1, 1999; it would further require a supplemental appropriation to the general purpose aid for local schools program in fiscal year 1999-00 and fiscal year 2000-01 to fully fund 55% of the cost of the total allocation in fiscal year 1999-00.

3. It would repeal the "percentage rate" subsidy reduction method from the School Finance Act of 1985 and would require that reductions in state funds be made by applying a mill rate subsidy reduction to each school administrative unit rather than a percentage rate subsidy reduction.
4. It would remove the income and cost-of-living components from the distribution of funding for education under the School Finance Act of 1995, leaving relative property valuation as the only factor in determining a unit's fiscal capacity.

LD 1725 **An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District** **CARRIED OVER**

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

LD 1725 proposes to allow the Town of Wells and the Town of Ogunquit to withdraw from the Wells-Ogunquit Community School District. The bill has been carried over to the Second Regular Session and a committee letter sent to the two towns requesting that they mutually engage a mediator/fact finder to work with the towns to resolve their school funding differences and to report to the committee by December 31, 1999.

LD 1740 **An Act to Amend the Habitual Truancy Law** **PUBLIC 198**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAILHOT DOUGLASS	OTP-AM	H-276

LD 1740 proposed to amend the law regarding truancy by permitting the superintendent of the school district to meet with the parents or guardian of a truant student and explain the benefits of attending alternative education programs as well as school. The bill further proposed to change the truancy law by allowing the superintendent, instead of the school board, to notify the local law enforcement department that a student has been declared habitually truant, thus enabling a police officer to transport the student, after attempting to obtain the permission of the student's parents or guardian, to school if the officer sees the student off school grounds during school hours.

Committee Amendment "A" (H-276) proposed to retain the provision that allows the superintendent, instead of the school board, to notify local law enforcement that a student has been declared habitually truant. However, this amendment proposed to strike the provision that would have allowed a police officer to transport a student to school only after attempting to obtain parental consent. Under this amendment, the police officer would be required to first obtain verbal consent from the student's parent or guardian before transporting the student back to school.

Enacted law summary

Public Law 1999, chapter 198 amends the law regarding truancy by permitting the superintendent of the school district to meet with the parents or guardian of a truant student and explain the benefits of attending alternative education programs as well as school. The law also permits the superintendent, instead of the school board, to notify the local law enforcement department that a student has been declared habitually truant.

LD 1759

Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

INDEF PP

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

LD 1759 proposed to create a special commission to study the multicultural needs of Maine teachers to ensure that multicultural awareness and understanding is brought to the attention of all students.

Committee Amendment "A" (H-319) proposed to change the composition of the Commission to Assess the Multicultural Education Needs of Maine Teachers and would reduce the membership from 11 members to nine members. Under this amendment, the commission could request that the Steering Committee of the Education Research Institute include the survey of Maine teachers as one of the targeted research projects of the research institute for fiscal year 1999-00. The amendment would also permit the commission to request staffing assistance from the Legislative Council and would allow the legislative member and public members not otherwise compensated by their employers or other entities whom they represent to receive reimbursement of necessary expenses and a per diem for their attendance at authorized meetings of the commission.

LD 1761

An Act to Require that Tuition for Foster Children Attending a School in a Union be Paid by the State

ONTP

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

LD 1761 proposed to require the State to pay the school tuition costs for foster children placed in homes located in towns with a population of 200 or less that are members of a school union.

LD 1776

An Act to Establish a Standard Line-item Budget Format for All School Budgets

ONTP

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

LD 1776 proposed to change the school budget format from appropriating gross revenues to the school unit as a general rule to a procedure to implement a line-item budget format. This bill proposed to establish a uniform, 10-category line-item budget format that would apply to all school budgets, while retaining an authority for the voters to adopt alternative budget formats at referendum. The details of the line-item budget format would be developed by the Commissioner of Education through rulemaking. School units that had already adopted line-item formats would be grandfathered from any regulatory requirement to amend their formats. This bill also proposed to make explicit the detail of revenue, expenditure, enrollment and per pupil expenditure information that must be a part of the school budget documents.

LD 1779

An Act to Make Changes to the Student Incentive Scholarship Program

ONTP

Sponsor(s)
MURRAY

Committee Report
ONTP

Amendments Adopted

LD 1779 proposed to amend the student incentive scholarship program, which provides scholarships of \$1,000 to students attending institutions of higher learning in Maine and in other states with which Maine has a reciprocity agreement or that permit portability of funding. It also proposed to decrease the amount of a scholarship that may be awarded to a student attending an institution of higher learning outside of this State to half that awarded to a student attending a school in the State.

LD 1780

An Act to Provide Financial Incentives for the Initiation of Early Childhood Programs and Services in Public Schools

ONTP

Sponsor(s)
MITCHELL B
PLOWMAN

Committee Report
ONTP

Amendments Adopted

LD 1780 proposed an adjustment under the school funding formula as an incentive for public schools that do not currently offer such programs and services to provide full-day kindergarten, preschool classes and certain other in-school early childhood programs and services.

LD 1784

An Act to Establish School Assessment Tests for 2nd Graders

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1784 proposed to require the Commissioner of Education to establish a statewide academic assessment of second grade students in reading, writing and mathematics.

LD 1793

An Act Regarding Funding for Applied Technology Centers

PUBLIC 226

Sponsor(s)
KONTOS

Committee Report
OTP-AM

Amendments Adopted
S-159

LD 1793 proposed to allow reallocation of applied technology education costs for the Portland Arts and Technology High School and the Westbrook Regional Vocational Center beginning in fiscal year 2000-01. The bill also proposed authorizing the Commissioner of Education to approve similar amendments to the cost-sharing agreements of the other applied technology centers.

Committee Amendment "A" (S-159) proposed to correct an improper reference to a fiscal year and amend the title to reflect current terminology.

Enacted law summary

Public Law 1999, chapter 226 reallocates applied technology education costs for the Portland Arts and Technology High School and the Westbrook Regional Vocational Center based on the percentage of the number of students attending from each sending school unit beginning in fiscal year 2000-01. The Commissioner of Education may approve amendments to the cost-sharing agreements of the other applied technology centers.

LD 1798

**An Act to Implement the Recommendations of the Commission to Study
Providing Educators with More Authority to Remove Violent Students
from Educational Settings**

PUBLIC 351

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-453

LD 1798 proposed to implement the following recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings.

1. It would require the Commissioner of Education to develop statewide standards of responsible and ethical student behavior;
2. It would require local school boards to adopt a student code of conduct for their students, develop a response plan for violent or potentially violent situations in each of its schools and adopt a policy that authorizes a teacher to send a student from a classroom to the principal's office and a school bus driver to recommend the revocation of a student's privilege of riding on a school bus;
3. It would provide for more timely reporting of student records between schools and provide that school administrative units retain discretion as to the admission of a student who has been suspended or expelled or is presently the subject of an expulsion proceeding;
4. It would provide that the Department of Education maintain current files on expelled students and provide information to school officials regarding the disciplinary status of students applying for transfer from one school unit to another;
5. It would amend the existing "anti-hazing" statute to include protections for educational personnel as well as students;
6. It would provide that school superintendents give information regarding violent offenses to law enforcement authorities; and
7. It would provide for immunity protections for school personnel.

Committee Amendment "A" (H-453) proposed the following.

It would remove the provision in the bill concerning input by teachers and other educational personnel regarding student disciplinary and placement decisions, and instead add this consideration to the list of policy items that must be included in the district-wide student code of conduct to be developed by school boards with input from educators, administrators, parents, students and community members.

It would remove the provision in the bill requiring a superintendent to report certain offenses that involve violence to appropriate law enforcement authorities, and instead add this consideration to the list of policy items that must be included in the district-wide student code of conduct to be developed by school boards with input from educators, administrators, parents, students and community members.

Finally, it would strike the section of the bill concerning transfer of education records and the creation of an expulsion record information database, and replace it with a new section that clarifies the process by which student records must be transferred between school administrative units when a student seeks admission or transfer to a new school from a school in the State or from a school outside of the State.

Enacted law summary

Public Law 1999, chapter 351 implements a number of the recommendations proposed by the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The law establishes the following requirements.

1. It requires the Commissioner of Education, in consultation with educational stakeholders, to develop statewide standards of responsible and ethical student behavior;
2. It requires local school boards, with input from educators, parents, students and community members, to adopt a district-wide code of conduct for their students. The conduct code must define unacceptable student behavior, establish standards for student responsibility and prescribe consequences for conduct code violations. The conduct code must also describe appropriate referral procedures for students in need of special services and establish criteria to determine when further review of an the individual education plan is necessary for a student removed from class. The conduct code must further establish procedures concerning the removal of disruptive or violent students from class or a school bus and consider input by teachers and other educational personnel regarding student disciplinary and placement decisions. The conduct code must also establish guidelines concerning the circumstances when a superintendent may provide information to law enforcement authorities regarding a violent incident committed on school grounds or property.
3. It requires local school boards, in consultation with public safety, mental health and law enforcement officials, to develop a crisis response plan for violent or potentially violent situations in each of its schools.
4. It mandates that educational records follow any student who transfers to a school within the State from another school administrative unit or from out of state. The law provides for more timely reporting of student records between schools and provides that school administrative units retain discretion as to the admission of a student who has been suspended or expelled or is presently the subject of an expulsion proceeding.
5. It amends the existing "anti-hazing" statute to include protections for educational personnel as well as for students, and also expands the definition of "injurious hazing" to include harassment.
6. It provides for immunity protections for school personnel.

LD 1799

An Act Regarding the School Funding Formula

CARRIED OVER

Sponsor(s)
BRENNAN

Committee Report

Amendments Adopted

LD 1799 proposes to ensure that pupil equity and taxpayer equity are achieved through the school funding formula. This bill proposes the following.

1. It would clarify that the statutory provisions requiring the state share of school construction debt service costs must be supported by General Fund appropriations by:

- A. Indicating that the Legislature shall annually report the aggregate amount of the state share of the allocation for debt service costs as a separate line item and program account in the budget bill submitted to the Legislature for consideration; and
 - B. Indicating that the Legislature shall annually appropriate an amount to capitalize the state share of debt service costs that is separate from the appropriation for general purpose aid for local schools.
2. It would suspend the annual updating of the income weight in the School Finance Act of 1995 by establishing that the income weight used in fiscal year 1997-98 must be used beginning in fiscal year 1999-00 and must remain fixed at the level of the median household income data reported in the United States Census data. Fiscal year 1997-98 median household income data must be used for the statewide component and for the local municipality component of income weighting for each fiscal year until fiscal year 2001-02 when the department shall use the median household income data reported in the United States Census for 2000 report for each fiscal year until fiscal year 2011-12 when the data for the United States Census for 2010 must be used.
 3. It would replace the so-called "cost-of-living adjustment" in the School Finance Act of 1995 with a regionalized cost-adjustment model that is based on a public education price index. The cost-adjustment model must be updated every three years. The Department of Education shall develop a regional education cost-adjustment model based on a public education price index and this new regionalized cost-adjustment model will replace the National Chamber of Commerce model beginning in fiscal year 2000-01.
 4. It would provide a \$25,000 General Fund appropriation to the Department of Education to develop a regional education cost-adjustment model based on a public education price index.
 5. It would provide a \$29,493,680 General Fund appropriation to the Department of Education to fully fund actual local program costs in the school funding formula.

The bill was carried over to the Second Regular Session.

LD 1802

An Act to Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program

**PUBLIC 233
EMERGENCY**

Sponsor(s)
SMALL
RICHARD

Committee Report
OTP-AM

Amendments Adopted
S-158

LD 1802 proposed to revive the statutory provision that required student incentive scholarships awarded to students attending private institutions of higher education to be two times the amount of scholarships awarded to students attending public institutions of higher education. This bill also proposed to amend the length of scholarship provision by requiring that scholarship recipients who remain eligible under the demonstrated financial need criteria must be awarded a new scholarship for each year during the period required for completion of an eligible program of study.

Committee Amendment "A" (S-158) proposed to replace the original bill. Under this amendment, the minimum amount requirement of the Maine Student Incentive Scholarship Program would be repealed and replaced with a minimum award provision that establishes a differential rate for minimum scholarship amounts that are based on the status of the higher education institution where the eligible student is enrolled. The varying minimum award amounts under the Maine Student Incentive Scholarship Program would be determined as follows:

1. One thousand dollars for students attending public institutions of higher education within the State;
2. One thousand, two hundred and fifty dollars for students attending private institutions of higher education within the State;
3. Five hundred dollars for students attending public institutions of higher education outside the State; and
4. One thousand dollars for students attending private institutions of higher education outside the State.

Enacted law summary

Public Law 1999, chapter 233 restores the statutory provision that required student incentive scholarships awarded to students attending private institutions of higher education to be greater than the amount of scholarships awarded to students attending public institutions of higher education. Under this law, the minimum amount requirement of the Maine Student Incentive Scholarship Program is repealed and replaced with a minimum award provision that establishes a differential rate for minimum scholarship amounts that are based on the status of the higher education institution where the eligible student is enrolled. The varying minimum award amounts under the Maine Student Incentive Scholarship Program must be determined as follows:

1. One thousand dollars for students attending public institutions of higher education within the State;
2. One thousand, two hundred and fifty dollars for students attending private institutions of higher education within the State;
3. Five hundred dollars for students attending public institutions of higher education outside the State; and
4. One thousand dollars for students attending private institutions of higher education outside the State.

Chapter 233 was enacted as an emergency measure effective May 18, 1999.

LD 1815 **Resolve, to Create Grants for the Creation of After-school Child Care Programs in Public Elementary and Middle Schools** **ONTP**

<u>Sponsor(s)</u> O'NEIL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1815 proposed to establish a grant program in the Department of Education to assist school administrative units with the start-up costs of establishing after-school child care centers in public schools. Each school unit would be eligible for a grant of up to \$3,000 in either of the next two school years.

LD 1826 **An Act to Adjust and Modify the School Funding Formula** **ONTP**

<u>Sponsor(s)</u> RUHLIN FISHER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1826 was a concept draft pursuant to Joint Rule 208. This bill proposed to replace the School Finance Act of 1985 and the School Finance Act of 1995 with a school funding formula that would be designed using the concepts contained

within the essential programs and services model developed by the State Board of Education's Essential Programs and Services Committee. To accomplish this purpose, this bill proposed to:

1. Replace the current school funding formula, found in the Maine Revised Statutes, Title 20-A, chapters 606 and 606-A, with a new method for funding kindergarten to grade 12 public education based on the concepts contained in the essential programs and services model. The current method used to determine the resources necessary for financing education is based on the historical expenditures reported by school administrative units associated with providing public education. The basis for calculating education costs under the essential programs and services model would be the amount of resources necessary to permit each child to meet the standards established by the system of learning results;
2. Incorporate the concepts and components of the essential programs and services model recommended by the State Board of Education's Essential Programs and Services Committee in designing the new method for funding kindergarten to grade 12 public education. The new funding method would be based on the recommendations made by the Essential Programs and Services Committee, including:
 - A. The definition of essential programs and essential services;
 - B. The three prototypical school and grade configurations proposed for elementary, middle and secondary schools; and
 - C. A transition plan for implementing the new funding method based on the essential programs and services model; and
3. Require the State to pay local municipalities 55% of the total resources necessary to finance kindergarten to grade 12 public education under the new funding method based on the essential programs and services model.

LD 1833

An Act to Require All Students in Kindergarten to Grade 3 to be Bused to School

ONTP

Sponsor(s)
GERRY

Committee Report
ONTP

Amendments Adopted

LD 1833 proposed that all children in kindergarten and most students in grades one to three be bused to and from school regardless of the distance the children live from their schools. It proposed that kindergarten students must be picked up and dropped off at their residences. Children in grades one to three would have been required to be transported to within one block of their residences or could walk to school if their residences can be clearly seen from their schools.

LD 1834**An Act to Support Violence Prevention and Intervention Programs****ONTP**Sponsor(s)
SKOGLUNDCommittee Report
ONTPAmendments Adopted

LD 1834 proposed to implement part of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The bill proposed to direct and provide funding for the Department of Education to provide technical assistance to schools in developing violence prevention and intervention training for educators, staff and students. The bill also proposed to establish a grant program to be administered by the Department of Education to support the establishment of conflict resolution and peer mediation programs in schools. Finally, the bill proposed to provide funding support for the Attorney General's Civil Rights Team Project (see also LD 1305).

LD 1863**An Act to Allow School Officials to Provide Information Regarding Certain Juveniles to Other Agencies****ONTP**Sponsor(s)
FULLER
CATHCARTCommittee Report
ONTPAmendments Adopted

LD 1863 proposed to amend current law to permit a school counselor or school social worker to disclose information about a juvenile who is an habitual truant, expelled from school, having behavioral problems or suspected of having committed a crime if, in the counselor's or social worker's judgment, the disclosure is not against the juvenile's best interests. The bill also proposed to require schools and school employees to disclose information for rehabilitative purposes to state and municipal agencies about a juvenile who is a habitual truant, expelled from school, having behavioral problems or suspected of having committed a crime (see also LD 1933).

LD 1875**An Act to Improve Access for Students with Learning Disabilities to the University of Maine System****ONTP**Sponsor(s)
KONTOSCommittee Report
ONTPAmendments Adopted

LD 1875 was a concept draft pursuant to Joint Rule 208. It proposed to establish alternative admission requirements and criteria for learning disabled students to be used by the University of Maine System by investigating the current methods used and their effect on the admission of learning disabled students. It also proposed to require the examination of admission rates for learning disabled students and other students with special needs and the examination of the academic support services available to such students. Based upon that examination, this bill proposed to require the creation of evaluations other than grades and standardized testing to be used in determining admission.

LD 1907**An Act to Credit a Town for Payment of School Construction****ONTP**

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

LD 1907 proposed to require that a school administrative unit that was authorized to issue securities for a nonstate funded school construction project must receive credit for the sum total of principal and interest costs paid from local funds without state participation at such time as the unit's project is approved for funding by the state board. Under this bill, the school administrative unit would be authorized to include principal and interest costs paid from local funds in the school administrative unit's debt service costs for state subsidy purposes. The bill also proposed to authorize the state board to adopt rules to carry out this purpose.

LD 1928**An Act to Authorize a General Fund Bond Issue for Repairs, Renovations and Additions to Public Schools****ONTP**

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

LD 1928 was referred to the Appropriations and Financial Affairs Committee and proposed a \$50,000,000 bond issue to be presented to the voters in November 1999. The bond issue would provide funds to be deposited into the School Revolving Renovation Fund established in the Maine Revised Statutes, Title 30-A, section 6006-F and must be used for the repair and renovation of public schools to correct health and safety violations and violations of the federal Americans with Disabilities Act. It would also allow funds to be used for additions to public schools when those additions are made in combination with correcting those violations.

LD 1946**An Act to Provide for Safe and Orderly Schools****ONTP**

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

LD 1946 seeks to provide for a safe and more orderly environment for Maine's public school students by proposing to require that school administrative units disclose violent or threatening behavior by a student to counseling personnel within the unit and classroom teachers and by proposing to require alternative educational settings and community placement for students that are chronically disruptive, suspended or expelled (see also SP 0598).

LD 1951

Resolve, to Establish the Task Force to Study the Funding of and to Develop an Improved Decision-making Process for the Residential Treatment of Youth with Mental Health Issues

ONTP

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

LD 1951 proposed to establish the Task Force to Study the Funding of and to Develop an Improved Decision-making Process for the Residential Treatment of Youth with Mental Health Issues. The task force would have reviewed the current process and funding mechanism for the placement of youth with mental health issues into a residential treatment or day program and would have submitted its report along with any implementing legislation to the Joint Standing Committee on Education and Cultural Affairs by January 1, 2000.

LD 1957

An Act to Require Reimbursement to Municipalities for the Education of Foster Children

ONTP

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

LD 1957 proposed to require that each school administrative unit in the State provide funds for the education of each student who is placed by a state agency in a foster home in that school unit. Under this bill, the Commissioner of Education would provide 100% reimbursement in the year of allocation to a school unit for the actual local per pupil education expenditure and approved transportation costs for each student who is placed by a state agency in a foster home in that school unit. The Department of Human Services would transfer funds to the Department of Education to reimburse school units that provide a public education for each student who is placed by a state agency in a foster home in the State.

LD 1958

An Act to Establish Educational Excellence for the Towns of Mechanic Falls, Minot and Poland

ONTP

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

LD 1958 proposed to modify the provisions of the special act of the Legislature enabling the towns of Poland, Minot and Mechanic Falls to combine to build a new school for grades seven to 12 in Poland to serve as the secondary school for all three towns. Under this bill, a governance structure would be established for the new school that would permit a joint committee, in its discretion, to pursue education reforms that could produce a better education for the students of those three communities. The bill also proposed to permit the joint committee to employ noncertified personnel on a limited basis and to employ or cease to employ personnel without the burdens presently imposed by tenure laws and contract grievance procedures. This bill further proposed to protect employees, however, by expressly requiring just cause for any personnel action involving nonrenewal of contract or termination of a principal or teacher. Finally, the bill proposed to permit the Town of Poland to charge tuition higher than the legal rate of tuition for secondary students coming from towns other than Minot or Mechanic Falls by agreement with the sending school unit.

LD 1964**An Act to Establish the Charter School Authority****CARRIED OVER**Sponsor(s)
WESTONCommittee ReportAmendments Adopted

LD 1964 proposes to establish the Charter School Authority to oversee the establishment, location and funding of charter schools throughout the State; to adopt a comprehensive charter school plan; to provide technical assistance for groups wishing to start a charter school; and to allocate funds for the creation of charter schools consistent with the plan. The bill was carried over to the Second Regular Session.

LD 1965**An Act to Establish the Maine Dental Education Loan Program****PUBLIC 496**Sponsor(s)
PEAVEY
MICHAUDCommittee Report
OTP-AMAmendments Adopted
H-406
H-581 BRENNAN
S-324 LAWRENCE
S-410 MICHAUD

LD 1965 proposed establishment of the Maine Dental Education Loan Program under which the Finance Authority of Maine would award loans to Maine residents who have been accepted into dental school. Upon completion of the dental education, if the loan recipient elected to practice dentistry in an underserved area, a portion of the loan would be forgiven. The bill also proposed to establish a nonlapsing fund that would be used to recruit licensed dentists to serve in underserved areas by repaying portions of the dentists' education loans.

Committee Amendment "A" (H-406) proposed to expand application of the Maine Dental Education Loan Program established in the bill to offer loan forgiveness to assist a currently licensed dentist in paying off existing loans if the dentist practices dental medicine in an underserved population area. The amendment also proposed clarification of the loan default provisions of the program and addition of an appropriation section and fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-410) proposed to reduce the General Fund appropriation for the Maine Dental Education Loan Program in fiscal year 1999-00 to \$20,000 and eliminate General Fund support in fiscal year 2000-01. (Note: \$60,000 for FY 2000-01 is included in the Part II Budget, PL 1999, c. 401, Part NN.)

House Amendment "A" (H-581) proposed to change the manner of appointment of the 12 members of the Advisory Committee on Dental Education by providing for eight appointments by the presiding officers, two departmental appointments by the Commissioner of Human Services and two nonvoting appointments by the chief executive officer of the Finance Authority of Maine.

Senate Amendment "A" to House Amendment "A" (S-324) proposed to authorize the presiding officers to appoint members of the Advisory Committee on Dental Education from the Department of Human Services, Bureau of Health, Oral Health Program and from the Department of Human Services, Bureau of Medical Services, while allowing the Chief Executive Officer of the Finance Authority of Maine to make recommendations. It also proposed authorizing the presiding officers to appoint nonvoting members from the Finance Authority of Maine and from an office of primary health care.

Enacted law summary

Public Law 1999, chapter 496 establishes the Maine Dental Education Loan Program under one aspect of which the Finance Authority of Maine would award loans of up to \$20,000 a year to Maine residents who have been accepted into

major definitional changes proposed by the bill were to: (1) add three new handicapping conditions included in the 1997 IDEA--autism, traumatic brain injury and other health impairment, (2) add three new handicapping condition included in the 1999 federal regulations--deafness and blindness, multiple disabilities and developmental delay for children age five-nine (optional under the federal regulations), (3) replace impairment based on "behavior" with "emotional disturbance" and (4) replace impairment based on "cerebral or perceptual functions" with "specific learning disability;"

2. Make state law permitting discipline of exceptional students consistent with the requirements of the federal IDEA and clarify that the 10 days of suspension is for individual or cumulative days in one school year;
3. Make state law consistent with recent changes in the federal regulations governing the time frame in which an individual may request a complaint investigation. The appeal process would be amended to require an administrative hearing in order to appeal a complaint investigation report because recent amendments to the federal regulations governing complaint investigations have removed the provision permitting appeal to the United States Department of Education. It also proposed to extend the same statutory immunity to complaint investigators that currently exists for hearing officers in the Maine Revised Statutes, Title 20-A, section 7207;
4. Require the Commissioner of Education to amend the rules regarding the procedures for due process hearings to include procedures for determining the award of attorney's fees consistent with the requirements of the federal IDEA. It also would require the commissioner to amend the rules regarding the procedures for due process hearing rules to include a process for mediation of special education disputes and provide mediators the same immunity provided state employees under the Maine Tort Claims Act, making the immunity consistent with the requirements of the federal Individuals with Disabilities Education Act; and
5. Make state law consistent with the requirements of the federal IDEA by limiting special education services in adult correctional facilities to inmates 18 to 20 years of age who were identified as requiring special education and were actively receiving such services prior to incarceration in the adult correctional facility.

Part B of this bill proposed to correct a cross-reference to a section that is repealed in Part A; see also LD 209.

This bill was submitted on behalf of the Department of Education.

Committee Amendment "C" (H-669) proposed to repeal the category of impairment based on "behavior" in the definitions of "exceptional student" and "preschool handicapped child" and to replace that term with the term "emotional disability." The Department of Education would be directed to study the use of emotional and behavioral indicators in the identification of exceptional students and preschool handicapped children and report to the Joint Standing Committee on Education and Cultural Affairs by December 31, 1999.

The amendment also proposed to strike from the bill "developmental delay" as a category in the definitions of "exceptional student" and "preschool handicapped child" and direct the Department of Education to study the appropriateness and impact of including "developmental delay" as a category of disability under special education law and to report to the Joint Standing Committee on Education and Cultural Affairs by December 31, 1999.

The amendment further proposed to strike the section of the bill which would have limited special education services to incarcerated persons 18 to 20 years of age who had previously been identified as needing and who were actively receiving those services prior to incarceration in an adult correctional facility. Finally, it proposed to add a fiscal note to the bill.

Originally voted as a divided report with two OTP-AM committee reports, this bill was recommitted and reconsidered by the committee which unanimously supported Committee Amendment "C".

Enacted law summary

Public Law 1999, chapter 424 amends state special education law in several ways. In the definitions of "exceptional student" and "preschool handicapped child," it repeals the category of impairment based on "behavior" and replaces that term with the term "emotional disability." The Department of Education is directed to study the use of emotional and behavioral indicators in the identification of exceptional students and preschool handicapped children and report to the Joint Standing Committee on Education. The department is also directed to study the appropriateness and impact of including "developmental delay" (an optional category of disability under the federal Individuals with Disabilities Education Act) as a category of disability under state special education law. Both study reports are due to the Joint Standing Committee on Education and Cultural Affairs by December 31, 1999. Other major definitional changes accomplished by the bill are to: (1) add three new handicapping conditions included in the federal 1997 Individuals with Disabilities Education Act--autism, traumatic brain injury and other health impairment, (2) add three new handicapping condition included in the 1999 federal regulations promulgated under IDEA--deafness and blindness, multiple disabilities and developmental delay for children age five-nine (optional under the federal regulations) and (3) replace impairment based on "cerebral or perceptual functions" with "specific learning disability."

Chapter 424 also makes state law permitting discipline of exceptional students consistent with the requirements of the federal IDEA and clarifies that the 10 days of suspension is for individual or cumulative days in one school year. Similarly it makes state law consistent with recent changes in the federal regulations governing the time frame in which an individual may request a complaint investigation. The appeal process is amended to require an administrative hearing in order to appeal a complaint investigation report because recent amendments to the federal regulations governing complaint investigations have removed the provision permitting appeal to the United States Department of Education. It also extends the same statutory immunity to complaint investigators as currently exists for hearing officers in the Maine Revised Statutes, Title 20-A, section 7207.

The new law requires the Commissioner of Education to amend the rules regarding the procedures for due process hearings to include a process for determining the award of attorney's fees consistent with the requirements of the federal IDEA. It also requires the commissioner to amend the rules regarding the procedures for due process hearing rules to include procedures for mediation of special education disputes and to afford mediators the same immunity provided state employees under the Maine Tort Claims Act, making that immunity consistent with the requirements of the federal Individuals with Disabilities Education Act.

LD 2027

An Act to Enable the Formation of Public Charter Schools

CARRIED OVER

Sponsor(s)
 POWERS
 AMERO

Committee Report

Amendments Adopted

LD 2027 proposes to allow certain educational bodies to approve the establishment of charter schools, a new type of public school, to be a part of the State's program of public education. Charter schools are created to offer students and parents a choice of public schools. This bill would accomplish the following.

1. It would establish that charter schools may be existing public schools or school units, new schools or existing nonprofit, nonsectarian schools that convert to charter status. Sponsors may include a local school board, the board of a Maine postsecondary institution or an identified governmental entity charged with approving and overseeing charter schools.
2. It would establish that charter school staff include teachers holding teaching certificates. Teachers in charter schools may be employees of the charter school and have the right to organize and bargain collectively in a separate unit; or teachers may choose to operate the charter school themselves, as partners or members of a cooperative.
3. It would require that charter schools are open to all students equally, though they may specialize in serving a particular age group, a specific geographic area or a student population with specific needs. A charter school could

also require a demonstration of interest from students if it offers a specific curriculum or teaching methodology.

- 4. It would establish that charter schools may not be affiliated with religious institutions and must be nonsectarian in their programs, practices and policies.
- 5. It would require funding for charter schools to be paid directly by the State in an amount equal to the average amount per pupil spent statewide. Approved special education costs incurred beyond that amount would be paid by the student's resident school administrative unit.

The bill was carried over to the Second Regular Session.

LD 2033 **An Act to Provide the Opportunity for Students from All Parts of the State to Benefit from funding for Higher Education** **ONTP**

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2033 proposed to require that at least 1/32 of the funds appropriated for high school students taking postsecondary courses under the Post-secondary Enrollment Options Act be distributed within each county for students from that county.

LD 2050 **An Act to Permit the Establishment of the Kennebec Valley Center for Arts Education** **ONTP**

<u>Sponsor(s)</u> WATSON DAGGETT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2050 proposed to permit the University of Maine at Augusta to oversee the establishment of the Kennebec Valley Center for Arts Education, a regional and cooperative-based charter school and other such charter schools.

LD 2053 **An Act to Reimburse Program Costs to School Districts at 100% of Actual Cost** **ONTP**

<u>Sponsor(s)</u> MAILHOT DOUGLASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2053 proposed to require that school administrative units receive state subsidy for the following program costs: early childhood education program costs, special education costs, vocational education costs, transportation operating costs and bus purchase costs. This bill proposed to ensure that the State's subsidy through the General Purpose Aid for Local Schools program includes 100% of the state share of actual local program costs incurred by school administrative units by providing an additional amount of General Fund appropriations for the General Purpose Aid for Local Schools program to fully fund the state share of actual local program costs.

LD 2054**An Act to Extend New Teachers' Probationary Periods****CARRIED OVER**Sponsor(s)
PIEHCommittee ReportAmendments Adopted

LD 2054 proposes to provide that a probationary period may not exceed two years for a person who has been employed as a teacher for more than three years or three years for a person who has been employed as a teacher for three or fewer years. The bill was carried over to the Second Regular Session and the Maine School Management Association and the Maine Education Association have been requested by committee letter to review and report to the committee next session on this bill and related probationary period issues.

LD 2074**An Act to Allow Local School Officials Greater Freedom in Disciplining Students****ONTP**Sponsor(s)
FULLERCommittee Report
ONTPAmendments Adopted

LD 2074 proposed to allow school superintendents to establish methods of discipline that may be used by teachers and principals. It also proposed to provide that a teacher or principal who uses an approved method may not be held civilly liable; and would require a parent who challenges the use of a method of discipline to submit a complaint to binding arbitration. This bill further proposed to amend the school truancy provisions to allow a school board to exempt from attendance requirements any student whom the board determines is habitually truant. Under this bill, a court could order the parent of an habitually truant student to pay a fine, attend classes with the student or reimburse the school for staff time incurred due to the student's misconduct. The court could also order the appointment of a surrogate parent or have the student placed under the aegis of the Department of Human Services, which then must develop a plan that ensures the student's attendance. Finally, the bill proposed that an habitually truant student may not be expelled or suspended unless that student is classified as an exceptional student due to behavioral problems or the student is placed in another program.

LD 2077**An Act to Transfer the Child Development Services System to the Department of Human Services****ONTP**Sponsor(s)
QUINT
RANDCommittee Report
ONTPAmendments Adopted

LD 2077 proposed a transfer of the responsibility for administering the Child Development Services System from the Department of Education to the Department of Human Services, effective July 1, 2000.

LD 2080**An Act to Provide Public School Choice****ONTP**Sponsor(s)
LIBBYCommittee Report
ONTPAmendments Adopted

LD 2201 proposed to create the John H. Reed-Kenneth M. Curtis Peace Fellowship, administered by the Department of Education, to provide funds for 10 Maine teenagers each summer for three years to attend the Seeds of Peace International Camp in Otisfield, Maine. This fellowship is named for former Maine Governor John H. Reed and Governor Kenneth M. Curtis, both of whom served as United States Ambassadors.

Committee Amendment "A" (S-195) proposed to clarify that the Department of Education will develop a process to select fellowship recipients. The amendment also proposed to add an emergency preamble and emergency clause to the resolve so that peace fellowship funds will be available for the 1999 summer camp.

Enacted law summary

Resolve 1999, chapter 71 creates the John H. Reed-Kenneth M. Curtis Peace Fellowship, administered by the Department of Education, to provide funds for 10 Maine teenagers each summer for three years to attend the Seeds of Peace International Camp in Otisfield, Maine. Under this law, the Department of Education is required to develop a process to select fellowship recipients.

LD 2243, chapter 71 was enacted as an emergency measure effective June 11, 1999.

LD 2221

**An Act to Restore Majority State Funding of Public Education
in Maine**

ONTP

Sponsor(s)
BRENNAN
LAWRENCE

Committee Report

Amendments Adopted

LD 2221 which was jointly referred to the Taxation Committee (the lead committee) and the Education and Cultural Affairs Committee proposed to amend current law that requires that revenue derived from 0.5% of the sales tax be transferred to the Maine Rainy Day Fund for each month following a fiscal year in which General Fund revenue exceeds 8% of projection and that the following October this transfer be replaced with a drop of 0.5% in the rate of the sales tax. The bill was rereferred to the Appropriations and Financial Affairs committee. This bill proposed to amend current law to require that:

1. An amount equal to that generated by 0.5% of the sales tax would be transferred into the program for the general purpose aid for local schools, referred to in this summary as "GPA" rather than the Maine Rainy Day Fund if the GPA provides 51% or less of the State's kindergarten, elementary and secondary school actual operating and program costs and debt service;
2. Any funds provided to the GPA pursuant to this bill must be built into the GPA's base appropriation for future budget years;
3. The transfer to the GPA would not include funds dedicated to municipal revenue sharing;
4. That the tax rate could not be lowered if the tax rate is 5% or lower or if the GPA provides 51% or less of the State's kindergarten, elementary and secondary school actual operating and program costs and debt service; and
5. That any funds transferred to the Maine Rainy Day Fund under current law for the fiscal year ending June 30, 2000 be transferred to the GPA.

Sponsor(s)

Committee Report

Amendments Adopted

LD 2243 was a committee bill of the Joint Select Committee on Research and Development that proposed to appropriate money for research and development. The bill proposed to incorporate the Research and Development Committee recommendations assembled from numerous bill which were jointly referred to the Joint Select Committee on Research and Development (the lead committee) and other legislative committees, including the Education and Cultural Affairs Committee. The bill proposed to accomplish the following:

Part A proposed to appropriate \$1,000,000 per year in the next biennium to the Maine Technical College System for the initial capitalization of new or expanded catalog programs at the technical colleges to serve new and emerging high-technology industries.

Part B proposed to appropriate funds to the Maine Economic Improvement Fund, administered by the Board of Trustees of the University of Maine System Board of Trustees, to support applied research and development and product innovation in target areas within the University of Maine System.

Part C proposed to appropriate a total of \$10,000,000 for the biennium to the Department of Economic and Community Development for research and development grants for the Maine Technology Institute. It also would transfer \$200,000 in each fiscal year of the biennium from the Maine Technology Investment Fund for the Maine Technology Institute.

Part D proposed to increase the borrowing authority of the University of Maine System. It would appropriate funds to fund debt service payment on a university bond issue for capital construction in the University of Maine System to renovate and construct research facilities for use by university researchers and students, research collaborators and private sector partners.

Part E proposed to designate the Raymond H. Fogler Library at the University of Maine as the State Research Library for Business, Science and Technology. It also would appropriate funds to the University of Maine System for the purchase of information resources, equipment and staff support for the State Research Library for Business, Science and Technology.

Part F proposed to appropriate funds to the Governor's Marine Studies Fellowship Program to provide support for undergraduate and graduate students enrolled in state-chartered colleges and universities to work with researchers in academic institutions, marine industries and marine industry associations.

Part G proposed to appropriate funds to create and support a Center for Advanced Law and Management at the University of Southern Maine. The center would strengthen the competitive advantage of Maine firms and entrepreneurs by creating a forum to address many of the complex issues that affect technology-based businesses.

Part H proposed to appropriate funds to the Foundation for Blood Research for the ScienceWorks for ME equipment donation program. This funding would support expansion of the program to reach more schools with more equipment.

Part I proposed to appropriate funds to the Maine Science and Technology Foundation for the Maine Research Internships for Teachers and Students (MERITS) program. This funding would allow the MERITS program to continue.

Part J proposed to appropriate funds to support the expansion of the Department of Education's partnership with the National Aeronautic and Space Administration (NASA). Through the partnership, the Department of Education would

use NASA materials and technology for professional development, curriculum development and teacher and student internships.

Part K proposed to establish the Maine Technology Institute as a private nonprofit corporation with a public purpose. The institute would be governed by a board of 9 private sector members appointed by the Governor; the Commissioner of Economic and Community Development; the Chancellor of the University of Maine System; the President of the Maine Science and Technology Foundation, who serves as a nonvoting member; the Director of the State Planning Office, who serves as a nonvoting member; and the Maine Technology Institute Director, who serves as a nonvoting member. The position of Maine Technology Institute Director at the Department of Economic and Community Development would be appointed by the Governor and approved by a majority of the board to serve as president of the institute.

The purpose of the institute would be to encourage, promote, stimulate and support research and development activity leading to the commercialization of new products and services in the State's technology-intensive industrial sectors to create new jobs for Maine people. The institute would disburse funds through grants, direct investments and loans to private companies, targeted technology incubators and nonprofit research laboratories.

The institute would be dissolved on December 31, 2006, and on that date would return to the State all property purchased with General Fund appropriations and transfers to the General Fund all unencumbered appropriations.

Part L would require the submission of a plan for a comprehensive evaluation of state investments in research and development by December 31, 1999 and would require the submission of a comprehensive evaluation every 5 years.

Part M proposed to delete the authority of the Maine Technology Investment Fund to make direct investments in market-oriented technology extension, commercialization and development opportunities and would provide for the transfer of direct investment activities from the Maine Technology Investment Fund to the Maine Technology Institute. It also would change the name of the Maine Technology Investment Fund to the Maine Technology Capacity Fund.

Senate Amendment "A" (S-429) proposed to eliminate several appropriations that were included in the original bill. It also proposed to deappropriate funds from the Maine Science and Technology Foundation to offset funding for the ScienceWorks for ME program, the Maine Research Internships for Teachers and Students program and to expand the Department of Education's partnership with the National Aeronautics and Space Administration.

Enacted law summary

Private and Special 1999, chapter 33 deappropriates funds from the Maine Science and Technology Foundation to offset funding for the Science Works for ME program, the Maine Research Internships for Teachers and Students program and to expand the Department of Education's partnership with the National Aeronautics and Space Administration.

The provisions of the original bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Parts TT, UU, VV, AAA, BBB and CCC). Please also see summaries for other bills jointly referred to the Research and Development Committee (the lead committee) and the Education and Cultural Affairs Committee (LDs 293, 373, 452, 492, 643, 654, 666, 686, 698 and 930).

SP 0598

JOINT ORDER - Relative to Establishing the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive

PASSED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART BERRY R PARADIS RAND	OTP-AM	

SP 0598 proposed to implement one of the recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. This joint study order proposed to establish a Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students as part of a successful response to ensuring safe schools and the need to provide resources to students and their families.

Committee Amendment "A" (S-276) proposed to accomplish the following.

1. It would strike the membership subsection of the joint study order and replace it with a nine-member task force composed of six Legislators and three public members involved in school-based or community-based violence prevention and intervention programs;
2. It would expand the duties charged to the task force, including requesting assistance from certain state agencies and inviting the participation of experts and interested parties; and
3. It would permit public members of the task force to receive reimbursement of necessary expenses and provide a per diem equal to the legislative per diem for their attendance at authorized task force meetings.

House Amendment "A" (H-766) proposed to make technical change in the joint study order to comply with drafting guidelines for studies by clarifying that public members are not entitled to an amount equal to the legislative per diem.

Passed joint order summary

Senate Paper 598 was read and passed in both chambers, and it establishes the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students. This joint study order implements one of the recommendations proposed by the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings. The task force established by the joint study order will be part of a successful response to ensuring safe schools and the need to provide resources to students and their families.

HP 1183

JOINT ORDER - Relative to a Task Force to Redesign the Governance System of the Governor Baxter School for the Deaf

DIED IN CONCURRENCE

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

HP 1183 proposed to implement one of the recommendations of the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf. This joint study order proposed to establish a Task Force to Redesign the Governance System of the Governor Baxter School for the Deaf as part of a successful response to ensure that the

governance system of the Baxter School is designed to meet the school board’s need to effectively and efficiently govern the school and to give the school greater autonomy in managing its affairs.

Following the withdrawal of HP 1183, the House and Senate subsequently read and passed a separate joint study order to review the educational program and the governance system of the Governor Baxter School for the Deaf (see HP 1587).

HP 1587 **JOINT ORDER - Relative to the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf** **PASSED**

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

HP 1587, which as not referred to the Education and Cultural Affairs Committee, proposed to establish a Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf to ensure that the school is meeting its statewide obligation and role of helping local schools educate deaf and hard-of-hearing children in an efficient and effective manner. This joint study order proposed to review the efficiency and effectiveness of the educational program at the Baxter School in the context of the range of alternative educational models and placements that are available to deliver appropriate educational programs and services that meet the unique educational needs of children and youth who are deaf and hard-of-hearing. The joint study order also proposed to ensure that the governance system of the Baxter School is designed to meet the school’s need for effective and efficient governance.

Passed joint order summary

House Paper 1587 was read and passed in both chambers and establishes the Task Force to Review the Educational Program and the Governance System of the Governor Baxter School for the Deaf. This joint study order establishes a task force to review the efficiency and effectiveness of the educational program at the Baxter School in the context of the range of alternative educational models and placements that are available to deliver appropriate educational programs and services that meet the unique educational needs of children and youth who are deaf and hard-of-hearing. The task force established by this joint study order shall also ensure that the governance system of the Baxter School is designed to meet the school’s need for effective and efficient governance.

<u>Sponsor(s)</u> COTE PARADIS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-273
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LD 80 proposed to allow a foster parent to be present when the Department of Human Services meets with the foster parent's foster child.

Committee Amendment "A" (H-273) proposed to replace the bill. It proposed to change the title, insert departmental discretion into the provision on foster parents attending meetings between the Department of Human Services and the children and add a provision allowing, until July 1, 2000, foster parents, preadoptive parents and relatives providing care for children to attend reviews and hearings under the Maine Revised Statutes, Title 22, section 4005-C unless specifically excluded by decision of the judge. It proposed to require reports to the Joint Standing Committee on Health and Human Services on December 31, 1999 and December 31, 2000. See also LD 107.

Enacted law summary

Public Law 1999, chapter 189 changes the title, inserts departmental discretion into the provision on foster parents attending meetings between the Department of Human Services and the children and adds a provision allowing, until July 1, 2000, foster parents, preadoptive parents and relatives providing care for children to attend reviews and hearings under the Maine Revised Statutes, Title 22, section 4005-C unless specifically excluded by decision of the judge. It requires reports to the Joint Standing Committee on Health and Human Services on December 31, 1999 and December 31, 2000. See also LD 107.

<u>Sponsor(s)</u> BROOKS ABROMSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-38
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LD 95 proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a study of the needs of the elderly population with mental retardation and to report to the Joint Standing Committee on Health and Human Services by January 1, 2000.

Committee Amendment "A" (H-38) proposed to require the study of the needs of the elderly population with mental retardation to include input from consumers and advocates for consumers.

Enacted law summary

Resolve 1999, chapter 7 directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a study of the needs of the elderly population with mental retardation and to report to the Joint Standing Committee on Health and Human Services by January 1, 2000. The study must include input from consumers and advocates for consumers.

LD 107

An Act to Amend the Laws Regarding Foster Parents

ONTP

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 107 proposed to provide foster and preadoptive parents with the right to attend court hearings regarding the child and directs the Department of Human Services to increase the rate of reimbursement 15% from the current rate beginning July 1, 1999. See also LD 80.

LD 114

An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Human Services **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 114 proposes to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services relating to the Department of Human Services. See also LDs 528, 975 and 1290.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 125

An Act to Lower the Age of Consent for the Donation of Blood

PUBLIC 10

<u>Sponsor(s)</u> ABROMSON LINDAHL		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 125 proposed to allow a 17-year old to consent to give blood.

Enacted law summary

Public Law 1999, chapter 10 allows a 17-year-old to consent to give blood.

LD 169 **An Act to Increase Eligibility for the Elderly Low Cost Drug Program** **ONTP**

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

LD 169 proposed to direct the Department of Human Services to study income eligibility and sliding scale copayments in the elderly low cost drug program. The bill proposed to require a report containing recommendations for legislation and rulemaking.

LD 170 **An Act Regarding a Prescription Drug Consortium** **ONTP**

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

LD 170 proposed to direct the Department of Human Services to establish or join with other states in a consortium for the purchase of prescription drugs for low-income and elderly Maine residents. The bill proposed to require a report to the Joint Standing Committee on Health and Human Services by January 1, 2000 containing recommendations for legislation and rulemaking. See also LD 2082 and LD 206.

LD 206 **Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies** **RESOLVE 75 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-493 H-613 KANE

LD 206 proposed to establish the Maine Tax Filer's Prescription Medication Plan to provide medications to Maine residents at the lowest available prices through direct purchasing by the Department of Human Services.

Committee Amendment "A" (H-493) proposed to replace the bill with a resolve and add an emergency preamble and emergency clause. It proposed to establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies, a 16-member commission charged with studying bulk purchasing of prescription drugs and medical supplies and reporting to the Joint Standing Committee on Health and Human Services by December 1, 1999 a plan for bulk purchasing. The amendment also proposed to add an appropriation section.

House Amendment "A" to Committee Amendment "A" (H-613) proposed to reduce the size of the commission to 12 members, change the deadline for the first meeting to July 30, 1999, remove authority to hire consultants and restrict per diem and expense reimbursement to Legislators. The amendment also proposed to change the appropriation accordingly.

Enacted law summary

Resolve 1999, chapter 75 establishes the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies. The 12 member commission is charged with studying bulk purchasing of prescription drugs and medical supplies and reporting to the Health and Human Services Committee by December 1, 1999 a plan for bulk purchasing. See also LD 1926.

Chapter 75 was enacted as an emergency measure effective June 17, 1999.

LD 207

An Act to Clarify the Confidentiality of Health Care Information

ONTP

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

LD 207 proposed to amend the laws regarding the confidentiality of health care information by repealing the changes made in Public Law 1997, chapter 793 by the Second Special Session of the 118th Legislature. See LD 1653.

LD 237

An Act to Enhance Senior Volunteerism in Maine

P & S 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON KANE	OTP-AM	S-12

LD 237 proposed to require the Department of Human Services to provide a minimum of \$15,000 annually to each of the 8 community-based senior volunteer programs that received funding during fiscal year 1997-98. It also proposed to require that available funding be distributed equally among the programs.

Committee Amendment "A" (S-12) proposed to replace the bill. It proposed to delete the provisions regarding community-based agencies and add an appropriation of \$44,000 annually.

Enacted law summary

Private and Special Law 1999, chapter 44 provides \$44,000 to the Department of Human Services for senior volunteer programs.

LD 241

An Act to Ensure that Autopsies and Toxicology Tests are Performed on Commercial Drivers Killed in the Course of Employment

ONTP

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

LD 241 proposed to add commercial motor vehicle drivers who die during motor vehicle accidents that occur during the driver's scope of employment to the list of medical examiner cases for autopsy. The bill proposed to require the medical examiner to perform an autopsy and conduct toxicology tests on those commercial vehicle drivers.

LD 256

An Act to Enhance the Health of Maine Citizens by Improving Community Health Programs

CARRIED OVER

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

LD 256 proposes to expand the responsibilities of the Maine Center for Public Health Practice to include evaluation of the health of Maine residents and the quality and effectiveness of health care and health programs and to require the center to make recommendations to improve the health of Maine residents and their access to health care and health programs.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 257

An Act Regarding General Assistance

PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN AMERO	OTP-AM	H-45

LD 257 proposed to increase from 110% to 140% of the applicable existing housing fair market rents, as established by the federal Department of Housing and Urban Development, the maximum aggregate level of assistance in the municipal ordinance requirements of the general assistance program.

Committee Amendment "A" (H-45) proposed to replace the bill, change the bill title, and allow municipalities to provide emergency assistance under the general assistance program when an emergency is imminent and failure to respond may result in undue hardship and unnecessary costs.

Enacted law summary

Public Law 1999, chapter 45 allows municipalities to provide emergency assistance under the general assistance program when an emergency is imminent and failure to respond may result in undue hardship and unnecessary costs.

LD 274 **An Act Regarding Persons Who May Draw Blood for Blood Tests** **PUBLIC 32**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-21
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LD 274 proposed to add registered lab technicians and certified phlebotomists to the list of persons who may draw blood samples to determine a person's blood-alcohol level or drug concentration.

Committee Amendment "A" (H-21) proposed to replace the title and the text of the bill. It proposed to allow persons qualified by professional training to draw blood samples for the purposes of blood-alcohol level or drug concentration tests under the Maine Revised Statutes, Title 29-A.

Enacted law summary

Public Law 1999, chapter 32 allows persons qualified by professional training to draw blood samples for the purposes of blood-alcohol level or drug concentration tests under the Maine Revised Statutes, Title 29-A.

LD 276 **An Act to Require Review under the Certificate of Need Law When Health Care Services Are Terminated** **ONTP**

<u>Sponsor(s)</u> MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 276 proposed to make the termination of a health service by a health care facility, including a hospital, subject to the certificate of need law. The bill also proposed to clarify that the termination of a health service includes the relocation of a health care facility to another municipality.

LD 286 **An Act to Amend the Laws Concerning Release of Information on Hospitalized Individuals** **ONTP**

<u>Sponsor(s)</u> STANWOOD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 286 proposed to permit limited disclosure of health care information about an individual by a health care facility without a written authorization from the individual, including disclosure of admission and general condition of a patient to family or household members. LD 286 proposed to amend current law to permit any person to receive a statement of the fact of an individual's admission to or discharge from a health care facility. The bill proposed to limit the health care facilities from which this information can be obtained to those providing in-patient health care and that are not home health care providers, hospice programs, pharmacies, state mental health institutes or other named facilities. See also LD 1653.

LD 305

An Act to Provide Health Care Coverage to Certain Child Care Providers

ONTP

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

LD 305 proposed to make the State Employee Health Plan available to a person providing child care for one or more children when payment for the care is provided by the Department of Human Services. It proposed to require the department to pay the premiums for the health coverage.

LD 332

An Act to Increase the Availability of Prescription Drugs for the State's Elderly

P & S 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PARADIS	OTP-AM	H-657 S-432 MICHAUD

LD 332 proposed to expand the elderly low-cost drug program to cover those who meet the age and disability requirements and whose income is less than or equal to 185% of the federal poverty level. The current income limitation is approximately 131% of the federal poverty level. The bill proposed to direct the Department of Human Services to seek a Medicaid waiver from the federal Health Care Financing Administration to provide Medicaid prescription drug benefits for persons 62 years of age and over whose income is less than or equal to 185% of the federal poverty level. See also LD 1203 and Public Law 1999, chapter 401, Part KKK and Public Law 1999, chapter 531, Part F.

Committee Amendment "A" (H-657) proposed to require the Department of Human Services to apply for a waiver to provide Medicaid prescription drug benefits to the elderly and disabled up to 185% of the federal poverty line, beginning January 1, 2000 or as soon thereafter as possible.

Senate Amendment "A" to Committee Amendment "A" (S-432) proposed to replace the bill and direct the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt rules for the elderly low-cost drug program to allow consideration of an applicant's change in income from the previous year when the applicant has documentation of a substantial change in circumstances that alters the applicant's income by more than 10%.

Enacted law summary

Private and Special Law 1999, chapter 53 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt rules for the elderly low-cost drug program to allow consideration of an applicant's change in income from the previous year when the applicant has documentation of a substantial change in circumstances that alters the applicant's income by more than 10%.

LD 358 **An Act to Improve the Proximity of Health and Safety Services to State-subsidized Homes for Children** **ONTP**

<u>Sponsor(s)</u> CAMERON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 358 proposed to require all new state-subsidized children's homes to be located within five miles of police, fire and ambulance services.

LD 369 **An Act to Increase the Amount of Income That a Resident of a Nursing or Residential Care Facility Who Receives Medicaid May Retain** **INDEF PP**

<u>Sponsor(s)</u> MENDROS BERUBE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 369 proposed to require the Department of Human Services to adopt rules increasing the amount of income that may be retained by residents of nursing and residential care facilities.

LD 406 **Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization** **RESOLVE 15 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-170
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LD 406 proposed to provide for legislative review of Chapter 125: Health Care Information that Directly Identifies an Individual, major substantive rules of the Maine Health Data Organization.

Committee Amendment "A" (H-170) proposed to add a provision to the resolve approving the rule, Chapter 125: Health Care Information that Directly Identifies an Individual, provided that the rule becomes effective October 1, 1999.

Enacted law summary

Resolve 1999, chapter 15 authorizes the final adoption, with amendment, of Chapter 125: Health Care Information that Directly Identifies an Individual, rules of the Maine Health Data Organization, with an effective date of October 1, 1999.

Chapter 15 was enacted as an emergency measure effective April 30, 1999.

LD 428 Resolve, to Ensure the Delivery of Medicare and Medicaid Benefits ONTP

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

LD 428 proposed to require the Commissioner of Human Services to report on the status of efforts to correct Year 2000 information system problems within the department. See also LD 2242.

LD 435 An Act to Include the Supporting Statistical Data in Mercury Warnings Relating to the Consumption of Fish ONTP

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

LD 435 proposed to require that a fish consumption advisory based on a threat to public health from the presence of mercury in fish contain information on the data that support the advisory.

LD 442 Resolve, to Create a Study Group Regarding Pharmaceutical Guidelines for Geriatric Residents in Long-term Care Settings RESOLVE 3

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER GOLDTHWAIT	OTP-AM	H-24

LD 442 proposed to direct the Department of Human Services to form a study group to develop guidelines for the use of pharmaceuticals to treat geriatric patients.

Committee Amendment "A" (H-24) proposed to remove reference to development of the pharmaceutical guidelines, add consumers and advocates for consumers to the study group membership, clarify that they are voluntary guidelines and add to the duties of the study group review of strategies for encouraging the use of the voluntary guidelines by health care providers.

Enacted law summary

Resolve 1999, chapter 3 directs the Department of Human Services to form a study group to review and recommend voluntary guidelines for the use of pharmaceuticals to treat geriatric patients, adds consumers and advocates for consumers to the study group membership, and adds to the duties of the study group review of strategies for encouraging the use of the voluntary guidelines by health care providers.

LD 453 **An Act to Prohibit the Department of Human Services from Closing Adolescent Cases before 18 Years of Age** **ONTP**

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

LD 453 proposed to amend the Department of Human Service's duties regarding protection of abused and neglected children. It proposed to require, in the case of an adolescent for whom the department has received an abuse or neglect report, that the department continue to monitor the adolescent's welfare or take other appropriate protective actions until the adolescent reaches 18 years of age.

LD 491 **Resolve, to Study the Use of Gross and Net Income in Eligibility for Public Benefits** **ONTP**

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

LD 491 proposed to direct the Department of Human Services to study the use of gross and net income in the determination of eligibility for public benefit programs. The bill proposed to require the department to submit a report to the Joint Standing Committee on Health and Human Services, including recommendations for legislation and rulemaking, by January 1, 2000.

LD 503 **An Act to Delay the Implementation until October 1, 1999 of Public Law 1997, Chapter 793, "An Act to Provide for Confidentiality of Health Care Information."** **PUBLIC 3 EMERGENCY**

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

LD 503 proposed to delay the implementation of Public Law 1997, chapter 793, on the confidentiality of health care information until October 1, 1999. See also LD 1653.

Enacted law summary

Public Law 1999, chapter 3 delayed until October 1, 1999, implementation of Public Law 1996, chapter 793 on the confidentiality of health care information.

Chapter 3 was enacted as an emergency measure effective January 14, 1999.

LD 515

An Act to Provide Additional Health Care Options to Disabled Persons and the Elderly

ONTP

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

LD 515 proposed to provide a home-based care option for elderly or disabled persons who qualify for nursing facility care or residential care reimbursed through the Medicaid program. The bill proposed to establish a reimbursement rate of 75% of the statewide average Medicaid reimbursement rate for the type of facility for which the person qualifies.

LD 528

An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services

CARRIED OVER

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

LD 528 proposes to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services related to the Department of Mental Health, Mental Retardation and Substance Abuse Services. See also LDs 114, 975 and 1290.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 563

An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the TANF Program

ONTP

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

LD 563 proposed to require automobile insurance that is paid by the Department of Human Services through the emergency assistance Temporary Assistance for Needy Families program to be paid directly to the insurance carrier or agency and any refund to be paid to the department.

LD 595 **An Act to Require the Department of Human Services to Pay Legal Expenses in Custody Cases When the Department of Human Services Loses** **ONTP**

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

LD 595 proposed to require the Department of Human Services to pay the parents' or guardians' legal costs in child protection cases in which the court determines in a hearing that there should be no change in custody.

LD 610 **Resolve, to Increase Access to Medicaid for People who Need Psychological Services** **RESOLVE 73**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM	H-208 S-401 MICHAUD

LD 610 proposed to direct the Department of Human Services to increase the Medicaid reimbursement for psychological services.

Committee Amendment "A" (H-208) proposed to replace the resolve. It proposed to provide for an increase in the Medicaid reimbursement rate for licensed psychologists and licensed psychological examiners providing testing, treatment and evaluation services. It also proposed to add an appropriation section and an allocation section.

Senate Amendment "A" to Committee Amendment "A" (S-401) proposed to change the effective date of the increase in reimbursement from October 1, 1999 to October 1, 2000 and change the appropriations and allocations to reflect the effective date change.

Enacted law summary

Resolve 1999, chapter 73 directs the Department of Human Services to increase the Medicaid reimbursement for licensed psychologists and licensed psychological examiners providing testing, treatment and evaluation services beginning October 1, 2000.

LD 625 **An Act Concerning the Authority of the Maine Health and Higher Educational Facilities Authority** **ONTP**

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

LD 625 proposed to limit the types of nursing homes qualified to receive Maine Health and Higher Educational Facilities Authority assistance, to require nonprofit nursing homes to acquire a certificate of need before

receiving authority assistance and to require the authority to establish criteria for all applicants for authority assistance.

LD 645 **An Act to Require Disclosure of Ingredients in Tobacco Products** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 645 proposed to require manufacturers of cigarettes and smokeless tobacco sold in this State to disclose annually in reports to the Department of Human Services added constituents and nicotine yield ratings.

LD 656 **An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission** **INDEF PP**

<u>Sponsor(s)</u> NUTTING J PIEH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 656 proposed to require the Maine Public Drinking Water Commission to establish a drinking water fee to fund the staffing of the Maine Public Drinking Water Control Program. This fee would be imposed on community public water systems. Currently the annual fee is assessed on all public water supplies. This change would relieve noncommunity public water systems, such as restaurants, lodging places and schools from paying this fee. This bill also proposed to appropriate additional funds to go into the named account from the General Fund to fund 3 positions in the Maine Public Drinking Water Control Program, within the Department of Human Services, Bureau of Health, Division of Health Engineering.

LD 688 **An Act to Allow Medical History and Other Information to be Distributed to Immediate Family** **ONTP**

<u>Sponsor(s)</u> GOODWIN PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 688 proposed to amend current law so that the health care information a patient's family or household members may receive from a health care facility without written authorization would include the patient's physical, mental or behavioral condition, personal or family medical history or medical treatment or health care provided to the patient. See also LD 1653.

LD 693 **An Act to Alter the Administration of the Dental Cub Care Program** **ONTP**

<u>Sponsor(s)</u> MARVIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 693 proposed to require the Cub Care Program to be administered by a private third-party health benefits administrator licensed under the Maine Revised Statutes, Title 24 or 24-A beginning January 1, 2000.

LD 721

An Act to Amend the Radon Registration Act

PUBLIC 76

<u>Sponsor(s)</u> TESSIER CATHCART	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-91
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LD 721 proposed to amend the Radon Registration Act to allow the Department of Human Services to authorize radon testing devices and facilities that are approved by the United States Environmental Protection Agency.

Committee Amendment "A" (H-91) proposed to replace the bill. It proposed to remove reference to the United States Environmental Protection Agency to allow radon testing devices and facilities that have proven their proficiency to the Department of Human Services.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 76 amends the Radon Registration Act to allow the Department of Human Services to authorize radon testing devices and facilities that have proven their proficiency to the Department of Human Services.

LD 725

Resolve, to Study the Confidentiality of Information Regarding Persons Receiving Services Funded in Whole or in Part by the Department of Mental Health, Mental Retardation and Substance Abuse Services

RESOLVE 30

<u>Sponsor(s)</u> KANE MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-266
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LD 725 proposed to restrict the release of mental health information among members of local service networks to information concerning persons whose care is paid for in whole or in part by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-266) proposed to replace the bill, changing it to a resolve. It proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to study the confidentiality of information regarding persons receiving services funded in whole or in part by the department and report its findings and any recommended legislation to the Joint Standing Committee on Health and Human Services by December 1, 2000. The study would include participation from consumers and providers of services, Legislators and local service networks and would consider the requirements of professional ethical standards and state and federal laws, rules and regulations.

Enacted law summary

LD 758

An Act to Allow the State's Laboratory Certification Program to be Consistent with National Environmental Laboratory Accreditation Program Standards

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B QUINT	OTP-AM	S-23

LD 758 proposed to make technical changes to Maine's laboratory certification program to make it consistent with the National Environmental Laboratory Accreditation Program requirements in order to compete in out-of-state markets.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (S-23) proposed to require a laboratory that tests a public water system for drinking program compliance mandates to forward a copy of the test results to the Department of Human Services. The amendment also proposed to limit testing by laboratories licensed under the Maine Revised Statutes, Title 38, section 413 to testing of their own waste discharges.

Enacted law summary

Public Law 1999, chapter 62 makes technical changes to Maine's laboratory certification program to make it consistent with the National Environmental Laboratory Accreditation Program requirements in order to compete in out-of-state markets. It requires a laboratory that tests a public water system for drinking program compliance mandates to forward a copy of the test results to the Department of Human Services. It limits testing by laboratories licensed under the Maine Revised Statutes, Title 38, section 413 to testing of their own waste discharges.

LD 777

An Act to Require Nursing Facilities to Use Standardized Contracts

ONTP

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

LD 777 proposed to require the Commissioner of Human Services to adopt rules to require every nursing facility to adopt a standardized nursing home contract prescribed by the department. The bill proposed the standardized contract to clarify the rights and obligations of residents and enable residents and their families to compare the rates charged and services offered by different nursing homes.

LD 845

Resolve, Directing the Department of Human Services to Study Methods to Increase Access to Health Care for Low-income Maine People

RESOLVE 29

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MITCHELL B	OTP-AM	H-265

LD 845 proposed to create the MaineCare program to provide medical assistance to needy Maine individuals with incomes under 125% of the federal poverty level.

Committee Amendment "A" (H-265) proposed to replace the bill with a resolve, and require the Department of Human Services to study methods by which to provide health coverage to adults with incomes below 125% of the federal poverty level.

Enacted law summary

Resolve 1999, chapter 29 requires the Department of Human Services to study methods by which to provide health coverage to adults with incomes below 125% of the federal poverty level.

LD 867

Resolve, to Amend the Requirements for Alcohol and Drug Treatment Programs

RESOLVE 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	OTP-AM	S-88

LD 867 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules regarding alcohol and drug treatment program staffing and personnel.

Committee Amendment "A" (S-88) proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules by November 1, 1999 regarding alcohol and drug treatment programs to allow program staffing and supervision by personnel professionally qualified and experienced in alcohol and drug abuse treatment and to eliminate the requirement that personnel be qualified as one particular type of alcohol and drug abuse professional.

Enacted law summary

Resolve 1999, chapter 22 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules by November 1, 1999 regarding alcohol and drug treatment programs to allow program staffing and supervision by personnel professionally qualified and experienced in alcohol and drug abuse treatment and to eliminate the requirement that personnel be qualified as one particular type of alcohol and drug abuse professional.

LD 881

An Act to Require the Department of Human Services to Pay for Child Care for Children of Teen Parents Enrolled in High School

ONTP

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

LD 881 proposed to require the Department of Human Services to make available child care and child care subsidies for teenage parents who do not receive benefits under the temporary assistance for needy families program and who attend high school.

LD 918

An Act to Mandate Abortion Reporting Standards

ONTP

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

LD 918 proposed to require the completion of abortion reports that are already required for the Department of Human Services and provide a forfeiture for failure to complete the forms.

LD 956

Resolve, to Implement the Recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers

RESOLVE 79

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER LAWRENCE	OTP-AM MAJ OTP-AM MIN	H-623 S-454 MICHAUD

LD 956 which was jointly referred to the Health and Human Services Committee (the lead committee) and the Education and Cultural Affairs Committee proposed to implement the following recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers. The resolve proposed to:

1. Direct the Department of Human Services to expand home visiting services to the parents of all newborn children in the State, if the parents desire the services, beginning January 1, 2000, until those children attain the age of five years.
2. Direct the Department of Education to include a course of study in parenting education in its development of curricula and include this course of study in the learning results assessment of students.

The resolve also proposed to change the name of the task force to the "Task Force on Early Care and Education." It proposed to direct the task force to monitor the development of the process that supports home visiting programs by the Department of Human Services and the development of a course of study in parenting education by the Department of Education and to further study the needs of and for family resource centers. The resolve proposed to add two more members who are Legislators to the task force and extend the life of the task force until January 15, 2001. See also LD 1315.

LD 1012

Resolve, to Increase Public Trust in Medical Care

RESOLVE 12

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE GOLDTHWAIT	OTP-AM	H-93

LD 1012 proposed to require health care practitioners working in health care facilities to wear identification tags that clearly display the practitioner's first name and surname, licensure status and profession, occupation or staff position. It proposed to provide an exception to the identification tag requirement for reasons of safety. It proposed to provide penalties for the failure to meet the identification requirement.

Committee Amendment "A" (H-93) proposed to change the bill to a resolve. It proposed to direct the Department of Human Services to adopt rules regarding the wearing of identification badges by persons who provide services in health care facilities licensed by the department. It proposed to require that if the rules require certain employees to wear identification badges in some situations in some facilities, the rules must contain exceptions for situations in which wearing an identification badge would create a safety hazard.

Enacted law summary

Resolve 1999, chapter 12 directs the Department of Human Services to adopt rules regarding the wearing of identification badges by persons who provide services in health care facilities licensed by the department. If the rules require certain employees to wear identification badges in some situations in some facilities, the rules must contain exceptions for situations in which wearing an identification badge would create a safety hazard.

LD 1025

Resolve, Regarding Assessment for Long-term Care

**RESOLVE 31
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MITCHELL B	OTP-AM	H-207 H-338 KANE

LD 1025 proposed to require the Department of Human Services to adopt rules to lengthen from 7 to 14 days the assessment period for MED '96 assessments for long-term care services.

Committee Amendment "A" (H-207) proposed to replace the resolve. It proposed to require the Department of Human Services to undertake a historical study of persons with chronic medical conditions and their qualification and disqualification under the Medical Eligibility Determination Assessment procedure. The department would be required to report to the Joint Standing Committee on Health and Human Services by January 1, 2000. The committee would be authorized to report out legislation as a result of the report.

House Amendment "A" to Committee Amendment "A" (H-338) changes the reporting date in the committee amendment to December 31, 1999.

Enacted law summary

Resolve 1999, chapter 31 requires the Department of Human Services to undertake a historical study of persons with chronic medical conditions and their qualification and disqualification under the Medical Eligibility Determination Assessment procedure. The department is required to report to the Joint Standing Committee on Health and Human Services by December 31, 1999. The committee is authorized to report out legislation as a result of the report.

Chapter 31 was enacted as an emergency measure effective May 17, 1999.

LD 1065

An Act to Increase Fines for Long-term Care Facilities that Fail to Provide Quality Care to Residents

PUBLIC 99

<u>Sponsor(s)</u> PINGREE LOVETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-31
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LD 1065 proposed to double the fines that the Department of Human Services may impose on long-term care facilities that the State has determined should be sanctioned because of lack of compliance with state rules and establish a minimum fine of \$500 for operating without a license. It also proposed to require that the department make information on the health and safety records of long-term care facilities readily available to citizens of the State by publishing the names of those facilities cited for deficiencies.

Committee Amendment "A" (S-31) proposed to clarify that penalties may be imposed for operating without a license or for other violations of Title 22, chapter 1666-B. It proposed to delete the provision that would have required the Department of Human Services to publish lists of long-term care facilities cited for significant deficiencies.

Enacted law summary

Public Law 1999, chapter 99 doubles the fines that the Department of Human Services may impose on long-term care facilities that the State has determined should be sanctioned because of lack of compliance with state rules and establishes a minimum fine of \$500 for operating without a license. It clarifies that penalties may be imposed for operating without a license or for other violations of Title 22, chapter 1666-B.

LD 1084

An Act to Create a Monitoring Program in the Department of Human Services

ONTP

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1084 proposed to require the Department of Human Services to establish a monitoring system for telephone and personal interviews with clients of the department. The bill proposed to require telephone calls subject to the monitoring system be made on compatible equipment and interviews to be conducted in compatible locations.

LD 1105 Resolve, Regarding the Competitive Bidding Process for Mental Health Services ONTP

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

LD 1105 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules regarding contracting for mental health services.

LD 1106 An Act to Establish Ratios of Direct-care Providers to Nursing Home Residents ONTP

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

LD 1106 proposed to require the Department of Human Services to establish specific ratios of direct-care nursing staff to patients in nursing homes.

LD 1125 An Act to Modify the State's Safe Drinking Water Laws PUBLIC 77

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BERUBE	OTP-AM	H-92

LD 1125 proposed to authorize the Commissioner of Human Services to require each community water system to prepare and provide to each customer of the system at least once annually a consumer confidence report containing information required by the United States Environmental Protection Agency. It proposed to clarify state laws to better reflect the federal law authorizing the state revolving loan funds. The bill also proposed to provide public water systems the maximum loan terms allowable under the federal state revolving loan fund legislation.

Committee Amendment "A" (H-92) proposed to clarify that the consumer confidence report covers levels of detected regulated contaminants and detected unregulated contaminants for which monitoring is required.

Enacted law summary

Public Law 1999, chapter 77 authorizes the Commissioner of Human Services to require each community water system to prepare and provide to each customer of the system at least once annually a consumer confidence report containing information required by the United States Environmental Protection Agency, and it clarifies state laws to better reflect the federal law authorizing the state revolving loan funds. It also provides public water systems the maximum loan terms allowable under the federal state revolving loan fund legislation. It clarifies that the consumer confidence report covers levels of detected regulated contaminants and detected unregulated contaminants for which monitoring is required.

LD 1132

An Act to Establish Minimum Criteria for Siting Community Living Arrangements

ONTP

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

LD 1132 proposed to require community living arrangements to show their impact on local communities and obtain a certificate of need before a state agency decision to fund the arrangement.

LD 1169

An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission

PUBLIC 529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ	S-455 MICHAUD
MAYO	OTP-AM MIN	S-72

LD 1169 proposed to include quality child care as an integral part of the overall statewide goals and objectives for child abuse prevention activities of the Maine Children's Trust Incorporated. This bill proposed to expand the definition of prevention programs to include the promotion of high-quality child care and require that the names of both the successful and unsuccessful applicants for the trust's grants be submitted to the Legislature.

Committee Amendment "A" (S-72) is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to clarify that information about applicants to the Maine Children's Trust would be made public only with the applicants' permission. It proposed to add a study commission to review the mission, performance and accountability of the trust. It proposed to add an appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-455) removes the provisions that establish the Maine Children's Trust Study Committee.

Enacted law summary

Public Law 1999, chapter 529 includes quality child care as an integral part of the overall statewide goals and objectives for child abuse prevention activities of the Maine Children's Trust Incorporated and expands the definition of prevention programs to include the promotion of high-quality child care.

It requires that information about applicants to the Maine Children's Trust be made public with the applicants' permission.

LD 1180

An Act to Require Additional Vaccines for Employees of Health Care Facilities

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-603

LD 1180 proposed to require hospital and designated health care facility employees to be immunized against Hepatitis B. It also proposed to require staff and volunteers of nursing homes and extended care facilities to be immunized annually against influenza.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-603) proposed to replace the bill. It proposed to clarify that the Hepatitis B immunization requirements apply to all employees in hospitals and designated health facilities that are at risk of direct occupational exposure to blood or body fluids. It proposed to require nursing facilities and licensed assisted living facilities to adopt policies recommending and offering influenza immunizations to direct care personnel.

Enacted law summary

Public Law 1999, chapter 378 provides that the Hepatitis B immunization requirements in Title 22 apply to all employees in hospitals and designated health facilities that are at risk of direct occupational exposure to blood or body fluids. It requires nursing facilities and licensed assisted living facilities to adopt policies recommending and offering influenza immunizations to direct care personnel.

LD 1203

An Act to Increase Access to Prescription Drugs for the Elderly and for Disabled Persons

INDEF PP

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

LD 1203 proposed to expand eligibility for the elderly low-cost drug program to 300%, with persons above 185% paying increased co-payments on a sliding scale depending on family incomes compared with the federal poverty line. It proposed to preserve the provisions that allow eligibility to be determined in part on the cost of prescription drugs. It proposed to expand the prescription drugs available under the program to the same prescription drugs that are offered under the Medicaid program. It also proposed to add eligibility for disabled persons to the Medicaid waiver application for a Medicaid prescription drug program.

See the Part 2 budget, Public Law 1999, chapter 401, Part KKK and Public Law 1999, chapter 531, Part F.

LD 1210

An Act to Amend the Site Evaluator Licensing Laws

PUBLIC 86

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	OTP-AM	H-102

LD 1210 proposed to expand the authority of the Department of Human Services to adopt rules governing licensing of persons to evaluate soils and to design subsurface wastewater disposal systems. The bill also proposed to raise fees for the examination of licensed site evaluators and the site evaluator license.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-102) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 86 expands the authority of the Department of Human Services to adopt rules governing licensing of persons to evaluate soils and to design subsurface wastewater disposal systems including the competence and ethics of licensees and the revocation of licenses. This law also raises fees for the examination of licensed site evaluators and the site evaluator license to cover the cost of administering the program.

LD 1228

An Act to Increase Payments to Foster Parents

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER KONTOS	OTP-AM	H-131 S-393 MICHAUD

LD 1228 proposed to require the Department of Human Services to adopt rules increasing the payments to foster parents by \$50 per month. It also proposed to designate the rules as routine technical rules.

Committee Amendment "A" (H-131) proposed to add an appropriation and an allocation.

Senate Amendment "A" to Committee Amendment "A" (S-393) proposed to change the effective date of the increase to October 1, 2000 and change the appropriations and allocations to reflect this date.

The bill as amended was enacted by the Legislature and subsequently vetoed by the Governor.

LD 1229

Resolve, to Promote Community Mental Health Services

ONTP

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

LD 1229 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules by January 1, 2000 regarding community mental health services. The bill proposed to require contracts to separate fixed-amount grant funds from Medicaid reimbursement funds, which would vary with the amount of services rendered by the mental health services provider.

LD 1270 **An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program** **PUBLIC 383**

<u>Sponsor(s)</u> PARADIS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1270 proposed to authorize the Department of Human Services to provide transitional child care services to families who elect to discontinue receiving TANF benefits but who have earned income. See Part 2 budget, Public Law 1999, chapter 401, Part A-4.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 383 authorizes the Department of Human Services to provide transitional child care services to families who elect to discontinue receiving TANF benefits but who have earned income.

LD 1283 **An Act to Expand Access to the Elderly Low-cost Drug Program** **ONTP**

<u>Sponsor(s)</u> STANWOOD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1283 proposed to lower the eligibility requirements for the elderly low-cost drug program to allow a household that spends at least 25% of its income on prescription drugs to participate in the program. See also Public Law 1999, chapter 401, Part KKK and chapter 531, Part F.

LD 1290 **An Act to Create the Position of Ombudsman in the Department of Human Services** **CARRIED OVER**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1290 proposes to create the Office of Human Services Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in matters in the Department of Human Services and to provide independent clinical oversight for cases in the Department of Human Services.

This bill also proposes to give Legislators access to records maintained by the ombudsman relating to child custody cases in which the department is involved, as long as the parents of the child agree. See also LDs 114, 528 and 975.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1296 Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care INDEF PP

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

LD 1296 proposed to create a task force of 7 members to study payment mechanisms for dental health care different from the existing Medicaid reimbursement system. The alternative payment mechanisms could include voucher systems, copayments or other mechanisms that allow for fair compensation to a dentist while reducing the amount of paperwork and administration of the payment process. The task force would report recommendations and possible proposed legislation concerning alternative payment mechanisms for dental health care to the Joint Standing Committee on Health and Human Services by December 1, 1999.

LD 1312 An Act to Improve Consumers' Opportunities to Hire and Retain Personal Care Attendants INDEF PP

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

LD 1312 proposed to require the Department of Human Services to adopt rules by October 1, 1999 to increase the reimbursement rates of consumer-directed personal care attendants. The bill also proposed to enact a mechanism to ensure a review of the reimbursement rates every 2 years and require input from consumers and the Long-term Care Steering Committee as part of the review process. See Part 2 budget, Public Law 1999, chapter 401, part SS.

LD 1315 An Act to Ensure the Quality and Safety of Child Care and to Expand Home Visiting Services PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE LONGLEY	OTP MAJ OTP-AM MIN	S-435 MICHAUD

LD 1315 proposed to provide additional General Fund appropriations for child care services, Head Start and the Auditing, Contracting and Licensing Service Center to the Department of Human Services. This bill also proposed to require the Department of Human Services to adopt rules to implement the programs funded in the bill.

Senate Amendment "A" (S-435) proposed to do the following:

1. \$2,910,000 from the Fund for a Healthy Maine in FY 2000-01 for home visiting services.
2. \$1,575,000 from General Fund FY 99-2000 for one-time quality improvements in child care training and facilities.
3. \$2,093,179 from Fund for a Healthy Maine in FY 2000-01 for child care subsidies.
4. \$962,850 from Fund for a Healthy Maine in FY 2000-01 for school-aged child care subsidies.
5. \$525,000 from Fund for a Healthy Maine in FY 2000-01 for after-school services to children age 12 to 15.
6. \$300,000 from Fund for a Healthy Maine in FY 2000-01 for child care related quality improvements such as wages, training and facility improvements.
7. \$1,442,859 from Fund for a Healthy Maine for FY 2000-01 for child care resource development centers.
8. \$392,362 from Fund for a Healthy Maine for FY 2000-01 for 10 positions in the Auditing, Contracting and Licensing Center.

It also directs the Department of Human Services to adopt rules relating to the provision of after-school care, full-day year-round Head Start programming and procurement of federal funds.

Enacted law summary

Public Law 1999, chapter 515 provides additional appropriations and allocations for children's services as follows:

1. \$2,910,000 from the Fund for a Healthy Maine in FY 2000-01 for home visiting services.
2. \$1,575,000 from General Fund FY 99-2000 for one-time quality improvements in child care training and facilities.
3. \$2,093,179 from Fund for a Healthy Maine in FY 2000-01 for child care subsidies.
4. \$962,850 from Fund for a Healthy Maine in FY 2000-01 for school-aged child care subsidies.
5. \$525,000 from Fund for a Healthy Maine in FY 2000-01 for after-school services to children age 12 to 15.
6. \$300,000 from Fund for a Healthy Maine in FY 2000-01 for child care related quality improvements such as wages, training and facility improvements.
7. \$1,442,859 from Fund for a Healthy Maine for FY 2000-01 for child care resource development centers.
8. \$392,362 from Fund for a Healthy Maine for FY 2000-01 for 10 positions in the Auditing, Contracting and Licensing Center.

It also directs the Department of Human Services to adopt rules relating to the provision of after-school care, full-day year-round Head Start programming and procurement of federal funds.

See also LD 956, which contained home visiting funding proposals. See also PL 401, Parts LLL & MMM, which are repealed in Part A of this law and replaced by the provisions of it.

LD 1322 An Act to Ensure the Availability of Home-based Care CARRIED OVER

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

LD 1322 proposes to ensure that in-home care for persons who are in need of long-term care is made available to all eligible participants. This bill also proposes to provide that funds appropriated to the in-home care account do not lapse at the end of the fiscal year, but are carried over to the next fiscal year. It also proposes to require that funds appropriated to the nursing home account but not spent be transferred to the in-home care account.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1349 An Act to Protect Citizens from the Detrimental Effects of Tobacco PUBLIC 54

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

LD 1349 proposed to include a restaurant in the definition of "public place" where smoking is prohibited. It proposed to continue to allow smoking in a Class A lounge or tavern.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 54 prohibits smoking in restaurants by including a restaurant in the definition of "public place" where smoking is prohibited. Smoking continues to be permitted in a Class A lounge or tavern.

LD 1363 An Act to Increase the Availability of Glucose Screenings ONTP

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

LD 1363 proposed to prohibit any restrictions on where screening tests, including glucose screening tests to diagnose diabetes, may be performed.

LD 1372

An Act to Give a Caretaker the Same Temporary Assistance for Needy Families as a Custodial Parent

ONTP

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

LD 1372 proposed to require the Department of Human Services to allow an individual caretaker who is not the parent of a child and is eligible for TANF benefits for assuming responsibility for a child to receive the same amount of assistance as the department would provide a custodial parent. The bill proposed to define the term “caretaker” as an individual that has or assumes responsibility for the care of a child.

LD 1378

An Act to Ensure Access to Long-term Care Services for Persons with Dementia **CARRIED OVER**

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

LD 1378 proposes to require the Department of Human Services to include in its medical eligibility assessment criteria a certain definition of the term "problem behavior" in order to ensure access to appropriate long-term care services for persons with dementia.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1393

An Act Concerning Due Process Regarding Certified Nursing Assistants

ONTP

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

LD 1393 proposed to require the Department of Human Services to adopt rules providing certain due process rights to a certified nursing assistant who is confronted with specific documented findings of abuse, neglect or misappropriation of property under the Maine Revised Statutes, Title 22, section 1812-G. The Department of Human Services would have been required to:

1. Clarify the definition of abuse;
2. Prove noncriminal abuse by clear and convincing evidence;
3. Provide a right to representation;
4. Inform a certified nursing assistant of a right to representation before any questioning relating to an investigation;

5. Establish a right to independent binding arbitration for a certified nursing assistant confronting charges under Title 22, section 1812-G; and
6. Establish a certified nursing assistant's right to discover the specific charges, documents and witnesses relating to a proceeding under Title 22, section 1812-G.

LD 1401

An Act to Amend the Maine Health Data Organization Statutes

**PUBLIC 353
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL B	OTP-AM	H-483

LD 1401 proposed to make a number of technical corrections to the Maine Health Data Organization law and repeal language that is outdated. In addition, this bill proposed to increase the forfeiture level for noncompliant data providers that are not health care facilities, provide the Maine Health Data Organization with compliance monitoring authority, modify the funding provisions and allow specific financial information to be designated confidential.

This bill was submitted on behalf of the Maine Health Data Organization.

Committee Amendment "A" (H-483) proposed to change the membership of the Board of Directors of the Maine Health Data Organization by removing a dentist and including a representative of a federally qualified health center or rural health clinic. The amendment also proposed to allow the organization to undertake data collection, processing and storage procedures only on a limited basis. The amendment proposed to exempt a person from collection of data when there is an objection based on a sincerely held religious belief. The amendment proposed to remove a technical error printed in the original bill relating to routine technical rules. An exclusion clause in the penalty provisions for providers and facilities was proposed to be included for circumstances beyond a provider's or facility's control. The amendment proposed to change the ceiling on assessments charged to support the activities of the organization. The assessment of \$760,000 for fiscal year 1999-00 was proposed to increase by 5% each fiscal year.

Enacted law summary

Public Law 1999, chapter 353 makes a number of technical corrections to the Maine Health Data Organization law and repeals language that is outdated. It increases the forfeiture level for noncompliant data providers that are not health care facilities, provides the Maine Health Data Organization with compliance monitoring authority, and allows specific financial information to be designated confidential. It changes the membership of the Board of Directors of the Maine Health Data Organization by removing a dentist and including a representative of a federally qualified health center or rural health clinic. It allows the organization to undertake data collection, processing and storage procedures only on a limited basis and exempts a person from collection data when there is an objection based on a sincerely held religious belief. An exclusion clause in the penalty provisions for providers and facilities is included for circumstances beyond a provider's or facility's control. The law changes the ceiling on assessments charged to support the activities of the organization. The assessment of \$760,000 for fiscal year 1999-00 is allowed to increase by 5% each fiscal year.

Chapter 353 was enacted as an emergency measure effective May 28, 1999.

LD 1432 An Act to Improve Care to Nursing Home Residents by Requiring Adequate Staff to Provide Hands-on Care CARRIED OVER

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

LD 1432 proposes to increase the ratios of direct-care providers to residents, define "direct care" as hands-on care and require extra staff at meal times to ensure adequate nutrition to residents. This bill proposes to require the Department of Human Services to contract with one or more experts in the field of nurse staffing research and long-term care to recommend a methodology for determining appropriate nursing facility staffing levels based on resident acuity and to report back to the Legislature by May 1, 1999.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1472 An Act to Clarify Reimbursement for Cognitive Services ONTP

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

LD 1472 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations provide coverage and reimbursement for cognitive services for persons with schizophrenia. It proposed to apply to all individual and group policies and contracts issued or renewed on or after January 1, 2000. LD 1472 also proposed to require that these services be covered under the state Medicaid program.

LD 1477 An Act to Promote Healthy Maine Families CARRIED OVER

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

LD 1477 proposes to extend Medicaid coverage to the parents or the caretaker relative of those children who are eligible for the Maine Medicaid program if their family income is below 150% of the nonfarm income official poverty line. Eligibility would be increased up to 185% of the nonfarm income official poverty line when nonfarm income official matching funds become available.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

Committee Amendment "A" (S-339) is the majority report of the committee. It proposed to replace the bill. It proposed to retain the provisions of the bill that extend Medicaid coverage to parents and caretaker relatives of children eligible for the Medicaid program and adds an income adjustment mechanism to ensure that coverage for the parents and caretaker relatives is provided within the limits of the program budget. It proposed to clarify

that transitional support services are provided to families receiving Medicaid benefits under the Social Security Act, Section 1931. It proposed to repeal obsolete provisions in the transitional Medicaid statutes. It proposed to add an appropriation and an allocation.

Committee Amendment "B" (S-340) is the minority report of the committee. It proposed to replace the bill with provisions identical to the majority report with the exception of funding. It proposed to provide an effective date of 30 days after receipt of the national tobacco settlement revenues for the provisions of the bill. It proposed to add an appropriation and an allocation.

After a recommendation from the Appropriations and Financial Affairs Committee not to provide funding for this bill, this bill was recommitted to committee and carried over to the Second Regular Session of the 119th Legislature.

LD 1478 **Resolve, to Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to Contract for the Operation of a Stabilization Facility** **ONTP**

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

LD 1478 would have required the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to enter into a contract for short-term stabilization services in a secure facility in the Lewiston-Auburn area. Persons needing stabilization following substance abuse would use these facilities rather than hospital emergency rooms, as is current practice.

LD 1508 **Resolve, to Establish a Task Force to Determine the Effectiveness and Quality of Care of In-home Care Services** **ONTP**

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

LD 1508 proposed to establish the Task Force to Determine the Effectiveness and Quality of Care of In-home Care Services. Members would have included two Legislators, three people who use home health care services and one person who represents the home health care industry. The bill proposed that the task force report its findings to the Legislature by January 15, 2000.

LD 1511 **An Act to Provide Efficient and Continuous High-quality Service to Mental Health Consumers** **ONTP**

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

LD 1511 proposed to provide that any performance-based contract between the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers may be renewed without subjecting the renewal to the request-for-proposal procedure.

LD 1515 **An Act to Prohibit Certain Practices in the Advertising and Sale of Tobacco Products** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1515 proposed to prohibit the use of coupons for distribution of cigarettes, tobacco products, prizes or premiums and outdoor advertising and sponsorship of instate public events with regard to cigarettes and other tobacco products.

LD 1525 **An Act to Improve Medical Support for Children** **INDEF PP**

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1525 proposed to enact procedures and methodologies for the Department of Human Services to maximize the use of available medical coverage, enhance the federal mandate that Medicaid be the payer of last resort and require pertinent organizations or insurers to electronically identify in a manner requested by the department former or current Medicaid recipients who have health insurance coverage.

This bill was submitted on behalf of the Department of Human Services.

LD 1533 **An Act to Preserve the Medicaid Home Health Benefit** **PUBLIC 329**

<u>Sponsor(s)</u> FULLER HARRIMAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1533 proposed to designate rules regarding access to home health care under the Medicaid program as major substantive rules.

Enacted law summary

Public Law 1999, chapter 329 designates rules regarding access to home health care under the Medicaid program as major substantive rules.

LD 1551

**An Act to Provide a Method of Compensation for Personal Injuries
Caused by Side-stream Tobacco Smoke**

ONTP

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

LD 1551 proposed to create a Side-stream Smoke Compensation Board for the purpose of assessing claims of persons injured by side-stream smoke. The bill proposed that if the board determines that a person were damaged by side-stream smoke, the board would make a monetary award to the person to compensate for damages. The bill proposed that funds for this compensation come from money awarded to the State in lawsuits against tobacco companies.

LD 1574

**An Act to Improve Access to Education for Parents as Scholars
Program Participants**

PUBLIC 407

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT CATHCART	OTP-AM	H-656

LD 1574 proposed to remove certain participation requirements for low-income parents participating in a postsecondary education program, known as the Parents as Scholars Program.

Committee Amendment "A" (H-656) proposed to replace the bill. It proposed to allow Parents as Scholars enrollees who were in their 3rd and 4th years of study to choose among work-site experience, education, training or study. It proposed to allow for adjustments to program requirements for good cause.

Enacted law summary

Public Law 1999, chapter 407 allows Parents as Scholars enrollees who are in their 3rd and 4th years of study to choose among work-site experience, education, training or study. It allows for adjustments to program requirements for good cause.

LD 1578

Resolve, to Amend the Elderly Low-cost Drug Program

ONTP

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

LD 1578 proposed to require the Department of Human Services to adopt rules to add drugs for cancer to the elderly low-cost drug program by December 1, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM MAJ ONTP MIN	H-370

LD 1582 proposed to prohibit self-service sales, self-service displays, racks and shelves of tobacco products in environments where minors are allowed and to prohibit the location of vendor-assisted counter displays on any counter where a sale takes place.

Committee Amendment "A" (H-370) proposed to require tobacco to be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. It proposed to exempt tobacco specialty stores and locations in which the presence of minors is generally prohibited. It proposed to state that the provision does not preempt a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products.

Enacted law summary

Public Law 1999, chapter 314 requires tobacco to be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. Except as otherwise allowed by law, it exempts tobacco specialty stores and locations in which the presence of minors is generally prohibited. It states that a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products is not preempted by this provision of law.

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

LD 1585 proposed to prohibit the display of tobacco products and promotional displays of tobacco products within businesses and self-service merchandising of tobacco products. See LD 1582.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-221

LD 1598 proposed to clarify that the annual assessment placed on hospitals under the Hospital Cooperation Act of 1992 is \$200,000. The bill also proposed to repeal a provision requiring that the amount of the assessment is based on each hospital's gross patient service revenue.

Committee Amendment "A" (S-221) proposed to replace the bill. It proposed to remove repeal of the provision that the amount of the assessment is based on each hospital's gross patient service revenue and retain

the provision limiting the assessment to \$200,000 per fiscal year. The amendment proposed to apply these provisions retroactively to July 1, 1998.

Enacted law summary

Public Law 1999, chapter 306 limits the annual assessment placed on hospitals under the Hospital Cooperation Act of 1992 to \$200,000 per fiscal year and applies this provision retroactively to July 1, 1998. It repeals an outdated provision allocating funds for previous fiscal years.

LD 1613 An Act to Provide a Definition of Cigarette for Retail Purposes ONTP

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1613 proposed to amend the retail tobacco sales law to add a definition of cigarette.

LD 1623 An Act to Provide Services for Children in Need of Supervision CARRIED OVER

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1623 proposes to establish the Children in Need of Services Program. The program is to provide for a safety plan consisting of housing, medical care, nutritional care and education for children 15 years of age and under who have been determined to be in need of supervision. See also LD 1825.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1651 An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes ONTP

<u>Sponsor(s)</u> GERRY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1651 proposed to create the Tobacco Settlement Dedicated Fund to receive revenue from the settlement of litigation between the State and the tobacco manufacturers. The fund would be used for payment of health care costs for persons who use tobacco products; smoking cessation public education, seminars, treatment clinics and costs; expansion of the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 to cover health care expenses for smoking-related illness and disease; and health care coverage for persons who are unable to afford coverage. Expenditures from the fund would be limited to 3/4 of the annual revenue unless approved by a vote of 3/4 of the members of the Senate and the House. See also Public Law 1999, chapter 401, parts U & V.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ	H-705
MITCHELL B	OTP-AM MIN	S-382 PARADIS S-383 PARADIS

LD 1653 proposed to clarify and expand the ability of a health care practitioner or facility to disclose health care information about an individual. The bill proposed to allow a health care provider or health care practitioner treating an incapacitated individual to obtain authorization to disclose health care information from the appropriate surrogate decision-maker for that individual, to allow an individual to orally authorize disclosure of his or her health care information, to allow an individual to orally authorize the release of the health care information to the extent necessary to bill those responsible for payment for the health care services provided to the individual and to allow the parent, legal guardian or guardian ad litem of a minor who has not consented to health care treatment in accordance with the provisions of state law to submit an addition to the minor's health care record. The bill also proposed to make related technical or clarifying changes in current law.

Committee Amendment "C" (H-705) is the report of the majority of the Joint Standing Committee on Health and Human Services. It proposed to replace the bill.

1. It proposed to clarify that, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem may submit health care information that corrects or clarifies the patient's treatment record and obtain copies.
2. Within the provisions of the Maine Revised Statutes, Title 22, section 1711-C, it proposed to:
 - A. Define authorization to disclose and clarify that disclosures that are subject to the law are disclosures of health care information obtained as a result of a professional health care relationship between the individual and the health care practitioner or facility to a person or entity other than the individual. It proposed to clarify that "health care information" does not include information that is created or received by a member of the clergy or other person using spiritual means alone for healing and that "health care" includes treatment;
 - B. Repeal unnecessary provisions relating to confidentiality after health care information is disclosed;
 - C. Provide for oral authorization to disclose and for authorization to disclose provided by a 3rd party;
 - D. Clarify the provisions for revocation of authorization to disclose;
 - E. Provide that disclosures to another health care practitioner or facility may take place within the office, practice or organizational entity without authorization and outside of it without authorization, except that HIV and mental health information would require authorization in nonemergency circumstances;
 - F. Allow disclosure without authorization to family or household members unless expressly prohibited;
 - G. Allow disclosure without authorization for billing and insurance purposes to schools, camps, emergency services, corrections facilities and a branch of the federal or state military forces, for the purposes of

making and confirming appointments or tests and for the purposes of obtaining prescription medications and supplies;

- H. Allow disclosure without authorization to confirm admission to a health care facility and brief confirmation of general health status to the media when inquiring by name, unless expressly prohibited;
 - I. Allow disclosure without authorization to the clergy unless expressly prohibited;
 - J. Allow disclosure without authorization to members of the public inquiring by name unless expressly prohibited;
 - K. Clarify that disclosure under the law is subject to the professional judgment of the health care practitioner;
 - L. Add cross-references regarding authorizations to disclose;
 - M. Impose penalties for intentional violations and repeal penalties for negligent violations;
 - N. Clarify that other laws, rules and regulations pertaining to health care information govern that information and those entities subject to those laws, rules and regulations;
 - O. Clarify application of the provisions, making them applicable to requests, directives and authorizations executed on or after February 1, 2000, and provide a transition period for authorizations executed prior to that date until the date of the next health care encounter between the individual and the health care practitioner or facility;
 - P. It proposed to require that routine admission forms to health care facilities provide notice of the ability to remove one's name from the directory listing; and
 - Q. It proposed to require notice that removal from the directory listing could result in inability to direct telephone calls and visitors;
3. It proposed to provide that Title 22, section 1711-C is repealed on March 1, 2002.
 4. It proposed to provide that HIV testing and HIV status information will be governed by current law, not the more general law regarding the confidentiality of health care information of Title 22, section 1711-C.
 5. It proposed to delay implementation of the laws on health care confidentiality until February 1, 2000.

Senate Amendment "A" to Committee Amendment "C" (S-382) proposed to clarify the ability of a health care practitioner or facility to disclose health care information pursuant to subpoena from a governmental entity.

Senate Amendment "B" to Committee Amendment "C" (S-383) proposed to require that the confidentiality policies of health care facilities must provide to individuals being admitted for inpatient care notice of the right to control the disclosure of health care information.

Enacted law summary

Public Law 1999, chapter 512 does the following:

1. It clarifies that, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem may submit health care information that corrects or clarifies the patient's treatment record and obtain copies.
2. Within the provisions of the Maine Revised Statutes, Title 22, section 1711-C, it:
 - A. Defines authorization to disclose and clarifies that disclosures that are subject to the law are disclosures of health care information obtained as a result of a professional health care relationship between the individual and the health care practitioner or facility to a person or entity other than the individual. It clarifies that "health care information" does not include information that is created or received by a member of the clergy or other person using spiritual means alone for healing and that "health care" includes treatment;
 - B. Repeals unnecessary provisions relating to confidentiality after health care information is disclosed;
 - C. Provides for oral authorization to disclose and for authorization to disclose provided by a 3rd party;
 - D. Clarifies the provisions for revocation of authorization to disclose;
 - E. Provides that disclosures to another health care practitioner or facility may take place within the office, practice or organizational entity without authorization and outside of it without authorization, except that HIV and mental health information require authorization in nonemergency circumstances;
 - F. Allows disclosure without authorization to family or household members unless expressly prohibited;
 - G. Allows disclosure without authorization for billing and insurance purposes to schools, camps, emergency services, corrections facilities and a branch of the federal or state military forces, for the purposes of making and confirming appointments or tests and for the purposes of obtaining prescription medications and supplies;
 - H. Allows disclosure without authorization to confirm admission to a health care facility and brief confirmation of general health status to the media when inquiring by name, unless expressly prohibited;
 - I. Allows disclosure without authorization to the clergy unless expressly prohibited;
 - J. Allows disclosure without authorization to members of the public inquiring by name unless expressly prohibited;
 - K. Clarifies that disclosure under the law is subject to the professional judgment of the health care practitioner;
 - L. Adds cross-references regarding authorizations to disclose;
 - M. Imposes penalties for intentional violations and repeals penalties for negligent violations;
 - N. Clarifies that other laws, rules and regulations pertaining to health care information govern that information and those entities subject to those laws, rules and regulations;

- O. Clarifies application of the provisions, making them applicable to requests, directives and authorizations executed on or after February 1, 2000, and provides a transition period for authorizations executed prior to that date until the date of the next health care encounter between the individual and the health care practitioner or facility;
- P. It requires that routine admission forms to health care facilities provide notice of the ability to remove one's name from the directory listing; and
- Q. It requires notice that removal from the directory listing could result in inability to direct telephone calls and visitors;
- R. It clarifies the ability of a health care practitioner or facility to disclose health care information pursuant to subpoena from a governmental entity.
- S. It requires that the confidentiality policies of health care facilities must provide to individuals being admitted for inpatient care notice of the right to control the disclosure of health care information.

- 3. It provides that Title 22, section 1711-C is repealed on March 1, 2002.
- 4. It provides that HIV testing and HIV status information will be governed by current law, not the more general law regarding the confidentiality of health care information of Title 22, section 1711-C.
- 5. It delays implementation of the laws on health care confidentiality until February 1, 2000.8

LD 1666 An Act to Ensure That Funds from Maine’s Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People ONTP

<u>Sponsor(s)</u> PINGREE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1666 proposed to establish the Healthy Maine Program to provide health care coverage, Medicaid coverage and prescription drug coverage for adults 62 years of age and older, disabled persons and children. Benefits would be provided under the Healthy Maine Program, the Medicaid program and the Cub Care program. See also Public Law 1999, chapter 401, part QQ, expanding eligibility in the Cub Care program in FY 2000-01 from 150% to 185% of the federal poverty level.

LD 1668 An Act to Create the Drive ME Wheels-to-work Program CARRIED OVER

<u>Sponsor(s)</u> LAWRENCE QUINT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1668 proposes to establish the Drive ME Wheels-to-work Program and require the Commissioner of Human Services to adopt rules to implement the program. The proposed program would provide loans for the purchase of used vehicles and for the purchase of repair and maintenance services to people who receive assistance through the federal Temporary Assistance for Needy Families program. The loans would be provided through

community action agencies at below-market rates. The bill proposes a revolving loan fund to finance the program.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1687 An Act Relating to Medicaid Liens

PUBLIC 483

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-653
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LD 1687 proposed to allow the compromise, release or settlement of Medicaid-related claims when the commissioner determines that the best possible outcome requires compromise, release or settlement.

Committee Amendment "A" (H-653) proposed to add to the bill clarifying language with regard to resolution of a dispute about the settlement of a claim for reimbursement of the Medicaid program.

Enacted law summary

Public Law 1999, chapter 483 allows the compromise, release or settlement of Medicaid-related claims when the commissioner determines that the best possible outcome requires compromise, release or settlement.

**LD 1703 An Act to Repeal the 6% Supplemental Rebate on Prescription
Drugs to Conform to the Requirements of Federal Regulations**

ONTP

<u>Sponsor(s)</u> CAMPBELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1703 proposed to repeal a provision of Maine law that is inconsistent with federal regulations. The provision that the bill proposed to repeal requires the Department of Human Services to achieve in the elderly low-cost drug program an aggregate rebate amount that is six percentage points higher than the rebate recommended by the federal Health Care Financing Administration.

**LD 1704 An Act to Protect Children from Secondhand Smoke in Motor
Vehicles**

ONTP

<u>Sponsor(s)</u> GERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1704 proposed to prohibit smoking in a motor vehicle when children are in the motor vehicle. The violation would have carried a civil penalty of \$100 per violation.

LD 1724 **Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA QUINT	OTP-AM	

LD 1724 proposed to direct the Department of Human Services to develop a plan, establish criteria and provide funding for transportation to treatments for end-stage renal disease patients. The resolve proposed to provide funding for those patients who do not qualify for any other type of transportation reimbursement.

LD 1727 **An Act to Require the Office of Substance Abuse to Report on Certain Child Care Services** **ONTP**

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

LD 1727 proposed to require the Office of Substance Abuse to include in its recommendations submitted to the Legislature recommendations regarding the provision of child care services to a child whose parent or primary caregiver is receiving substance abuse services and improvements for all state alcohol and drug abuse programs.

LD 1733 **An Act to Amend the Laws Regarding the Provision of Services to Persons with Alzheimer's Disease** **CARRIED OVER**

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

LD 1733 proposes to require the Department of Human Services to consider the fluctuating nature of Alzheimer's disease so that the medical and social needs of a person being evaluated for the disease can be fully assessed and the appropriate level of services provided.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1755 **An Act to Improve Access to Dental Care for Children** **PUBLIC 301**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TREAT	OTP-AM	H-274 H-529 KANE

LD 1755 proposed to require the Department of Human Services and the Department of Education to undertake three studies and to report to the Joint Standing Committee on Health and Human Services by January 1, 2000. The proposed studies would concern mobile vans for dental services, residency programs in dentistry and reimbursement rates for dentistry paid through the Medicaid program. It proposed that increases in dental fees be tied to increases in the Consumer Price Index.

Committee Amendment "A" (H-274) proposed to delete the requirement that Medicaid reimbursed dental fees be adjusted according to the Consumer Price Index. It also proposed to require the Finance Authority of Maine rather than the Department of Education to study dental residency programs. The amendment proposed to add to the study the issues of the need for additional dental professionals and strategies and incentives to improve access to dental care for children and low-income residents.

House Amendment "A" (H-529) proposed a change in the reporting date for the Department of Human Services, from January 1, 2000 to December 31, 1999.

Enacted law summary

Public Law 1999, chapter 301 requires the Department of Human Services to annually review reimbursement rates for dentistry paid through the Medicaid program and the Cub Care program. The law also requires a review of the use of mobile vans to provide diagnostic and preventative programs in remote or under served areas of the State.

This law also requires the Finance Authority of Maine to study dental residency programs, the need for more dental professionals in Maine and strategies and incentives for improving access to dental care for children and low-income residents. The results of the studies required by this law must be reported back to the Joint Standing Committee on Health and Human Services by December 31, 1999.

LD 1760 Resolve, to Create the Commission to Study the Provision of Mental Health Services to the Elderly ONTP

<u>Sponsor(s)</u> POWERS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1760 proposed to establish the Commission to Study the Provision of Mental Health Services to the Elderly. The duties of the commission would include studying the needs of the elderly population with mental illness. The commission would have been required to report its findings to the Joint Standing Committee on Health and Human Services by January 1, 2000. The Joint Standing Committee on Health and Human Services would have been authorized to submit legislation in the Second Regular Session of the 119th Legislature to implement the commission's recommendations.

LD 1807 Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities CARRIED OVER

<u>Sponsor(s)</u> COLWELL PARADIS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1807 proposes to require the Department of Human Services to review the case mix assessment tool and reimbursement rate for residential care facilities to ensure access and quality care for persons with Alzheimer's disease or other types of dementia.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1809

An Act to Increase Access to Cub Care for Children

PUBLIC 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-595
LONGLEY	ONTP MIN	S-437 MICHAUD

LD 1809 proposed to raise the maximum eligibility level of the Cub Care program to 200% of the federal poverty line. This bill also proposed to establish a drug rebate program within the Cub Care program similar to the elderly low-cost drug program.

Committee Amendment "A" (H-595) proposed to model the Cub Care drug rebate program after the Medicaid drug program to allow a broader spectrum of pharmaceuticals to be covered.

Senate Amendment "A" (S-437) proposed to make clear that the rebate in the Cub Care program is to be modeled after the rebate in the Medicaid program, except that the supplemental 6% rebate required by the Maine Medicaid program does not apply to the Cub Care program. It proposed to replace Committee Amendment "A".

Enacted law summary

Public Law 1999, chapter 522 establishes a drug rebate program within the Cub Care program modeled after the Medicaid drug rebate program, except that the supplemental 6% rebate required by the Maine Medicaid program does not apply to the Cub Care program.

LD 1812

Resolve, to Require the Development of a Basic Needs Budget

RESOLVE 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-450
		S-397 MICHAUD

LD 1812 proposed to require the Department of Human Services, Division of Purchased and Support Services, in connection with its current duty to monitor the poverty level in the State, to compile and publish an annual basic needs budget for a single parent with 2 children that includes basic expenses and a calculation of the income needed to meet this basic needs budget.

Committee Amendment "A" (H-450) proposed to replace the bill with a resolve. It proposed to direct the Executive Department, State Planning Office to develop a basic needs budget in cooperation with the Department of Human Services. The amendment also proposed to add an appropriation.

Senate Amendment "A" to Committee Amendment "A" (S-397) proposed to remove the proposed appropriation to the State Planning Office.

Enacted law summary

Resolve 1999, chapter 62 requires the State Planning Office to develop a basic needs budget in cooperation with the Department of Human Services.

LD 1814 An Act Establishing the Newborn Hearing Program CARRIED OVER

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

LD 1814 proposes to establish the Newborn Hearing Program to provide hearing screening, evaluation, treatment and intervention to newborn children and to children within 3 months of the date of their birth. The program would be within the Department of Human Services and be overseen by the Newborn Hearing Screening Advisory Board. The bill proposes to require insurance policies and contracts and health maintenance organization contracts to provide coverage for newborn children hearing screening.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1818 An Act to Create Statewide Smoking Cessation Services INDEF PP

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

LD 1818 proposed to direct the Department of Human Services to develop a statewide smoking cessation program and provide minimum requirements for the program. It proposed to require a report by January 1, 2000 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on progress in establishing a statewide smoking cessation program, including in the report any legislation required to establish the program. It proposed to require smoking cessation programs to receive funding under the tobacco prevention and control program.

LD 1825 Resolve, to Establish the Commission to Study Children in Need of Services RESOLVE 87 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE PARADIS	OTP-AM	S-445 MICHAUD S-87

LD 1825 proposed to establish the Commission to Study Children in Need of Services. The commission would be charged with reviewing truancy problems, children who run away from their homes, emancipation of children and other factors that cause children to be in need of services. The commission would be required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services by December 1, 1999.

Committee Amendment "A" (S-87) proposed to add an appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-445) proposed to remove the provision for payment of legislative per diem to nonlegislative members of the study commission.

Enacted law summary

Resolve 1999, chapter 87 establishes the Commission to Study Children in Need of Services to review truancy problems, children who run away from their homes, emancipation of children and other factors that cause children to be in need of services. The commission is required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services by December 1, 1999.

Chapter 87 was enacted as an emergency measure effective June 17, 1999.

**LD 1838 An Act to Include Mental Retardation, Developmental Disability CARRIED OVER
and Substance Abuse Services in the Community Service System of
the Department of Mental Health, Mental Retardation and
Substance Abuse Services and to Consolidate Those Advisory
Bodies to the Department**

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

LD 1838 proposes to restructure the Department of Mental Health, Mental Retardation and Substance Abuse Services to eliminate artificial barriers to services and the separation of the adult and children's mental health, mental retardation and substance abuse systems. This bill proposes to give statutory authority for stakeholders of all department services to participate in their local quality councils and include providers of services to persons with mental retardation or developmental disabilities, or both, and persons receiving substance abuse services in the local service networks. This bill proposes to eliminate population-specific committees that exist to advise the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services on implementation of statewide planning. The functions of these groups would be assumed by the statewide quality improvement council whose membership will be reflective of all constituencies served by the department.

This bill was submitted on behalf of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

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

LD 1839 proposes to make modifications to the reimbursement system to more accurately reflect the actual cost of services in all segments of the continuum of long-term care. The bill proposes to require the Department of Human Services to utilize 1997 data, rather than 1993 data as is currently the standard, for calculating reimbursement rates and cost components; provide for calculation of a facility's case mix based on the facility's total population, regardless of source of payment; reclassify certain cost components as direct costs; and direct the department to establish the maximum reimbursement rates annually by taking into account the size of the facility and by utilizing current year-end data. It also proposes to direct the department to recognize as an allowable fixed cost the nursing facility's allocated share of debt service or outstanding debt resulting from either the sale of licensed beds by a facility or the closure of a nursing facility.

The bill also proposes to establish the Medicaid Automation Grant Fund for the purpose of facilitating the improved efficiency of facility operations. The bill proposes to authorize the department to establish criteria for approving disbursements from the fund to facilities.

The bill proposes to repeal the requirement that a nursing facility that participates in the Medicaid program also must participate in the Medicare program as a skilled nursing facility.

The bill proposes to provide facilities with a limited opportunity to utilize nursing facility beds for the provision of residential care services if there are no residential care beds available within 25 miles of that facility or if necessary to meet the care needs of an existing resident.

The bill proposes to address the problem of an existing over-supply of nursing facility beds. The department would be authorized to entertain proposals from nursing facilities to sell some or all of their licensed beds back to the department. The bill proposes to provide funding for this purpose through loans from Maine Health and Higher Educational Facilities Authority, the debt service on which would be paid by all facilities on a proportional basis. The debt service would be allocated to remaining nursing facility providers in proportion to their number of licensed beds.

The bill proposes to provide for the allocation of the total net outstanding debt among remaining facilities within a multi-facility operator's system in proportion to the number of licensed beds owned by each remaining nursing facility.

Under current law, hospitals, intermediate care facilities, skilled nursing facilities and other facilities licensed under chapter 405 may provide home health care services to clients residing in those facilities, or at any one time, to 6 or fewer clients residing in their homes under a department-approved care plan. In either case, the licensed home health care agencies serving the patient's area must either have indicated that they are unable to provide those services or have agreed that the plan of care is an acceptable plan. The bill proposes to eliminate the requirement for obtaining approval of the care plan by the department or by the home health care agency; eliminate the condition that the home health care agencies in the area indicate that they are unable to provide the services in question; and add the requirement that the facilities must notify the home health agencies of the fact that the facilities will be providing those services.

The bill proposed to revise the medical eligibility provisions applicable to the Medicaid program to require the department to discontinue its current practice of denying all reimbursement to a nursing facility that inadvertently misses the established deadline for asking the department to reassess a resident's eligibility. Instead, the department would be allowed to apply 2 sanctions. First, it could penalize the facility up to 10% of its regular reimbursement rate for the days between the due date for the assessment and the date the facility actually requested reassessment. Second, the department could reduce the rate to the much lower residential care rate, if the reassessment, when performed, showed that the resident no longer required a nursing facility level of care.

The bill proposed to require the department to utilize 1997 data for calculating the maximum allowable reimbursement for facilities' routine costs. The bill also proposed to require that the department distinguish between facilities with 30 or more beds and those with fewer than 30 beds in establishing the maximum amount of reimbursable costs for the various cost categories established for residential care.

The bill proposed to direct the department to resume its approval of staffing requests by residential care facilities as had been the department's practice prior to June of 1998.

The bill proposed to prohibit the department from reducing the Medicaid home health benefit.

The bill proposed to establish the Commission to Study Job Training and Career Advancement for Long-term Care Health Professionals and Personnel. The commission would consist of representatives of the affected agencies and health workers for the purpose of establishing a set of health practitioner job descriptions and training requirements that are simple, are logically sequential and build up into a career ladder for individuals in the field.

Finally, the bill proposed to provide for a \$1,000,000 appropriation from the General Fund to provide additional respite, homemaker and home-based care services to individuals who have been placed on the department's waiting list for these services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1879 **An Act to Increase Access to Basic Needs for Low-income Maine Children and Families** **PUBLIC 461**

<u>Sponsor(s)</u> RAND TOWNSEND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-290
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LD 1879 proposed to provide an annual increase of 5% in the maximum amount of assistance available to low-income families with children under the Temporary Assistance to Needy Families program until the maximum amount of TANF assistance for a family of 3 is at least equal to the average of the other New England states' maximum amount of TANF assistance for a family of 3.

Committee Amendment "A" (S-290) proposed to allow the Commissioner of Human Services to increase the maximum levels of assistance in the Temporary Assistance to Needy Families, or TANF, program if there are unexpended funds in the ASPIRE or TANF accounts. The amendment also proposed to require the Department of Human Services to report to the Legislature in years following years in which the maximum assistance levels

have not increased by 5%. That report would include average of TANF assistance levels across the New England states.

Enacted law summary

Public Law 1999, chapter 461 allows the Commissioner of Human Services to increase the maximum levels of assistance in the Temporary Assistance to Needy Families, or TANF, program if there are unexpended funds in the ASPIRE or TANF accounts. It also requires the Department of Human Services to report to the Legislature in years following years in which the maximum assistance levels have not increased by 5%. That report must include the average of TANF assistance levels across the New England states.

LD 1896 Resolve, to Increase Certain Reimbursement Rates under the RESOLVE 76
Medicaid Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-602 S-386 MICHAUD

LD 1896 proposed to increase reimbursement rate for chiropractic manipulation under the Medicaid program from the current \$9 per hour to \$20 per hour.

Committee Amendment "A" (H-602) proposed to change the fee for chiropractic manipulation under the Medicaid program from \$20 per hour to \$20 per service. It proposed to add appropriation and allocation sections.

Senate Amendment "A" to Committee Amendment "A" (S-386) proposed to change the title of the resolve and change the effective date to October 1, 2000. The amendment also proposed to change the reimbursement rates for speech and hearing centers by 18% over current Medicaid rates effective November 1, 1999. See also Resolve 1999, chapter 28.

Enacted law summary

Resolve 1999, chapter 76 increases the reimbursement rate for chiropractic manipulation under the Medicaid program from the current \$9 per hour to \$20 per service effective October 1, 2000. It also changes the reimbursement rates for speech and hearing centers by 18% over current Medicaid rates effective November 1, 1999.

LD 1902 An Act to Allow Emergency Room Personnel to Search Patients ONTP
Who have Threatened Themselves or Others

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

LD 1902 proposed to authorize certain emergency room personnel to search a patient who may pose a threat to the patient or others.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL B	OTP-AM	H-268 H-544 KANE

LD 1905 proposed to establish a program within the Department of Human Services to identify and collect information on birth defects. The program would undertake research, be authorized to collect information, have access to health care records and information and provide information to families on available services. The bill would require a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1st of each year on the operation of the program.

Committee Amendment "A" (H-268) proposed to create an exception to the provisions requiring the reporting and entry into the central registry of information regarding birth defects for a child whose parent or legal guardian objects on the basis of sincerely held religious beliefs. It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-544) proposed to change the reporting date to the last business day of the year.

Enacted law summary

Public Law 1999, chapter 344 establishes a program within the Department of Human Services to identify and collect information on birth defects and exempts from reporting and entry into the central registry of information regarding birth defects for a child whose parent or legal guardian objects on the basis of sincerely held religious beliefs. The program will undertake research, is authorized to collect information, has access to health care records and information and may provide information to families on available services. The bill requires a report on the operation of the program to the joint standing committee of the Legislature having jurisdiction over health and human services matters by the last business day of each year.

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

LD 1926 proposed to establish Maine's Business Advisory Committee on Prescription Drug Costs and Efficiencies. The advisory committee would conduct a study concerning outpatient prescription drug prices in the State and would obtain comparable pricing from other states and countries. The advisory committee would create model discount and rebate agreements using existing pharmaceutical discount purchasing and assistance programs such as those offered through Medicaid, the United States Department of Veterans Affairs, public health services and other successful programs in other states and countries to secure the highest discounts and rebates available on prescription drugs. See also LD 206.

LD 1950

An Act to Change the Membership of the Medicaid Advisory Committee and the Board of Directors of the Maine Health Data Organization

ONTP

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

LD 1950 proposed to amend the membership of the Board of Directors of the Maine Health Data Organization to include a pharmacist member. A pharmacist would be required to be registered in the State and also practicing pharmacy in the State to be eligible to serve as a member on the board. The bill proposed to direct the Department of Human Services to include a pharmacist member on the Medicaid Advisory Committee and to report back to the Joint Standing Committee on Health and Human Services no later than January 15, 2000.

LD 1952

An Act to Simplify the Process of Determining the Eligibility of Homeless Persons for General Assistance

CARRIED OVER

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

Under current law, when a person in a homeless shelter applies for general assistance, there is a certain level of fact-finding that has to occur to determine which municipality is administratively and financially responsible for that person's general assistance. This bill proposes to make the municipality where the shelter is located the municipality of administrative responsibility and require the Department of Human Services to reimburse that municipality for 100% of the general assistance provided to the local homeless shelter. The department's responsibility to provide 100% reimbursement would be limited to the recipient's first 45 consecutive days in the institution. The bill also proposes to clarify that hotels, motels or rooming houses would be considered to be homeless shelters when the municipality places applicants in transient housing facilities because no permanent housing for the applicant is available. Finally, this bill proposes to clarify that any general assistance provided by a municipality that is reimbursed 100% by the department would not be counted as net general assistance for the purpose of calculating the level of non-100% reimbursement that is provided the municipality by the department.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1955

An Act Regarding Youth Residence Laws

ONTP

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

LD 1955 proposed to establish the Department of Human Services as the agency responsible for studying, planning for and creating services for runaway and homeless youth. The services would have sought to address needs of youth who are without families, who may be exploited, who suffer greater health, mental health and educational problems than the general population and who have less access to appropriate services. The bill proposed to develop a system of coordinated services for runaway and homeless youth through street outreach,

emergency shelters and transitional living programs. The bill would have involved the Interagency Task Force on Homelessness and Housing Opportunities in these efforts. See also LD 1623, LD 2187 and LD 1685.

LD 1963 An Act to Establish the Maine Council on Aging CARRIED OVER

<u>Sponsor(s)</u> FULLER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1963 proposes to establish the Maine Council on Aging as an independent advisory council. The council's duties would include advising, consulting and assisting the executive and legislative branches of State Government on issues and activities related to older people; advocating on behalf of older people; disseminating information, sponsoring forums and holding a statewide Blaine House Conference on Aging at least every 2 years.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1984 An Act to Establish Department of Human Services Review Panels CARRIED OVER

<u>Sponsor(s)</u> CAMPBELL RUHLIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1984 proposes to establish 6 regional Department of Human Services review panels to review all services provided by the department for efficiency and cost effectiveness. The panels would report to the Governor and the joint standing committee of the Legislature having jurisdiction over human services matters and make recommendations to the Commissioner of Human Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2015 An Act to Amend the Health Care Receivership Laws PUBLIC 384

<u>Sponsor(s)</u> KANE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-610
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LD 2015 proposed to add general and specialty hospitals, critical access hospitals, ambulatory surgical centers, hospice agencies and end stage renal disease units to the list of facilities for which the Department of Human Services can exercise its receivership authority to protect the patients of these facilities.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-610) proposed to add the following provisions to the bill.

1. It proposed to provide that rules regarding congregate housing services programs are routine technical rules.

2. It proposed to change references to the Maine Committee on Aging to the long-term care ombudsman and references to the nursing home and boarding home ombudsman to the long-term care ombudsman.
3. It proposed to update definitions of residential care facilities and congregate housing services programs.
4. It proposed to update references to residents of long-term care facilities to include clients of programs.
5. It proposed to update references to state licensing rules using the terms facilities and assisted living facilities.
6. It proposed to require smoke detection and sprinkler systems in residential care facilities.

Enacted law summary

Public Law 1999, chapter 384 adds general and specialty hospitals, critical access hospitals, ambulatory surgical centers, hospice agencies and end stage renal disease units to the list of facilities for which the Department of Human Services can exercise its receivership authority to protect the patients of these facilities.

It also provides that rules regarding congregate housing services programs are routine technical rules; changes references to the Maine Committee on Aging to the long-term care ombudsman and references to the nursing home and boarding home ombudsman to the long-term care ombudsman; updates definitions of residential care facilities and congregate housing services programs; updates references to residents of long-term care facilities to include clients of programs; updates references to state licensing rules using the terms facilities and assisted living facilities; and requires smoke detection and sprinkler systems in residential care facilities.

LD 2039

An Act to Improve Access to Residential Care in Rural Maine

INDEF PP

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
H-562 KANE
S-222

LD 2039 proposed to address the issue identified in the Final Report of the Commission to Examine Rate Setting and the Financing of Maine's Long-Term Care Facilities, dated November 20, 1998, regarding resident access to long-term care in rural communities by allowing the use of "nursing facility flex beds," through which nursing facilities may use a designated number of beds for nursing or residential care. In circumstances when residents would otherwise have no access to residential care services, either because they live in a rural area where no residential care facility exists or they currently live in a nursing facility and their health improves to the extent that they require only residential care services and the nearest residential care facility is located more than 25 miles from a nursing facility, this bill proposed to enable them to receive residential care without undertaking a major geographic relocation. This bill also proposed to allow nursing facilities reimbursement in such circumstances, in accordance with the level of care provided and in accordance with rules adopted by the Commissioner of Human Services.

LD 2046 **An Act to Amend the Powers of Hospital Administrative District No. 1** **CARRIED OVER**

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

LD 2046 proposes to amend the powers of Hospital Administrative District No. 1.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2047 **An Act to Amend the Lead Poisoning Control Act** **PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY COLWELL	OTP-AM	S-137

LD 2047 proposed to change the Lead Poisoning Control Act, Maine Revised Statutes, Title 22, chapter 252, to increase the efficiency of limited resources of the Department of Human Services, allow for more flexibility in dealing with lead-based substances in single-family homes, and allow for preliminary lead screenings by child care licensing staff of the department. These changes would make the Lead Poisoning Control Act consistent with Title 38, chapter 12-B and rules of the Department of Environmental Protection, chapter 424, "Lead Management Regulations."

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (S-137) proposed to substitute rules of the Department of Environmental Protection for rules of the Department of Human Services and clarify that penalties may be imposed by the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 276 changes the Lead Poisoning Control Act, Maine Revised Statutes, Title 22, chapter 252, allows for more flexibility in dealing with lead-based substances in single-family homes, allows for preliminary lead screenings by child care licensing staff of the department and provides for rulemaking by and penalties from the Department of Environmental Protection. These changes make the Lead Poisoning Control Act consistent with Title 38, chapter 12-B and rules of the Department of Environmental Protection, chapter 424, "Lead Management Regulations."

LD 2052

An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action

**DIED
BETWEEN
BODIES**

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

LD 2052 proposed to preclude the State from using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Public Safety and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

Committee Amendment "A" (H-361) adds a fiscal note to the bill.

LD 2078

An Act Allowing Increased Flexibility of Swing Beds

ONTP

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

LD 2078 proposed to require the Department of Human Services to adopt rules permitting a nursing home to designate the level of care for a bed based on the level of care of the person admitted or to change the level of care for a bed without requiring a certificate of need.

LD 2082

An Act to Reduce the Cost of Prescription Drugs to Qualifying Residents of the State

PUBLIC 431

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS LOVETT	OTP-AM	S-351

LD 2082 proposed to establish a program to provide low-cost prescription drugs to Maine residents by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program would be modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. The rebate amount would be applied to the cost of the prescription drugs purchased by residents of the State.

Committee Amendment "A" (S-351) proposed to replace the bill. It proposed to retain the provisions of the bill that establish a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program would be modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. Rebates would be applied to the costs of the program and to reimbursement to retail pharmacies for discounts provided to residents of the State. The amendment proposed to

prohibit the Department of Human Services from imposing a charge on pharmacies that submit claims or receive payments under the program.

The amendment proposed to require rulemaking to establish discounts for efficacious and lower-cost drugs. The amendment proposed to specify how the discounts must be calculated, according to either the provisions of the Act or rules adopted by the department. The amendment proposed to create a nonlapsing, dedicated fund to receive revenues generated by the rebates paid by pharmaceutical manufacturers and to pay program costs and reimbursement to retail pharmacies for discounts provided to residents. Surplus funds would be used to increase the amount of discounts provided to residents under the program.

The amendment proposed to define "participating retail pharmacy" and "qualifying resident." The amendment proposed to require rulemaking by the Department of Human Services and designate those rules as major substantive rules. The amendment proposed to provide that the rebates from drug manufacturers may be collected beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program. The amendment proposed to require an annual report by the Department of Human Services that would include information on changes in 3rd-party prescription drug coverage and the financial status of the program. The amendment also proposed to add an allocation section and a fiscal note.

Enacted law summary

Public Law 1999, chapter 431 establishes a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program is modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. Rebates must be applied to the costs of the program and to reimbursement to retail pharmacies for discounts provided to residents of the State. The law prohibits the Department of Human Services from imposing a charge on pharmacies that submit claims or receive payments under the program.

The law requires rulemaking to establish discounts for efficacious and lower-cost drugs and specifies how the discounts must be calculated, according to either the provisions of the Act or rules adopted by the department. The law creates a nonlapsing, dedicated fund to receive revenues generated by the rebates paid by pharmaceutical manufacturers and to pay program costs and reimbursement to retail pharmacies for discounts provided to residents. Surplus funds must be used to increase the amount of discounts provided to residents under the program.

The law defines "participating retail pharmacy" and "qualifying resident," and designates rules as major substantive rules. The law provides that the rebates from drug manufacturers may be collected beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program. The law requires an annual report by the Department of Human Services that must include information on changes in 3rd-party prescription drug coverage and the financial status of the program.

LD 2097

Resolve, Establishing the Commission on Dental and Mental Health Services for Children

ONTP

Sponsor(s)
ROWE

Committee Report
ONTP

Amendments Adopted

LD 2097 proposed to create the Commission on Dental and Mental Health Services for Children. The commission would have been charged with studying the need for additional dental and mental health professionals and strategies and incentives for improving access for children and low-income residents and shall make recommendations, including legislation. The commission would have been required to submit a report to the Joint Standing Committee on Health and Human Services by December 1, 1999, at which time the commission would have been abolished.

LD 2099 An Act to Provide Increased Access to Dental Care in Maine INDEF PP

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

LD 2099 proposed to provide funds to increase access to oral health care for low-income children and adults by providing for the establishment and expansion of oral health programs that would be available to all people regardless of income. By using a sliding fee scale and accepting Medicaid without restrictions, these programs would increase access to oral health care for the uninsured and underinsured and Medicaid patients. See Public Law 1999, chapter 401, Part MM.

LD 2109 An Act to Permit the Medical Use of Marijuana ONTP

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

LD 2109 proposed to make the following changes to the laws governing the possession and use of marijuana.

1. It proposed to authorize an eligible patient diagnosed with one or more specified debilitating conditions, including cancer and acquired immune deficiency syndrome, to use marijuana for medical purposes when a physician determines that the patient might benefit from marijuana use and when other requirements are met.
2. It proposed to limit the amount of marijuana that an eligible medical patient may possess without violating civil or criminal laws to no more than 1 1/4 ounces of harvested marijuana and six marijuana plants, of which not more than three may be mature, flowering plants.
3. It proposed to allow a person who is legally designated to care for an eligible medical patient to assist that patient in using marijuana for medical purposes.
4. For a person under 18 years of age, it proposed to authorize medical use of marijuana only if both the listed medical eligibility requirements have been met and a parent or legal guardian has given written consent to this use or the person is entitled to consent to all health care services pursuant to law.
5. It proposed to prohibit medical use of marijuana by an eligible patient in a public place or in a workplace where this use is not permitted.

This is a citizen-initiated bill and the issue will proceed to referendum in November, 1999.

LD 2110 **An Act to Ensure Adequate Nutrition for Low-income Legal Aliens** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT RAND	OTP-AM	H-267

LD 2110 proposed to provide for the continuation of food stamp assistance to low-income legal aliens after June 30, 1999. See also Public Law 1999, chapter 401, Part A-1.

LD 2113 **Resolve, Directing the Department of Human Services to Conduct a Review of the Reimbursement Rates under the Medicaid Program for Speech, Language Pathology and Audiology Services** **RESOLVE 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT CATHCART	OTP-AM	H-275

LD 2113 proposed to direct the Department of Human Services to conduct a review of its Medicaid reimbursement rates for speech, language pathology and audiology services and report any recommendations to the Joint Standing Committee on Health and Human Services by December 31, 1999. See also Resolve 1999, chapter 76.

Committee Amendment "A" (H-275) proposed to add occupational therapy and physical therapy to the services for which Medicaid reimbursement is being reviewed.

Enacted law summary

Resolve 1999, chapter 28 directs the Department of Human Services to conduct a review of its Medicaid reimbursement rates for speech, language pathology, audiology services, occupational therapy and physical therapy and report any recommendations to the Joint Standing Committee on Health and Human Services by December 31, 1999.

LD 2119 **An Act to Enhance Competition and Public Health** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAWRENCE		

LD 2119 proposes to prohibit the free distribution of tobacco products to any person in the ordinary course of trade, business or other corporate enterprise and create a civil penalty similar to that in current law for the sale of unpackaged cigarettes. This prohibition would be distinguished from another in current law that prohibits the

free distribution of tobacco products to minors by any person whether that person is acting in the course of business or not. The bill proposes to prohibit self-service displays of tobacco products unless in a business establishment where the primary business is the retail sale of tobacco products. The bill also proposed to prohibit the producers of tobacco products from offering incentives as a reward for increasing sales of tobacco products. The penalty for a violation of these prohibitions would be the same as for violations of other tobacco product sales prohibitions, such as sales to minors and sales through vending machines in unlawful ways. See LD 1582, Public Law 1999, chapter 314 prohibiting self-service tobacco displays.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2128 An Act to Amend the Laws Governing the Licensure of Dental Hygienists CARRIED OVER

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

LD 2128 proposes to amend the laws governing the licensure of dental hygienists in the following ways.

1. It proposes to add 3 members to the Board of Dental Examiners, 2 additional dental hygienists and one additional representative of the public.
2. It proposes to set standards for the licensure of dental hygienists by the Board of Dental Examiners.
3. It proposes to increase the number of hours of continuing education that a dental hygienist must successfully complete as a condition of renewal of a license to practice.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2150 An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism CARRIED OVER

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

LD 2150 proposes to incorporate into statute portions of the 1994 Community Consent Decree for the provision of services to persons with mental retardation or autism. Before the decree may be terminated by the United States District Court, the decree requires that the State establish mechanisms to ensure future compliance with its terms.

This bill proposes to establish a policy of providing education, training and support services and programs to persons with mental retardation or autism and establish a committee to study whether to identify the population eligible for services and programs within the scope of the Maine Revised Statutes, Title 34-B, chapter 4 as persons with developmental disabilities, or whether to continue to identify the population as persons with mental retardation or autism.

The bill proposes to continue the current practice of person-centered planning as a means for identifying and articulating the needs of clients for services and programs and to require that the Department of Mental Health, Mental Retardation and Substance Abuse Services maintain the ratio of caseworkers to clients required by the decree and to maintain the current system of crisis and respite services.

The bill proposes to provide mechanisms to promote the level of programs and services specified by the decree and to require that the department provide a system for speedy resolution of grievances and appeals in cases where needs go unmet. It proposes to require that the department maintain accurate records about needs for services, conduct public hearings and summarize and report the status of the system to the Legislature as well as plan to correct identified deficiencies. The bill proposes to continue the Consumer Advisory Board as an independent oversight body with reporting responsibilities and to require the department to develop a quality assurance plan. The bill proposes to modernize the statutes to conform with current practice and terminology.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2167 An Act to Ensure the Availability of Funds for Tobacco Prevention and Control ONTP

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

LD 2167 proposed to establish the Tobacco Prevention and Control Fund and the Health Care Fund for Maine Citizens. The bill proposed to continue the commitment of tobacco tax revenues for the prevention and control of tobacco usage prevention and control and provide that settlement funds received from legal actions by the State against tobacco companies be divided equally between the Tobacco Prevention and Control Fund and the Health Care Fund for Maine Citizens. See also Public Law 1999, chapter 401, Parts U & V.

LD 2169 An Act to Establish the Trust Fund for a Healthy Maine ONTP

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

LD 2169 proposed to establish the Trust Fund for a Healthy Maine, which would have as its primary source of revenue money received by the State in settlement or in relation to the lawsuit State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

Money from the fund would be allocated by the Legislature for smoking cessation and education, children's early care and education, health insurance, substance abuse prevention and treatment with particular emphasis on meeting the needs of children in those areas. Allocations would also be made for low-cost prescription drugs for the elderly.

The bill proposed to require the Treasurer of State to invest money in the fund that is not allocated and to develop a long-term strategy for those investments to maximize return and minimize risk. The Treasurer of State would make annual reports on the investment plan to the Joint Standing Committee on Appropriations and

Financial Affairs and the Joint Standing Committee on Health and Human Services. See also Public Law 1999, chapter 401, Parts U & V.

LD 2181

Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations

RESOLVE 55

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

LD 2181 proposed to create the Homeless Youth Demonstration Project to operate a site in Bangor and a site in Portland at which the project will develop and deliver creative, innovative and collaborative nontraditional services to unaccompanied youths and youths-at-risk. The project would be administered jointly by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services along with 2 stakeholders' groups composed of interested organizations and individuals organized by the departments for both sites. The project would report back to the Legislature with an evaluation including measurable outcomes and recommended implementing legislation by February 1, 2001. This resolve proposed to appropriate \$300,000 a year for 2 years to fund the project.

Committee Amendment "A" (H-654) proposed to change the minimum age of the youth served in the Homeless Youth Demonstration Pilot Project from 12 years of age to 14 years of age. It proposed to add health care to basic services and provide for input from the regional children's cabinets and the Governor's children's cabinet in the reports submitted by December 31, 1999 and December 31, 2000. It proposed to require the collection and maintenance of data on youth of different ages and require the evaluation to cover the situations and needs of youth of different ages. It proposed to require the development of a comprehensive community plan for providing residential, educational, health, career development and social services to homeless youth. Following approval of the community plan by the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, it proposed to require the Department of Human Services to take steps to implement the community plan.

Enacted law summary

Resolve 1999, chapter 55 creates the Homeless Youth Demonstration Project to operate a site in Bangor and a site in Portland at which the project will develop and deliver creative, innovative and collaborative nontraditional services to unaccompanied youths and youths-at-risk ages 14 to 17. The project is administered jointly by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services along with 2 stakeholders' groups composed of interested organizations and individuals organized by the departments for both sites input from the regional children's cabinets and the Governor's children's cabinet in the reports submitted by December 31, 1999 and December 31, 2000. The project is to report back to the Legislature with an evaluation including measurable outcomes and recommended implementing legislation by February 1, 2001.

LD 2185

An Act to Promote Workplace Safety

CARRIED OVER

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

LD 2185 proposes to require the Department of Human Services to adopt rules to protect public employees from sharp object injuries. These rules would have to be at least as prescriptive as the federal Occupational Safety and Health Administration's standard. The bill also proposes to establish a fund to provide for research, development and product evaluation of needleless systems and sharp object protection.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2187

Resolve, to Implement the Study and Report on the Problems of Homeless Youth

CARRIED OVER

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

LD 2187 proposes to implement 4 recommendations of the Interagency Task Force on Homelessness and Housing Opportunities, issued pursuant to Public Law 1997, chapter 643, Part XX, section 5. The following are the 4 recommendations proposed to be implemented by this resolve.

1. This resolve proposes to establish a study of a potential Maine runaway and homeless youth system. The study would examine, for runaway and homeless youth, community-based options, low-barrier access, assessment, treatment, family mediation and outreach services that are consistent statewide to determine what minimal level of service is required to ensure the safety and well-being of unaccompanied homeless youths. This resolve proposes to establish a 10-member task force to conduct the study and submit a report of its findings, together with any recommended implementing legislation to the Legislature by March 1, 2000. The resolve proposes to appropriate \$20,000 through the Maine State Housing Authority to pay for the study.
2. The resolve proposes to appropriate \$100,000 each for the Department of Corrections, Department of Human Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Labor and Department of Education to develop additional services and plans to serve youths who have outgrown the system. These services and plans would assist youths who are up to 21 years of age and who are leaving the care of a department to undertake job training and to pursue education and housing programs.
3. The resolve proposes to establish a study of the impact of legislative changes over the last 8 years to General Assistance. The study would assess program effectiveness, administrative practices at the local and state level, cost of delivering General Assistance, client benefits and the effect on homelessness. This resolve proposes to establish a 9-member task force to conduct the study and submit a report of its findings, together with any recommended implementing legislation to the Legislature by March 1, 2000. The resolve proposed to appropriate \$5,000 through the Department of Human Services to pay for the study.

4. The resolve proposes to increase the funding for the Temporary Housing Assistance Program from \$250,000 to \$500,000. The increase would be dedicated to serve homeless families or homeless youths staying in shelters in securing housing by providing security deposits and rental assistance. The Community Action Agencies would administer the dedicated funds.

The total amount of the appropriations contained in this resolve is \$1,025,000.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2188 **Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services** **RESOLVE 44
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2188 proposed to provide for legislative review of certain sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a major substantive rule of the Department of Human Services.

Enacted law summary

Resolve 1999, chapter 44 authorizes final adoption of the agency rules relating to certain sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a major substantive rule of the Department of Human Services, without change.

Chapter 44 was enacted as an emergency measure effective May 21, 1999.

LD 2189 **Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services** **RESOLVE 43
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2189 proposed to provide for legislative review of Chapter 231: Rules Relating to Drinking Water, a major substantive rule of the Department of Human Services.

Enacted law summary

Resolve 1999, chapter 43 authorizes final adoption of Chapter 231: Rules Relating to Drinking Water, a major substantive rule of the Department of Human Services, without change.

Chapter 43 was enacted as an emergency measure effective May 20, 1999.

LD 2191

An Act to Establish the Maine Tobacco Endowment Fund Using Tobacco Settlement Funds

ONTP

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

LD 2191 proposed to create the Maine Tobacco Endowment Fund, referred to in this summary as the "fund," into which funds from any settlement with the tobacco industry would be placed. As an endowment fund, the fund's principal could not be expended but rather only the interest that is incurred through investments. The fund would be governed by a nine-member board whose members represent or have an interest in anti-tobacco, family, child, elderly or general health issues. Proceeds for the fund would be designated to benefit three programs: The Healthy Start Program for Maine, operated by the Bureau of Health; the Partnership for a Tobacco-Free Maine, operated by the Tobacco Prevention and Control Program of the Bureau of Health and the elderly low-cost drug program. See also Public Law 1999, chapter 401, Parts U & V.

LD 2202

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

PUBLIC 448

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DAGGETT	OTP-AM	H-403

LD 2202 proposed to amend the laws regarding the Driver Education Evaluation Programs by amending the definition of "alcohol-related or other drug-related motor vehicle incident," and amending the definition of "first offender" and "multiple offender" to include a 10-year look-back period.

It proposed to require the Office of Substance Abuse within the Department of Mental Health, Mental Retardation and Substance Abuse Services to design programs that are age-appropriate and therapeutically appropriate for clients.

It proposed to require the Office of Substance Abuse to set and adjust fees in accordance with the cost of each program.

This bill was submitted on behalf of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-403) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 448 amends the laws regarding the Driver Education Evaluation Programs.

It amends the definitions of "alcohol-related or other drug-related motor vehicle incident," and the definition of "first offender" and "multiple offender" to include a 10-year look-back period.

It requires the Office of Substance Abuse within the Department of Mental Health, Mental Retardation and Substance Abuse Services to design programs that are age-appropriate and therapeutically appropriate for clients.

It requires the Office of Substance Abuse to set and adjust fees in accordance with the cost of each program.

LD 2209 Resolve, Directing the Department of Human Services to Include ONTP
Asset Depreciation with Respect to Commercial Fishing Vessels in
Establishing Eligibility for the Cub Care Program

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

LD 2209 proposed to require the Department of Human Services to include asset depreciation with respect to commercial fishing vessels in establishing eligibility for the Cub Care program.

LD 2212 An Act to Revise Laws Regarding Persons with Mental Retardation CARRIED OVER

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

LD 2212 proposes to revise and update the laws in the Maine Revised Statutes, Title 34-B dealing with persons with mental retardation or autism in order to more accurately reflect current practices and to bring the law into compliance with judicial mandates.

This bill was submitted on behalf of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2215 An Act to Implement the Recommendations of the Commission on INDEF PP
Eating Disorders

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

LD 2215 proposed to enact provisions to implement the recommendations of the Commission on Eating Disorders. It proposed to establish an Office of Eating Disorders in the Department of Human Services, establishing an Eating Disorders Advisory Board and requiring a report from the Office of Eating Disorders by February 1, 2000 to the Joint Standing Committee on Health and Human Services on laws to regulate businesses that sell products or services promoting weight loss. This bill proposed to establish one position

within the Office of Eating Disorders of \$44,643 and \$53,427 for fiscal years 1999-00 and 2000-01 for the Department of Human Services.

LD 2220 **Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services** **RESOLVE 72 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-727 H-745 KANE
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LD 2220 proposed to provide for legislative review of portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-727) proposed to approve the provisionally adopted rules of the Bureau of Elder and Adult Services with some changes. The changes would include a phased-in schedule for the inclusion of spouse's income and a phased-in schedule for application of income to consumer payment. The amendment proposed to require that the rules insert another step in the graduated contribution of consumers to the cost of their care. The amendment proposed to require the Department of Human Services to convene a working group to examine the current and provisionally adopted rules and, with regard to providers of services in the programs, administrative costs and employee wages and hours and benefits. The working group would be required to report to the Joint Standing Committee on Health and Human Services by January 5, 2000. The provisionally adopted rules would take effect February 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-745) proposed to remove Legislators from the working group required to be convened by the Department of Human Services regarding programs administered by the Bureau of Elder and Adult Services. The department would be required to provide notice of all meetings of the working group to the Joint Standing Committee on Health and Human Services.

Enacted law summary

Resolve 1999, chapter 72 authorizes, with modifications, portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services.

The required changes include a phased-in schedule for the inclusion of spouse's income and a phased-in schedule for application of income to consumer payment, another step in the graduated contribution of consumers to the cost of their care and a requirement that the Department of Human Services convene a working group to examine the current and provisionally adopted rules and, with regard to providers of services in the programs, administrative costs and employee wages and hours and benefits. The department shall provide notice of all meetings of the working group to the Joint Standing Committee on Health and Human Services. The working group is required to report to the Joint Standing Committee on Health and Human Services by January 5, 2000. The approved rules are required to take effect February 1, 2000.

Chapter 72 was enacted as an emergency measure effective June 11, 1999.

LD 2230

An Act to Promote Community Mental Health Services

**VETO
SUSTAINED**

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

LD 2230 proposed to require grants made by the Department of Mental Health, Mental Retardation and Substance Abuse Services to be for the purposes of providing Medicaid services or other purposes stated in the application and contract, as budgeted. It proposed to require rulemaking to implement the provision.

LD 2242

An Act to Protect Medicaid Recipients and Providers from Unintended Consequences of the Noncompliance of the Department of Human Services with Year 2000 Readiness

ONTP

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

LD 2242 was a concept bill draft pursuant to Joint Rule 208. The bill proposed to seek to protect Medicaid recipients and providers from unintended consequences of the noncompliance of the Department of Human Services with Year 2000 readiness in the following ways.

1. It proposed to provide additional independent consultants to assist the Department of Human Services in achieving Year 2000 compliance and correct any problems caused by noncompliance.
2. It proposed to establish an interest-free loan program administered by the Finance Authority of Maine to provide temporary funding to Medicaid providers, including nonprofit providers that are prohibited from retaining reserve funds to meet their obligations, in an amount equal to payments due to those providers that are delayed due to Year 2000 problems.

SP 403

Commission to Assess the Health Care Delivery System for the Elderly

CARRIED OVER

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

SP 403 proposes to establish the Commission to Assess the Health Care Delivery System to gather information, review programs for the elderly and review eligibility and income guidelines.

This joint order was carried over to the Second Regular Session of the 119th Legislature.

SP 612

Task Force on Transportation Access, Air Pollution Reduction and Family Self-sufficiency

**DIED
BETWEEN
BODIES**

Sponsor(s)

Committee Report

Amendments Adopted

SP 612 proposed to establish the Task Force on Transportation Access, Air Pollution Reduction and Family Self-sufficiency to study the feasibility of establishing a program to remove older polluting vehicles from the roads by providing newer and less polluting used vehicles through purchase or lease.

This joint order died between bodies.

SP 644

Joint Resolution to Declare a Maine Fitness Weekend

PASSED

Sponsor(s)
HARRIMAN
AMERO

Committee Report
OTP-A

Amendments Adopted
S-331

SP 644 resolves that schools, businesses, municipalities and the media are encouraged to get involved with fitness activities, nutrition and education to promote a positive attitude toward health and fitness.

Committee Amendment "A" (S-331) proposed to change the resolve to state that schools, businesses, municipalities and the media are encouraged to become involved with fitness activities.

Passed joint order summary

The joint resolution, as amended, resolves that schools, businesses, municipalities and the media are encouraged to get involved with fitness activities, nutrition and education to promote a positive attitude toward health and fitness.

Joint Standing Committee on Inland Fisheries and Wildlife

LD 8 **An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk** **CARRIED OVER**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 8 proposes to allow any person limited in the ability to walk due to arthritis or similar health conditions to hunt from motor vehicles that are not in motion. This bill was carried over to the Second Regular session of the 119th Legislature.

LD 26 **An Act to Clarify the Responsibility of a Municipality in Enforcing Personal Watercraft Regulations** **PUBLIC 313**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-510
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LD 26 proposed to clarify that a municipality is only required to assist in the enforcement of proposed regulations that a municipality submits to the Commissioner of Inland Fisheries and Wildlife regarding the use, operation and type of watercraft on great ponds within the jurisdiction of that municipality.

Committee Amendment "A" (H-510) proposed that a municipality must submit a description of the resources the municipality will use to enforce or assist in the enforcement of proposed regulations regarding the use, operation and type or watercraft on great ponds within the jurisdiction of that municipality.

Enacted law summary

Public Law 1999, chapter 313 clarifies that a municipality must submit a description of the resources the municipality will use to enforce or assist in the enforcement of proposed regulations regarding the use, operation and type or watercraft on great ponds within the jurisdiction of that municipality

LD 27 **An Act to Change the Name of the Department of Inland Fisheries and Wildlife** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 27 proposed to change the name of the Department of Inland Fisheries and Wildlife to the Department of Inland Fish and Wildlife.

LD 39 **An Act to Increase the Deer Hunting Day by 15 Minutes** **PUBLIC 457**

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

LD 39 proposed to amend the twilight hunting law to allow hunting until 15 minutes after sunset.

Enacted law summary

Public Law 1999, chapter 457 revises the twilight hunting law to allow hunting until 15 minutes after sunset

LD 40 An Act to Allow the Use of Camouflage Hunter Orange Clothing ONTP

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

LD 40 proposed to reduce the requirement to wear at least two articles of solid-colored hunter orange clothing to one article of clothing that is at least 50% hunter orange.

**LD 60 An Act to Permit the Sale of Moose Bones PUBLIC 9
EMERGENCY**

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

LD 60 proposed to allow the sale of moose bones.

Enacted law summary

Public Law 1999, chapter 9 allows the sale of moose bones.

Chapter 9 was enacted as an emergency measure effective March 11, 1999.

LD 66 An Act to Establish Licensing Requirements for Boat Operators ONTP

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

LD 66 proposed to establish licensing requirements for persons operating watercraft.

LD 83 An Act to Restrict Large Motors on Small Lakes ONTP

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

LD 83 proposed to prohibit operation of a boat with an engine of more than 10 horsepower on a body of water of 10 acres or less in area.

LD 106 An Act to Repeal Certain Laws Relating to Personal Watercraft ONTP

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

LD 106 proposed to repeal the laws relating to personal watercraft that were passed by the 118th Legislature in the Second Special Session.

LD 110 An Act to Allow the Use of All-terrain Vehicles on the Extreme Right of a Public Way PUBLIC 310 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND	OTP-AM	H-511
KIEFFER		

LD 110 proposed to allow the operation of ATV's on the extreme right of a public way within the built-up portion of a municipality, unorganized or incorporated township if the appropriate governmental unit has designated the public way as an ATV-access route.

Committee Amendment "A" (H-511) proposed to allow the operation of ATV's on the extreme right of a public way in any part of a municipality, if the way has been designated as an ATV-access route. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 310 allows the operation of ATV's on the extreme right of a public way within any part of a municipality, unorganized or incorporated township if the appropriate governmental unit has designated the public way as an ATV-access route.

Chapter 310 was enacted as an emergency measure effective May 25, 1999.

LD 126 An Act to Expand Maine's Moose Hunt CARRIED OVER

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

LD 126 proposed to give the Department of Inland Fisheries and Wildlife the authority to issue up to 3,000 moose permits per year beginning in 1999 and further allows moose lottery permittees to name subpermittees at the time that the permit is issued. While this bill was carried over by the committee, the Legislature enacted P. L. 402, (See LD 667) which allows 3000 permits to be drawn in 1999 and 2000.

LD 133 **An Act Regarding Portable Tree Stands** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 133 proposed to allow the use of a portable tree ladder or stand on the land of another landowner without obtaining the landowner's permission.

LD 138 **An Act to Promote the "Hooked on Fishing Not on Drugs" Program** **ONTP**

<u>Sponsor(s)</u> TRUE RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 138 proposed to establish a system whereby fishing license applicants may voluntarily contribute \$1 to be applied to the "Hooked on Fishing Not on Drugs" program. While this bill was not enacted, the Legislature enacted Public Law 16, (See LD 618) which provides funds for the addition of a Youth Activities Coordinator, whose responsibilities will include the oversight of the "Hooked on Fishing Not on Drugs" program.

LD 186 **An Act to Allow Any-deer Permits to be Transferred to Junior Hunters and Hunters 65 Years of Age or Older** **PUBLIC 141**

<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-71
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LD 186 proposed to allow a juvenile to take an antlerless deer if an adult family member holds a valid antlerless deer permit and transfers the permit to the juvenile.

Committee Amendment "A" (S-71) proposed to change the term "juvenile" to "junior hunter" and further proposed to allow the transfer of antlerless deer permits to persons 65 years of age or older.

Enacted law summary

Public Law 1999, chapter 141 allows a junior hunter to take an antlerless deer if an adult family member holds a valid antlerless deer permit and transfers the permit to the junior hunter and further allows the similar transfer of antlerless deer permits to persons 65 years of age or older.

LD 187 **An Act to Change the Dates of the Moose Hunting Season** **ONTP**

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

LD 187 proposed to change the moose hunting season to the last six days in September.

LD 196 An Act to Prohibit Rewards to Fish and Wildlife Informants ONTP

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

LD 196 proposed to prohibit state agencies or private persons from giving monetary rewards to persons who report violations of the fish and wildlife laws.

LD 200 An Act Regarding the Posting of Land Against Hunting ONTP

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

LD 200 proposed to require landowners to date signs posting land. The bill proposed that such signs remain effective for five years after being posted.

LD 219 An Act to Require On-duty Government Employees to Wear the Same Orange Clothing as Hunters When in the Woods during Deer Season ONTP

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

LD 219 proposed that all state and federal employees wear hunter orange while on duty in the woods during open firearm season.

LD 249 An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps PUBLIC 480

Sponsor(s)
WHEELER G
MACKINNON

Committee Report
OTP-AM

Amendments Adopted
H-191

LD 249 proposed to add the bear hunting permit and the migratory waterfowl permit to the complimentary licenses and permits that may be received by a resident of this State who is 70 years of age or older.

Enacted law summary

Public Law 1999, chapter 480 adds bear and migratory waterfowl permits to the complimentary licenses and permits that may be received by a resident of this State who is 70 years of age or older.

LD 259

An Act to Secure Wounded Deer

PUBLIC 467

Sponsor(s)
USHER

Committee Report
OTP-AM

Amendments Adopted
H-512

LD 259 proposed to create a license authorizing a person to use leashed dogs to track a lawfully wounded deer. The bill proposed that the license be issued by the Department of Inland Fisheries and Wildlife, with an annual fee for the license of \$25.

Committee Amendment "A" (H-512) proposed to postpone the effective date of the new licensing provision proposed in the bill until January 1, 2000. The amendment also proposed to require the Commissioner of Inland Fisheries and Wildlife to submit to the Legislature by January 15, 2000 provisionally adopted rules specifying when and how a person holding that license may lawfully use leashed dogs to track wounded deer.

Enacted law summary

Public Law 1999, chapter 467 creates a license authorizing a person to use leashed dogs to track a lawfully wounded deer. The license is issued by the Department of Inland Fisheries and Wildlife. The annual fee for the license is \$25. The effective date of the law creating a new license is January 1, 2000. The law also requires the Commissioner of Inland Fisheries and Wildlife to submit to the Legislature by January 15, 2000 provisionally adopted rules specifying when and how a person holding that license may lawfully use leashed dogs to track wounded deer.

LD 275

An Act to Allow a Person Hunting with a Muzzle-loader to Take an Antlerless Deer

ONTP

Sponsor(s)
WHEELER G
CASSIDY

Committee Report
ONTP

Amendments Adopted

LD 275 proposed to allow a person hunting with a muzzle-loader to hunt any kind of deer.

LD 287

An Act to Impose Stricter OUI Penalties on Operators of Watercraft, ATVs and Snowmobiles

PUBLIC 312

<u>Sponsor(s)</u> CAMERON	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u> H-509
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LD 287 proposed to make the penalties for operating watercraft, snowmobiles and ATV's while under the influence of intoxicants or with an excessive blood-alcohol level the same as the penalties for operating a motor vehicle while under the influence. This bill also proposed to require a law enforcement official to secure the watercraft, snowmobile or ATV so the intoxicated person can not immediately use that vehicle.

Committee Amendment "A" (H-509) proposed to increase the fines for operating a watercraft, ATV or snowmobile while under the influence of alcohol to equal the fine for motor vehicle OUI for a first offense, second offense and third or more offenses. The amendment proposed to remove from the bill the provision requiring a law enforcement officer to secure vehicles.

Enacted law summary

Public Law 1999, chapter 312 increases the fines for operating a watercraft, ATV or snowmobile while under the influence of alcohol to equal the fine for motor vehicle OUI for a first offense, second offense and third or more offenses.

LD 296

An Act to Require Written Permission from Landowners for Hunting

ONTP

<u>Sponsor(s)</u> BUCK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 296 proposed to require that hunters of deer, moose or bear obtain written permission from land owners before hunting on privately owned property.

LD 309

An Act Regarding the Funding of Search and Rescue Efforts by the Department of Inland Fisheries and Wildlife

ONTP

<u>Sponsor(s)</u> KILKELLY DUNLAP	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 309 proposed to require that search and rescue efforts conducted by the Department of Inland Fisheries and Wildlife must be specifically budgeted for and paid by the General Fund.

LD 310

An Act to Allow Children to Fish from the Banks of Rivers Designated as CARRIED OVER Quality Fishing Rivers

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

LD 310 proposes that the Department of Inland Fisheries and Wildlife list in its special fishing rules all rivers or river segments identified as quality fishing rivers. The bill proposes to require those rivers to be listed together and in one location in that rule book. Regardless of any other special regulations adopted by the department, the bill also proposes to open those quality fishing rivers to fishing during the open fishing season by children under 12 years of age who fish from the bank, using a single baited hook and line.

LD 325 An Act to Change the Time of the Moose Hunting Season ONTP

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

LD 325 proposed to require the moose hunting season to occur during the third week of October.

LD 326 An Act to Allow a Person Who Possesses an Archery Hunting License to Shoot a Deer During the Regular Hunting Season ONTP

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

LD 326 proposed to allow a person who has killed a deer during the special archery season for deer to kill a second deer with a firearm during the regular firearm season for deer.

LD 334 An Act to Remove the Prohibition against Carrying a Loaded Hunting Weapon in a Motor Vehicle ONTP

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

LD 334 proposed to allow a licensed or otherwise authorized hunter or trapper to carry a loaded firearm in a motor vehicle without a concealed weapons permit.

LD 336 An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife PUBLIC 220

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE RUHLIN	OTP-AM MAJ ONTP MIN	H-283

LD 336 proposed to require a person holding a license or permit issued by the Department of Inland Fisheries and Wildlife to keep that license or permit on that person's person while engaged in the licensed activity or while transporting fish, wild animals or wild birds. The bill also proposed to require the person to exhibit that license or permit upon request to a warden or other law enforcement officer, an employee of the department or the owner of the land on which the licensed activity is taking place.

Committee Amendment "A" (H-283) proposed to clarify that a hunting or fishing license must be exhibited for inspection and also proposed to allow registered Maine guides to inspect hunting or fishing licenses.

Enacted law summary

Public Law 1999, chapter 220 requires a person holding a license or permit issued by the Department of Inland Fisheries and Wildlife to keep that license or permit on that person's person while engaged in the licensed activity or while transporting fish, wild animals or wild birds. The law also requires the person to exhibit that license or permit upon request to a warden or other law enforcement officer, a registered Maine guide, an employee of the department or the owner of the land on which the licensed activity is taking place.

LD 341 An Act to Increase the Amount Retained by Agents Who Sell Hunting and Fishing Licenses PUBLIC 168

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

LD 341 proposed to increase the fee from \$1 to \$2 that agents and clerks appointed by the Commissioner of Inland Fisheries and Wildlife charge for hunting and fishing licenses.

Enacted law summary

Public Law 1999, chapter 168 increases the fee from \$1 to \$2 that agents and clerks appointed by the Commissioner of Inland Fisheries and Wildlife charge for hunting and fishing licenses

LD 343 An Act to Protect Deer in Wintering Areas CARRIED OVER

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

LD 343 proposes to appropriate an additional \$20,000 annually to the Department of Inland Fisheries and Wildlife for the coyote control program to pay experienced trappers to catch coyotes in areas of the State where coyote predation in deer wintering areas is limiting the department's effort to rebuild the deer herd.

LD 371 **An Act to Allow A Disabled Person to Use a Crossbow during Archery Hunting Season** **CARRIED OVER**

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

LD 371 proposes to allow a disabled person to use a crossbow during archery hunting season.

LD 374 **An Act to Enhance the Marketing and Promotion Capabilities of the Department of Inland Fisheries and Wildlife** **PUBLIC 447**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY BRYANT	OTP-AM	S-70

LD 374 proposed to do the following 3 things to improve and enhance the Commissioner of Inland Fisheries and Wildlife's authority to market and promote department programs.

1. Allow the commissioner to reduce the price of certain types of licenses for specified periods of time to promote license sales for hunting and fishing.
2. Allows the commissioner to accept donations in support of specific programs.
3. Set up dedicated accounts for these programs.

This bill was submitted on behalf of the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-70) proposed to clarify that donations and funds from sale of general merchandise may be deposited into a dedicated account. In addition, the amendment proposed to add language to repeal the Maine Revised Statutes, Title 12, section 7035, subsections 16-A and 19, effective April 1, 2001 and requires that the Department of Inland Fisheries and Wildlife report back by January 15, 2001 to the Joint Standing Committee on Inland Fisheries and Wildlife on the impact of this account on promotional activities.

Enacted law summary

Public Law 1999, chapter 447 allow the commissioner to reduce the price of certain types of licenses for specified periods of time to promote license sales for hunting and fishing. The law also allows the commissioner to accept donations in support of specific programs and sets up dedicated accounts for these programs. The law clarifies that donations and funds from sale of general merchandise may be deposited into the dedicated accounts. The law regarding the dedicated account is repealed April 1, 2001. The law requires the Department of Inland Fisheries and Wildlife report back by January 15, 2001 to the Joint Standing Committee on Inland Fisheries and Wildlife on the impact of this account on promotional activities.

LD 392 **An Act to Allow Sunday Hunting on Land Subject to the Jurisdiction of the Maine Land Use Regulation Commission** **ONTP**

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

LD 392 proposed to allow hunting on Sundays throughout land under the jurisdiction of the Maine Land Use Regulation Commission for small game, upland birds, wild ducks and wild geese.

LD 393 An Act to Redefine Hunting PUBLIC 147

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-206

LD 393 proposed to change the definition of hunting.

Committee Amendment "A" (H-206) proposed to make further changes to the definition of hunting.

Enacted law summary

Public Law 1999, chapter 147 changes the definition of hunting to mean to pursue, catch, take, kill or harvest wild birds or animals or to attempt to catch, take, kill or harvest wild birds or animals.

LD 394 An Act Regarding Hunting Implements PUBLIC 53

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

LD 394 proposed to repeal the prohibition on the use of swivels and pivots during hunting.

Enacted law summary

Public Law 1999, chapter 53 repeals the prohibition on the use of swivels and pivots during hunting.

LD 397 An Act to Allow Free Access to Waters Stocked With Fish by the State ONTP

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

LD 397 proposed that fish or fish spawn raised by the State may not be introduced into any inland waters unless free access to the public is available whenever these waters are open to fishing pursuant to law.

LD 401 An Act to Promote the Hunters for the Hungry Program ONTP

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

LD 401 proposed to allow hunting license applicants to voluntarily contribute \$1 to the Hunters for the Hungry Program.

LD 402 An Act to Establish a Fishing Rules Policy ONTP

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

LD 402 proposed to prioritize the guidelines that the Commissioner of Inland Fisheries and Wildlife must follow to protect fish populations.

LD 404 An Act Regarding Shooting Over or From a Public Paved Way PUBLIC 219

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSS FERGUSON	OTP-AM	H-287

LD 404 proposed to change the current prohibition on hunting wild birds and wild animals from a public paved way to a prohibition on shooting at wild birds and wild animals from a paved way.

Committee Amendment "A" (H-287) proposed to change the prohibition of shooting across a public way to shooting.

This amendment also adds a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 219 LD 404 changes the current prohibition on hunting wild birds and wild animals from a public paved way to a prohibition on shooting at wild birds and wild animals from over a public paved way.

LD 419 An Act to Amend the Laws Pertaining to Turkey Hunting ONTP

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

LD 419 proposed to require applicants for turkey hunting permits to possess a valid Maine big game hunting license prior to applying and increases the application fee for residents, nonresidents and aliens. The proposed change would not take effect until November 30, 1999 for the turkey season beginning the first weekday in May 2000. This bill was submitted on behalf of the Department of Inland Fisheries and Wildlife.

LD 430 **An Act to Limit the Taking of Antlerless Deer by Property Owners** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 430 proposed that a landowner who keeps land open to hunting by the public may submit applications for only two hunters per parcel of land for purposes of the antlerless deer permit system.

LD 446 **An Act to Amend the Application Process for the Moose Lottery** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 446 proposed to repeal the provisions of law that allow a person to purchase more than one chance in the moose lottery.

LD 450 **An Act to Allow Hunters to Kill a 2nd Deer during the Muzzle-loading Season** **ONTP**

<u>Sponsor(s)</u> WATERHOUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 450 proposed to allow a person who has killed a deer during the regular deer hunting season to kill a second deer with a muzzle-loading firearm during the muzzle-loading hunting season for deer.

LD 465 **Resolve, to Permit the Maine Warden Service to Return a Donated All-terrain Vehicle to the Donor** **RESOLVE 8**

<u>Sponsor(s)</u> CAMPBELL RUHLIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 465 proposed to allow the Maine Warden Service to return to Carolyn Bidwell the all-terrain vehicle she donated to the service in May 1991.

Enacted law summary

Resolve 1999, chapter 8 allows the Maine Warden Service to return to Carolyn Bidwell the all-terrain vehicle she donated to the service in May 1991.

LD 473

An Act to Clarify the Laws Pertaining to the Importation of Fish

PUBLIC 315

<u>Sponsor(s)</u> KILKELLY DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-249
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LD 473 proposed to clarify the authority of the Commissioner of Inland Fisheries and Wildlife to deny an importation permit if it is determined that the species poses a significant risk to the health, habitat or genetic integrity of any native species of fish or other organisms. This bill was submitted on behalf of the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-249) proposed to clarify the authority of the Commissioner of Inland Fisheries and Wildlife to deny importation permits if it is determined that a species poses an unreasonable risk to any species of fish or other organism after reviewing fish health, habitat and population management issues. The amendment further proposed to clarify that the commissioner has no authority to issue permits governing any aspect of the commercial aquaculture of Atlantic salmon. The amendment proposed to provide that the commissioner may adopt rules allowing the importation of certain species of tropical fish and goldfish without a permit, for aquarium purposes only.

Enacted law summary

Public Law 1999, chapter 315 clarifies the authority of the Commissioner of Inland Fisheries and Wildlife to deny importation permits if it is determined that a species poses an unreasonable risk to any species of fish or other organism after reviewing fish health, habitat and population management issues. The law further clarifies that the commissioner has no authority to issue permits governing any aspect of the commercial aquaculture of Atlantic salmon. The law provides that the commissioner may adopt rules allowing the importation of certain species of tropical fish and goldfish without a permit, for aquarium purposes only.

LD 480

An Act Regarding Hunting on One's Own Land

ONTP

<u>Sponsor(s)</u> KILKELLY DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 480 proposed to increase the minimum parcel size that authorizes a landowner to hunt on that parcel without a license from 10 to 25 acres and to repeal the requirement that the land only be used for agricultural purposes. This bill also proposed to require that the parcel be open to hunting in order for the landowner to be able to hunt on that parcel without a license.

LD 481 **An Act to Keep Public Lands Open to Hunting, Fishing and Trapping** **CARRIED OVER**

<u>Sponsor(s)</u> KILKELLY DUNLAP		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 481 proposes to provide that hunting, fishing and trapping must be allowed on all nonreserved public lands, reserved public lands and undeveloped areas within state parks.

LD 486 **An Act Regarding Fish Stocking** **PUBLIC 416**

<u>Sponsor(s)</u> SAVAGE W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-607 H-665 DUNLAP
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LD 486 proposed to require that the Bureau of Resource Management within the Department of Inland Fisheries and Wildlife adopt rules pursuant to the Maine Administrative Procedure Act before stocking a water body that has not been stocked for 5 or more years or stocking a species of fish into a water body that has not previously been stocked into that water body.

Committee Amendment "A" (H-607) proposed to replace the bill. It proposed to require the Bureau of Resource Management in the Department of Inland Fisheries and Wildlife to sponsor meetings at which regional fisheries biologists will discuss the management opportunities presented by the proposed changes regarding fish stocking and the information supporting the proposed changes, as well as to receive public comments about the proposals.

House Amendment "A" to Committee Amendment "A" (H-665) proposed to clarify that when the Department of Inland Fisheries and Wildlife determines there is a need to consider changing the long-term management objectives regarding fish stocking, the department must provide information regarding such a proposal to any person at that person's request.

Enacted law summary

Public Law 1999, chapter 416 clarifies that when the Department of Inland Fisheries and Wildlife determines there is a need to consider changing the long-term management objectives regarding fish stocking, the department must provide information regarding such a proposal to any person at that person's request. The law also requires the Bureau of Resource Management in the Department of Inland Fisheries and Wildlife to provide their regional fisheries biologists at these meetings to discuss the management opportunities presented by the proposed changes regarding fish stocking and the information supporting the proposed changes, as well as to receive public comments about the proposals.

LD 513 **An Act to Require Resident Moose Lottery Applicants to Hold Big Game Hunting Licenses** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 513 proposed to require residents of this State to possess a valid big game hunting license before entering the moose lottery.

LD 514 **An Act to Restrict a Landowner's Right to Kill Nuisance Animals** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 514 proposed to prohibit landowners from killing nuisance deer on their land if the landowner prohibits hunting on that land. This bill also proposed that landowners may only keep two nuisance deer killed and that all additional deer carcasses be donated to the Hunters for the Hungry Program.

LD 520 **An Act to Increase the Number of Moose Hunting Permits to 3,000** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 520 proposed to increase the number of moose hunting permits to 3,000. While the committee voted ONTP on this bill, the Legislature enacted P. L. 402, (See LD 667) which increases the number of moose permits to 3000 for the years 1999 and 2000.

LD 524 **An Act to Reauthorize and Expand the Special Archery Season on Deer** **ONTP**

<u>Sponsor(s)</u> WHEELER G KIEFFER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 524 proposed to reauthorize a special archery season on deer and expands the special archery season from September 1st to December 15th. This bill also proposed to allow the Commissioner of Inland Fisheries and Wildlife to adopt rules to allow an archery deer hunting license holder to take two or more deer in certain areas. While this bill was not enacted, the Legislature enacted public law 16, which reauthorizes the special archery season.

LD 536 **An Act to Improve Wild Game Transportation Laws** **PUBLIC 322**

<u>Sponsor(s)</u> KILKELLY DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-248
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LD 536 proposed to repeal the \$55 fee on residents who transport their deer or bear out of State, proposed to repeal the \$5 fee to have someone else transport those animals in this State and proposed to eliminate the requirement that nonresident hunters obtain a nonresident transportation permit before transporting a deer or bear out of State using someone other than a Maine licensed transportation company.

Committee Amendment "A" (S-248) proposed to clarify that nonresidents may transport home any lawfully harvested wild animals or wild birds, and that nonresidents may have game transported home by another individual or common carrier provided that that nonresident is properly licensed and has obtained a no-cost transportation permit.

Enacted law summary

Public Law 1999, chapter 322 repeals the \$55 fee on residents who transport their deer or bear out of State, repeals the \$5 fee to have someone else transport those animals in this State and clarifies that nonresidents may transport home any lawfully harvested wild animals or wild birds, and that nonresidents may have game transported home by another individual or common carrier provided that that nonresident is properly licensed and has obtained a no-cost transportation permit.

LD 561 **An Act to Allow Persons 65 Years of Age and Older to Shoot a Deer of Either Sex** **ONTP**

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

LD 561 proposed to allow a resident of the State who is 65 years of age or older to lawfully take an antlerless deer during the open season on deer.

LD 564 **An Act to Exempt Donnell Pond and Tunk Lake from Personal Watercraft Prohibition** **ONTP**

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

LD 564 proposed to repeal the prohibition on the use of personal watercraft on Tunk Lake and Donnell Pond, both in the Town of Hancock.

LD 577 **An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit Names of Dues-paying Members Only** **PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR	OTP-AM MAJ ONTP MIN	H-192 H-224 CLARK

LD 577 proposed to allow a noncommercial whitewater rafting club to submit more than one amended membership list in any calendar year.

Committee Amendment "A" (H-192) proposed to require noncommercial whitewater rafting clubs to submit only annual lists of dues-paying members and eliminates the requirement that only members whose names appear on the lists may participate in rafting trips. This amendment also proposed to require the Department of Inland Fisheries and Wildlife to report back to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters with regard to the impact of this legislation and safety and overcrowding concerns.

House Amendment "A" to Committee Amendment "A" (H-224) proposed to require noncommercial whitewater rafting clubs to submit annual lists of dues-paying members between April 1st and November 1st.

Enacted law summary

Public Law 1999, chapter 153 requires noncommercial whitewater rafting clubs to submit only annual lists of dues-paying members to submit annual lists of dues-paying members between April 1st and November 1st and eliminates the requirement that only members whose names appear on the lists may participate in rafting trips. The law also requires the Department of Inland Fisheries and Wildlife to report back to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters with regard to the impact of this legislation and safety and overcrowding concerns.

LD 604 **An Act to Allow Maine Residents Over 70 Years of Age to Obtain Any Deer Permit** **ONTP**

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

LD 604 proposed to allow residents 70 years of age and older to obtain an any-deer permit.

LD 612 **An Act Regarding Juvenile Hunters** **PUBLIC 134**

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

LD 612 proposed to require that an adult other than the parent or guardian accompanying a juvenile hunter must possess a hunting license or have completed a hunter safety course acceptable to the Department of Inland Fisheries and Wildlife.

Enacted law summary

Public Law 1999, chapter 134 requires that an adult other than the parent or guardian accompanying a juvenile hunter must possess a hunting license or have completed a hunter safety course acceptable to the Department of Inland Fisheries and Wildlife.

testing methods to be used by the Department of Inland Fisheries and Wildlife, one stationary test and one operational test. The law authorizes the transfer of \$6,000 in fiscal year 1999-00 from the Carrying Balance Account program within the Department of Inland Fisheries and Wildlife for the purchase of 5 noise meters.

LD 663

An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-251

LD 663 proposed to give game wardens the same authority to stop motor vehicles as is allowed other law enforcement officers. The current statute limits the authority of game wardens to stop motor vehicles by requiring wardens to articulate that a violation of fish and game laws has occurred prior to stopping a vehicle. This bill was submitted on behalf of the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-251) proposed to replace the bill and make it an emergency. The amendment proposed to allow a game warden to stop a motor vehicle when necessary to protect a person from the threat of death or personal injury. That new authority would be repealed 90 days after adjournment of the Second Regular Session of the 119th Legislature. The amendment also proposed to clarify the authority of a warden to request information from an operator of a motor vehicle.

Enacted law summary

Public Law 1999, chapter 317 allows a game warden to stop a motor vehicle when necessary to protect a person from the threat of death or personal injury. That new authority is repealed 90 days after adjournment of the Second Regular Session of the 119th Legislature. The law also clarifies the authority of a warden to request information from an operator of a motor vehicle.

Chapter 317 was enacted as an emergency measure effective May 25, 1999.

LD 667

An Act to Allow the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Be Awarded

**PUBLIC 402
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER CLARK	OTP-AM	S-313

LD 667 proposed that in the year 2000 and in each year thereafter the number of moose permits awarded will be determined annually by the Commissioner of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-313) proposed to replace the bill. It proposed to make an additional 1,000 moose permits available for 1999 and 2000. It proposed that these permits would be drawn at a bonus chance lottery held after the regularly scheduled lottery. It proposed to allow anyone who has applied for a moose permit in 1999 and 2000 who is not selected in the regular drawing to automatically be entered into the bonus chance lottery. It proposed to allow half

of the permits issued as a result of this bonus lottery to be for antlerless moose, those without antlers or moose with antlers shorter than their ears. The 1999 zone allocations for the additional permits were included in this amendment.

This amendment also proposed to give the Commissioner of Inland Fisheries and Wildlife authority to set the length and timing of the moose season beginning in the year 2000 and the number of permits for moose hunts taking place in 2001 and later. It proposed that the commissioner shall report each year on the commissioner's proposed actions concerning management of the moose herd to the Joint Standing Committee on Inland Fisheries and Wildlife.

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

Enacted law summary

Public Law 1999, chapter 402 makes an additional 1,000 moose permits available for 1999 and 2000. These permits will be drawn at a bonus chance lottery held after the regularly scheduled lottery. Anyone who has applied for a moose permit in 1999 and 2000 who is not selected in the regular drawing will automatically be entered into the bonus chance lottery. Half of the permits issued as a result of this bonus lottery will be for antlerless moose, those without antlers or moose with antlers shorter than their ears. This legislation includes the 1999 zone allocations for the additional permits.

This law also gives the Commissioner of Inland Fisheries and Wildlife authority to set the length and timing of the moose season beginning in the year 2000 and the number of permits for moose hunts taking place in 2001 and later. The commissioner shall report each year on the commissioner's proposed actions concerning management of the moose herd to the Joint Standing Committee on Inland Fisheries and Wildlife.

Chapter 402 was enacted as an emergency measure effective June 4, 1999.

LD 701 An Act to Repeal Prior Registration for Noncommercial Whitewater Rafting Trips ONTP

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 701 proposed to repeal the requirement that noncommercial whitewater rafters register before taking trips on stretches of rivers for which allocations are made for commercial whitewater trips. It proposed to reenact under a new subsection of the statutes an existing requirement that commercial whitewater outfitters must register noncommercial passengers who travel on commercial whitewater trips that take place along stretches of river regulated by commercial allocations.

LD 728 An Act to Prohibit Closed Hunts ONTP

<u>Sponsor(s)</u> DUNLAP KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 728 proposed to prohibit closed hunts and to set penalties for organizing or participating in closed hunts.

LD 730 **An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels** **CARRIED OVER**

<u>Sponsor(s)</u> BERRY R		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 730 proposes to require the Commissioner of Inland Fisheries and Wildlife to adopt rules that permit physically disabled persons to fly-fish with an open-faced reel if their disability would prevent them from fly-fishing without the use of this type of reel.

LD 737 **An Act to Extend the Open Water Fishing Season** **PUBLIC 319**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-513
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LD 737 proposed to open up all the State's waters to open water fishing at all times that the waters are naturally free from ice. The bill proposed to require salmonids to be caught with artificial lures and flies between October 1st and April 1st and that the salmonids be released immediately after being caught.

Committee Amendment "A" (H-513) proposed to replace the bill. The amendment proposed to broaden the authority of the Commissioner of Inland Fisheries and Wildlife with respect to extending the open-water fishing season. The amendment also proposed to require the commissioner to report to the Joint Standing Committee on Inland Fisheries and Wildlife by February 15, 2000 on any rule-making activities taken or anticipated under that new authority.

Enacted law summary

Public Law 1999, chapter 319 broadens the authority of the Commissioner of Inland Fisheries and Wildlife with respect to extending the open-water fishing season. The law also requires the commissioner to report to the Joint Standing Committee on Inland Fisheries and Wildlife by February 15, 2000 on any rule-making activities taken or anticipated under that new authority.

LD 747 **An Act to Prohibit Hunting of Migratory Waterfowl on Round Pond in Union** **ONTP**

<u>Sponsor(s)</u> SAVAGE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 747 proposed to provide that a person is guilty of hunting waterfowl on Round Pond if that person hunts any migratory waterfowl on Round Pond in the Town of Union, County of Knox, from the inlet at Union Fairground to the outlet at True's Bridge on State Highway #235.

LD 751

An Act to Amend the Moose Hunting Laws

**PUBLIC 324
EMERGENCY**

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 751 proposed to allow a person who is less than the eligible age for obtaining a moose hunting permit to apply for a permit provided that person reaches the eligible age by the opening of the moose season.

Enacted law summary

Public Law 1999, chapter 324 allows a person who is less than the eligible age to apply for a permit, provided that person reaches the eligible age by the opening of the moose season.
Chapter 324 was enacted as an emergency measure effective May 25, 1999.

LD 771

An Act to Allow Deer Hunting on Sundays

ONTP

<u>Sponsor(s)</u> STANLEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 771 proposed to allow deer hunting on Sundays during the open deer season.

LD 775

An Act to Revise Hunting and Fishing License Revocation Laws

PUBLIC 320

<u>Sponsor(s)</u> TRUE CAREY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 775 proposed to repeal mandatory hunting and fishing license suspensions for abuse of property while hunting and fishing.

Enacted law summary

Public Law 1999, chapter 320 repeals mandatory hunting and fishing license suspensions for abuse of property while hunting and fishing.

LD 780

An Act to Allow Hunters to Carry and Use a Standard-size Flashlight

ONTP

<u>Sponsor(s)</u> TRACY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 780 proposed to clarify that a hunter may carry and use a flashlight without being guilty of night hunting.

LD 782

An Act to Amend the Laws Governing Commercial Shooting Area Hunting Licenses

**PUBLIC 325
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY	OTP-AM	H-514

LD 782 proposed to establish a reduced fee for a three-day special commercial shooting area hunting license and proposed to allow the Commissioner of Inland Fisheries and Wildlife to waive the license requirement for a hunter who completes the safe hunter course.

Committee Amendment "A" (H-514) proposed to replace the bill. It proposed to reformat the requirements as originally proposed and add a special 24-hour commercial shooting area hunting license for \$5. The amendment also proposed to add an emergency preamble and an emergency clause.

Enacted law summary

Public Law 1999, chapter 325 reformats the requirements for a three-day special commercial shooting area hunting license and adds a special 24-hour commercial shooting area hunting license for \$5. The law allows the Commissioner of Inland Fisheries and Wildlife to waive the license requirement for a hunter who completes the safe hunter course.

Chapter 325 was enacted as an emergency measure effective May 25, 1999.

LD 844

An Act to Change the Moose Hunting Season to the Last Week of September

ONTP

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

LD 844 proposed to require the moose hunting season be in the last full week of September.

LD 846

An Act to Allow Elderly License Holders and Children to Fish by Any Method

CARRIED OVER

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

LD 846 proposes to allow elderly license holders and children to take fish by any method.

LD 851

An Act to Establish a Lottery for Deer Hunters to Allow a Hunter to Take 2 Deer

ONTP

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

LD 851 proposed to allow the establishment of a lottery system to allow a licensed hunter to hunt a second deer if that person receives one of 25,000 free permits in a public drawing system.

LD 854 **An Act Concerning the Use of Foot-hold Traps for Coyote in the Unorganized Territory** **ONTP**

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

LD 854 proposed to change the requirement for visiting foot-hold traps set for coyote in unorganized places from at least once a day to at least once every 72 hours.

LD 875 **An Act to Minimize the Harmful Effects of Lead** **PUBLIC 380**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP DOUGLASS	OTP-AM	H-566 S-298 KILKELLY

LD 875 proposed to prohibit the use of an artificial lure or sinker for fishing after January 1, 2000 that contains any lead and weighs less than two ounces.

Committee Amendment "A" (H-566) proposed to replace the bill to make the sale of lead sinkers weighing 1/2 ounce or less illegal after January 1, 2002.

Senate Amendment "A" to Committee Amendment "A" (S-298) proposed to clarify the language of the committee amendment to prohibit the sale of sinkers made of lead.

Enacted law summary

Public Law 1999, chapter 380 makes the sale of lead sinkers weighing 1/2 ounce or less illegal after January 1, 2002.

LD 916 **An Act to Expand Deer Hunting Opportunities for Juvenile Hunters** **ONTP**

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

LD 916 proposed to allow a person older than 10 but younger than 17 to take a male or female deer if that person has never before taken a deer.

LD 971 **An Act to Allow Three Hunters to Hunt Deer Together** **CARRIED OVER**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 971 proposes to allow 3 hunters to hunt deer together without being guilty of driving deer.

LD 972 **An Act to Allow Hunters to Kill One Deer During Each Hunting Season** **ONTP**

<u>Sponsor(s)</u> KASPRZAK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 972 proposed to allow a person to kill one deer during the general open hunting season, one deer during the muzzle-loading hunting season and one deer during the archery season.

LD 978 **An Act to Allow a Subpermittee on a Moose Hunting Permit to Be Named after the Moose Lottery** **ONTP**

<u>Sponsor(s)</u> KIEFFER DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 978 proposed to allow a person who is awarded a moose permit to name a subpermittee after the moose lottery if that person notifies the Department of Inland Fisheries and Wildlife of the name of the subpermittee at least five business days prior to the first day of the moose season.

LD 986 **Resolve, Establishing a Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine** **RESOLVE 82 EMERGENCY**

<u>Sponsor(s)</u> KIEFFER DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-641 DUNLAP S-296 S-459 MICHAUD
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LD 986 proposed to create a study commission to study the feasibility of reestablishing a brook trout and landlocked salmon hatchery in Northern Maine. It proposed that the commission submit its report and any accompanying legislation to the Second Regular Session of the 119th Legislature.

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

LD 1030 proposed to establish an annual season for hunting coyotes by snare that runs from December 1st to March 31st. It proposed to allow a person to utilize an unlimited number of snares to hunt coyote.

LD 1052 An Act to Assist Disabled Fly-fishing Anglers CARRIED OVER

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

LD 1052 proposes to allow a person with a disability to utilize a spin-casting reel and rod and an artificial fly when fishing in waters designated as fly-fishing-only waters.

LD 1072 An Act to Amend the Laws Regarding Antique Snowmobile Registration ONTP

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

LD 1072 proposed to clarify that a snowmobile registered as an antique snowmobile may be used for occasional personal use and is not be used for commercial purposes. The language of this bill was included in LD 2088, the Department of Inland Fisheries and Wildlife Omnibus bill.

LD 1086 An Act to Improve Snowmobile Trail Grooming INDEF PP

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

LD 1086 proposed to allow the Department of Conservation’s Snowmobile Fund to be used for grants to snowmobile clubs, municipalities and counties for the purchase of snowmobile trail maintenance equipment. The bill also proposed to appropriate \$500,000 in each of the next two fiscal years to the Snowmobile Trail Fund specifically for such grants.

LD 1103 An Act to Lower the September Bowhunting License Fee ONTP

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

LD 1103 proposed to reduce the expanded archery deer hunting license fee from \$40 to \$20 for a resident and from \$80 to \$40 for a nonresident. The bill also proposed to remove language that repealed the laws governing the expanded archery deer hunting season on April 1, 1999.

LD 1108 An Act to Create the Home Port Rule ONTP

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1108 proposed to allow a person to operate a personal watercraft on a body of water on which use of personal watercraft is otherwise banned if the person owns land on the shore of that body of water and if the person owns the personal watercraft.

LD 1150 An Act to Amend the Moose Hunting Laws ONTP

<u>Sponsor(s)</u> SIROIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1150 proposed to allow a moose hunting permit holder to take either one male moose or two female moose.

**LD 1175 An Act to Create a 2-year Moratorium on the "Bucks Only" Restriction
Imposed on Deer Hunters ONTP**

<u>Sponsor(s)</u> KASPRZAK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1175 proposed to allow a person to kill a male deer or female deer during the deer hunting seasons in calendar years 1999 and 2000.

**LD 1195 An Act to Create Accountability in the Management of Trout and
Salmon in Maine PUBLIC 326**

<u>Sponsor(s)</u> KIEFFER DUNLAP		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-252
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LD 1195 proposed to make any rule that affects the management of brook trout or landlocked salmon a major substantive rule under the Maine Administrative Procedure Act. The bill also proposed to require the Department of Inland Fisheries and Wildlife to include in its submission to the Legislature documentation on at least two years of prior research by qualified fisheries biologists demonstrating the need for the proposed change.

Committee Amendment "A" (S-252) proposed to change fishing rules from major substantive to routine technical rules, strike the research plan requirements in the bill and require the Department of Inland Fisheries and Wildlife to provide information to the public with regard to biological and fisheries perspectives and opportunities. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 326 provides that any rule that affects the management of brook trout or landlocked salmon is a routine technical rule. The law also requires the Department of Inland Fisheries and Wildlife to provide information to the public with regard to biological and fisheries perspectives and opportunities.

LD 1204

An Act to Amend the Fishing Laws

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DUNLAP	OTP-AM	S-253

The bill proposed to redefine the terms "single-baited hook," "fly" and "fly fishing." It also proposed to clarify that the prohibition on trolling applies only to persons fishing from mechanically powered boats, clarify that one-day and three-day fishing licenses are valid for the hours specified on the license, amend the laws regarding fishing with illegal implements and repeal the laws pertaining to the illegal use of helicopters.

Committee Amendment "A" (S-253) proposed to clarify that the definition of fly fishing means casting and retrieval in a manner in which the weight of the fly line propels the fly. It also proposed to clarify that the prohibition on trolling applies only to persons fishing from wind, manual or mechanically powered boats.

Enacted law summary

Public Law 1999, chapter 321 redefines the terms "single-baited hook," and "fly" and clarifies the definition of "fly fishing" to mean casting and retrieval in a manner in which the weight of the fly line propels the fly. It also clarifies that the prohibition on trolling applies only to persons fishing from wind, manual or mechanically powered boats, clarifies that one-day and three-day fishing licenses are valid for the hours specified on the license, amends the laws regarding fishing with illegal implements and repeals the laws pertaining to the illegal use of helicopters.

LD 1225

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act

CARRIED OVER

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

LD 1225 proposes to require the Commissioner of Inland Fisheries and Wildlife to review the departmental rules and regulations to ensure compliance with the federal Americans With Disabilities Act. This resolve also proposes to require the commissioner to report back to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2000 with regard to rule modifications to obtain compliance with the Americans With Disabilities Act.

LD 1236

An Act Concerning Ownership of a Rafting Company

ONTP

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

LD 1236 proposed to allow affiliated whitewater rafting operations to operate whitewater trips on the same river for which allocations are required if the number of outfitters who are affiliated does not exceed two; a person with majority ownership in one affiliated outfitter does not hold a majority ownership in the other affiliated outfitter; and the affiliated outfitters are issued allocations for the river or stretch of river. This bill also proposed to allow an affiliated outfitter who operates under these provisions to be issued the maximum number of allocations permitted for that river or stretch of river.

LD 1313

An Act to Give the Commissioner of Inland Fisheries and Wildlife the Sole Discretion to Determine the Need for and Location of Boat Launches

CARRIED OVER

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

LD 1313 proposes to prohibit the construction of a boat launch in the State unless the launch is approved by the Commissioner of Inland Fisheries and Wildlife.

LD 1328

An Act Regarding the Shooting of Domestic Animals

ONTP

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

LD 1328 proposed to amend the fish and wildlife law pertaining to shooting domestic animals. The bill proposed to drop the condition that the shooting must have occurred while on a hunting trip or while in pursuit of wild animals or wild birds and proposed to clarify that the prohibition against shooting domestic animals applies only if the domestic animal that is shot belongs to another person.

LD 1332

An Act to Prohibit Hunting Animals in Enclosed Areas

CARRIED OVER

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

LD 1332 proposes to amend the cruelty-to-animals law that prohibits hunting or selling for the purpose of hunting any animal that is not covered by the provisions of the Maine Revised Statutes, Title 12, Part 10. This bill proposes to repeal the current law and inserts in the Maine Criminal Code a prohibition on confined animal hunting operations, described

as selling or offering to sell the opportunity to hunt an animal that is owned, controlled, confined or artificially enclosed for the purpose of facilitating the opportunity to hunt the animal. In this bill, operation of confined animal hunting operations is a Class E crime.

LD 1338 **An Act to Provide a Free Hunting License to a Person Who Has Lost the Use of One Arm** **CARRIED OVER**

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

LD 1338 proposes to allow the Commissioner of Inland Fisheries and Wildlife to issue complimentary hunting and fishing licenses to a Maine resident who suffers from the loss of the use of one arm.

LD 1368 **An Act to Ensure a Fair Distribution of Hunting Permits** **PUBLIC 323**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DAVIS P	OTP-AM	H-567 H-585 CAMERON

LD 1368 proposed to provide that the percentage of antlerless deer, moose and wild turkey permits issued to nonresident or alien hunters may not exceed the percentage of all applicants who are nonresidents and aliens.

Committee Amendment "A" (H-567) proposed to limit the percentage of antlerless deer permits and wild turkey permits that may be issued to nonresident and alien hunters to the average percentage of applicants for those permits over the previous three years who were nonresidents or aliens. The amendment also proposed to limit the number of antlerless deer permits that may be issued to nonresident and alien hunters to not more than 15% of the antlerless deer permits issued in any district or zone and proposed to limit the number of wild turkey permits that may be issued to nonresident and alien hunters to not more than 15% of all wild turkey permits issued statewide.

The amendment also proposed to strike from the bill those provisions affecting moose permits and proposed to make the bill effective on January 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-585) was proposed on behalf of the Committee on Bills in the Second Reading to account for changes made by Public Law 1999, chapter 141, section 1.

Enacted law summary

Public Law 1999, chapter 323, effective on January 1, 2000, limits the percentage of antlerless deer permits and wild turkey permits that may be issued to nonresident and alien hunters to the average percentage of applicants for those permits over the previous three years who were nonresidents or aliens. The law also limits the number of antlerless deer permits that may be issued to nonresident and alien hunters to not more than 15% of the antlerless deer permits issued in any district or zone and proposed to limit the number of wild turkey permits that may be issued to nonresident and alien hunters to not more than 15% of all wild turkey permits issued statewide..

LD 1370 **An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel** **CARRIED OVER**

<u>Sponsor(s)</u> JACOBS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1370 proposes to allow a resident of the State who is 65 years of age or older to receive a free hunting and fishing license. The bill also proposes to allow a person who is in active military service to receive a free hunting and fishing license.

LD 1387 An Act to Facilitate Moose Hunting Permits for Active Military Personnel ONTP

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1387 proposed to eliminate the possession of a big game hunting license as a prerequisite to purchasing a multiple-chance moose hunt application for Maine residents on active duty in the armed services outside the State.

LD 1390 An Act to Expand Hunting Options for Disabled Military Veterans CARRIED OVER

<u>Sponsor(s)</u> BRAGDON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1390 proposes to allow disabled veterans to receive complimentary antlerless deer permits and one-time complimentary moose hunting permits.

LD 1403 An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10 PUBLIC 249

<u>Sponsor(s)</u> KILKELLY HONEY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u> S-157 KILKELLY
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LD 1403 proposed to allow military personnel domiciled in Maine to obtain either a hunting or a fishing license for \$10.

Senate Amendment "A" (S-157) proposed to clarify that, in order to qualify for the military rate for hunting and fishing licenses, a member of the Armed Forces must show proof that the member's home of record is Maine.

Enacted law summary

Public Law 1999, chapter 249 allows military personnel who show adequate proof of being domiciled in Maine to obtain either a hunting or a fishing license for \$10.

LD 1419 **An Act to Establish an Exemption from Horsepower Limitations on Lower Range Pond to Allow an Annual One-day Waterskiing Tournament** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1419 proposed to waive the horsepower limitations on Lower Range Pond in Poland adopted by the Commissioner of Inland Fisheries and Wildlife to allow an annual, one-day, sanctioned waterskiing tournament to be held on that pond. The proposed waiver would have applied to the two days preceding the event and the day of the event.

LD 1435 **An Act to Promote Equitable and Professional Management of Moose** **CARRIED OVER**

<u>Sponsor(s)</u> USHER	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1435 proposes to amend the moose hunting statutes to allow the number of permits to hunt moose to be based on current information available rather than set limits. It also proposes to change the fee amounts for the permits and applications, as well as assigning money from the applications to youth conservation education programs. Finally, it proposes to repeal the sections that establish public auctions for moose hunting permits.

LD 1465 **An Act Regarding Qualifications to Enter the Moose Lottery** **ONTP**

<u>Sponsor(s)</u> BERRY D	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1465 proposed to eliminate the requirement that residents have a valid big game hunting license to purchase a three-chance or six-chance application for the moose license lottery.

LD 1469 **An Act to Increase Hunting Opportunities in the State** **ONTP**

<u>Sponsor(s)</u> MATTHEWS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1469 proposed to allow a person who has killed a deer during the special archery season for deer to kill a second deer with a firearm during the regular firearm season for deer. The bill also proposed to repeal the regulation of the taking of antlerless deer and allow hunters to take any deer. The bill proposed to require the Department of Inland Fisheries and Wildlife to report to the Joint Standing Committee on Inland Fisheries and Wildlife at the end of the hunting season for the years 1999 and 2000 on the results of having an open deer hunting season as opposed to a restricted hunting season. The bill also proposed to increase the moose hunting permits from 2,000 to 3,000. While this bill was voted ONTP by the committee, the Legislature enacted P. L. 402, (See LD 667) which allows 3000 permits to be

drawn in 1999 and 2000. The Legislature also enacted P. L. 16, (Part I budget bill) which allows holders of expanded archery licenses to take two deer.

LD 1507 **An Act to Limit Fishing Regulations for a Portion of the Big Machias River** **ONTP**

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

LD 1507 proposed to repeal the special fishing regulations currently in effect on a segment of the Big Machias River in Aroostook County leaving those waters subject only to the seasons and limits established in general law. The bill also proposed to prohibit the department from adopting new special regulations for that segment of river for a period of 5 years. While this bill was voted ONTP by the committee, its terms were included in the fisheries and wildlife omnibus bill, P. L. 403. (See LD 2088)

LD 1529 **An Act Regarding the Affiliation Definition Test for Rafting Companies** **ONTP**

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

LD 1529 proposed to limit the application of the term "affiliated outfitter" under the whitewater rafting laws to commercial whitewater rafting outfitters who operate on the same river. Under current law, the term applies to all commercial whitewater outfitters, regardless of the river upon which they conduct business.

LD 1584 **An Act to Limit the Caliber of Ammunition Allowed for Hunting White-tailed Deer and Black Bear** **ONTP**

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

LD 1584 proposed to establish minimum standards for ammunition used to hunt white-tailed deer and black bear. The bill proposed to prohibit the use of any bullet that weighs less than 50 grains or that has a full metal casing. The bill proposed that bullets of 50 grains or more that are less than .42 caliber must meet certain weight and power standards and that bullets of .42 caliber or greater are exempt from these prohibitions.

The bill proposed to allow prohibited ammunition to be used to kill wounded prey and further proposed to authorize the Commissioner of Inland Fisheries and Wildlife to allow the use of ammunition not rated in the United States if the commissioner determined that that ammunition meets the minimum standards set in this bill.

The bill proposed to create a new violation of hunting with prohibited ammunition and establishes that violation as a Class E crime.

LD 1652 **An Act to Repeal the Atlantic Salmon Authority** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1652 proposed to repeal the Atlantic Salmon Authority and transfer the authority's powers to the Department of Inland Fisheries and Wildlife.

LD 1686 **An Act to Require the Inspection of Commercial Inland Vessels** **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1686 proposed to require the Commissioner of Inland Fisheries and Wildlife to annually inspect all commercial vessels operating on inland bodies of water and to determine if the vessel is safe and in compliance with environmental laws and regulations.

LD 1756 **An Act to Allow the Department of Inland Fisheries and Wildlife to Offer an Annual License Instead of a Lifetime License** **ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1756 proposed to repeal the provisions for a complimentary hunting and fishing license for a resident 70 years of age or older and to provide reduced fees for a resident 65 years of age or older. A resident who holds a complimentary license on the effective date of proposed changes made by this bill would not have been affected.

LD 1820 **An Act to Decriminalize Certain Fish and Wildlife Statutes** **CARRIED OVER**

<u>Sponsor(s)</u> DUNLAP KILKELLY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1820 proposes to enhance enforcement of fish and game laws, marine resources laws and motor vehicle laws by making enforcement easier and reducing the number of contested cases. It proposes to redefine several crimes as civil violations to allow efficient processing by the courts. It proposes to give violators the right to contest the matter in court. It proposes to revise the responsibilities of game wardens by allowing them to take cash or credit card payments for bail in any location when an arrest is made. It proposes to allow game wardens making arrests in Cumberland County to take the defendant to any District Court serving Cumberland County, rather than being limited to the closest court.

LD 1830 **An Act to Provide Complimentary Hunting and Fishing Licenses to Persons on Active Military Duty and Low-cost Licenses to Their Families** **CARRIED OVER**

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1830 proposes to provide a complimentary hunting and fishing license to a member of the Armed Forces of the United States on active duty whose home of record is Maine and a license to a family member for \$15, plus the issuing fee.

LD 1904 **Resolve, to Study Issues Related to the Muzzle-loading Season** **CARRIED OVER**

<u>Sponsor(s)</u> BUMPS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1904 proposes to authorize a study within existing resources of the Department of Inland Fisheries and Wildlife to address various issues relating to the muzzle-loading season.

LD 1968 **An Act Concerning Recreational and Commercial Trapping** **ONTP**

<u>Sponsor(s)</u> SNOWE-MELLO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1968 proposed to prohibit the trapping of fur-bearing animals, except for mice and rats and except when authorized by the Commissioner of Inland Fisheries and Wildlife. It proposed to allow the commissioner to authorize a person to use a padded leg-hold trap to capture a nuisance fur-bearing animal if the person has attempted to utilize methods other than certain body-gripping traps and has failed to capture the animal. In addition, it proposed to allow government employees to use a padded leg-hold trap to protect threatened or endangered species, to protect human health or safety in extraordinary cases when the trap is the only method available or to conduct wildlife research approved by the commissioner or the United States Secretary of the Interior.

The bill also proposed to make a variety of technical changes to the inland fish and wildlife laws to reflect the proposed prohibition on trapping.

LD 2017 **An Act to Allow the Taking of Endangered or Threatened Species Under the Authority of the Department of Inland Fisheries and Wildlife** **PUBLIC 316**

Sponsor(s)
KILKELLY
DUNLAP

Committee Report
OTP

Amendments Adopted

LD 2017 proposed to authorize the Department of Inland Fisheries and Wildlife to allow the taking of endangered or threatened species under certain circumstances when applicants have developed a plan to avoid or minimize the impact of their activities on species listed as threatened or endangered. The bill proposed to allow the department to approved the project, provided that the population of the listed species is not in serious jeopardy. This bill was submitted on behalf of the Department of Inland Fisheries and Wildlife.

Enacted law summary

Public Law 1999, chapter 316 authorizes the Department of Inland Fisheries and Wildlife to permit the taking of endangered or threatened species under certain circumstances when applicants have developed a plan to avoid or minimize the impact of their activities on species listed as threatened or endangered. The law allows the department to approved the project under these conditions, provided that the population of the listed species is not in serious jeopardy.

LD 2028

An Act Pertaining to the Management of Atlantic Salmon

INDEF PP

Sponsor(s)
DUNLAP
CATHCART

Committee Report
OTP-AM

Amendments Adopted
H-672

LD 2028 proposed to reorganize the existing Atlantic Salmon Authority by establishing the responsibility for the management of Atlantic salmon in a commission consisting of three members: the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources, and an at-large public member appointed by the Governor. The bill proposed that the commission appoint an executive director.

Committee Amendment "A" (H-672) proposed to reorganize the Atlantic Salmon Authority by establishing the responsibility for management of Atlantic salmon in a commission governed by a policy-making board consisting of three members: the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and an at-large public member appointed by the Governor and confirmed by the Senate. The amendment proposed to expand the commission's duties to include protection, preservation, enhancement, restoration and management of Atlantic salmon as well as to secure a sustainable recreational fishery. The amendment proposed to have the commission administer the State's Atlantic salmon conservation plan.

The amendment proposed to have the advisory panels from river basin complexes representing the historical range of Atlantic salmon in the State to assist the Atlantic Salmon Commission in developing plans and programs.

The amendment proposed to give the commission responsibility for administration of the Atlantic salmon conservation plan. The amendment proposed that the executive director would be responsible for managing the day-to-day operations of the Atlantic Salmon Commission.

LD 2045

Resolve, to Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

RESOLVE 86

Sponsor(s)
KILKELLY
DUNLAP

Committee Report
OTP-AM

Amendments Adopted
H-639 DUNLAP
S-254
S-450 MICHAUD

LD 2045 proposed to establish the 18-member Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish. The bill proposed to require the committee to report its findings and any recommended legislation to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2001.

Committee Amendment "A" (S-254) proposed to add 2 additional members of the House of Representatives, 2 people representing large and small businesses involved in the forest products industry, a trapper and a fish and wildlife law enforcement officer to the membership of the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish. The amendment also proposed to add an appropriation section, allocation section and fiscal note to the bill.

House Amendment "A" (H-639) proposed to remove the provision that requires the President of the Senate and the Speaker of the House to consult with the Chairs of the Joint Standing Committee on Inland Fisheries and Wildlife prior to appointing legislative members of the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish.

Senate Amendment "A" to Committee Amendment "A" (S-450) proposed to make technical corrections to the resolve needed to make the resolve consistent with the legislative study guidelines. Specifically, the amendment proposed to change the date of the first meeting, clarify the language concerning chairs, clarify the compensation and staffing provisions and change the reporting date. The amendment also proposed to make this an emergency measure.

Enacted law summary

Resolve 1999, chapter 86 establishes the 24-member Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish. The law requires the committee to report its findings and any recommended legislation to the Joint Standing Committee on Inland Fisheries and Wildlife by December 15, 2000.

LD 2088

An Act to Revise Certain Provisions of the Fish and Wildlife Laws

**PUBLIC 403
EMERGENCY**

Sponsor(s)
KILKELLY
CLARK

Committee Report
OTP-AM

Amendments Adopted
H-747 DUNLAP
S-292
S-322 KILKELLY
S-358 KILKELLY
S-368 KILKELLY
S-377 KILKELLY

LD 2088 proposed to make a number of changes to the laws governing inland fish and wildlife.

This bill was submitted on behalf of the Department of Inland Fisheries and Wildlife.

Committee Amendment "A" (S-292) proposed to create a wildlife rehabilitation permit, allow snowmobiles registered as antique snowmobiles to be used for occasional personal use, prohibit any special fishing regulations on the Big Machias River until September 1, 2001, prohibit fishing from the fishway of the Sheepscot Lake Dam in Palermo and clarify that it is not unlawful to have a loaded firearm in a motorboat but that it is unlawful to shoot from a motorboat.

House Amendment "A" to Committee Amendment "A" (H-747) was a proposed technical amendment. Committee Amendment "A" included a proposed retroactivity clause for a section of statute that was reallocated. Subsequently, Senate Amendment "A" to Committee Amendment "A" proposed to repeal that section and proposed to enact a substantively similar provision elsewhere in the statutes, so that the retroactivity clause would refer to the section that was repealed.

Senate Amendment "A" (S-358) proposed to remove the language that makes it illegal to trap bear with more than 2 traps at one time.

Senate Amendment "A" to Committee Amendment "A" (S-322) proposed to change the allocation of a section of law enacted in Public Law 1997, chapter 739. The only substantive change proposed by this amendment is to change the period for which personal watercraft rental and leasing agent certificates are valid from July 1st to June 30th to January 1st to December 31st.

Senate Amendment "B" (S-368) proposed to remove the provision of the bill that repealed the exemption for nonresidents who hold a valid Maine guide license from the requirement that nonresidents hunting bear with the use of dogs employ and hunt with a resident Maine guide.

Senate Amendment "C" (S-377) proposed to make deallocations because the clerical position for the Support Landowners Program is already funded in the Part I budget, Public Law 1999, chapter 16. The amendment also proposed to allocate funds to reorganize personnel overseeing the whitewater rafting program and to establish a new position in the Wildlife Habitat Group.

Enacted law summary

Public Law 1999, chapter 403 makes the following changes to the laws governing inland fish and wildlife.

1. It clarifies that a felon may not obtain or possess license or permit issued by the Department of Inland Fisheries and Wildlife that authorizes a person to hunt with a firearm.
2. It requires that a person sign that person's hunting, fishing or trapping license upon issuance.
3. It adds a license for the expanded archery license to the list of complimentary licenses and permits available for persons 70 years of age or older and disabled veterans.
4. It repeals the provision of law that requires the Commissioner of Inland Fisheries and Wildlife to suspend a person's hunting license for at least one year if that person is convicted of abuse of another person's property while hunting.
5. It provides that a moose hunter may hunt moose with a bow and arrow on that hunter's big game license rather than requiring that hunter to purchase the special archery license.
6. It repeals a provision in the laws governing the muzzle-loading hunting season that if a person takes a deer during any open season on deer, that person is precluded from further hunting for deer during that year.
7. It repeals the requirement that anyone who has been issued a permit to hunt, trap, possess, band and transport wild animals and wild birds for scientific purposes must report to the commissioner every year.

8. It prohibits certain persons who are prohibited from possessing or being in control of firearms from obtaining or possessing the specialized hunting guide license.
9. It requires that a guide must report a violation by a client by the quickest means of communication possible.
10. It changes the special hide dealer's license commencement period from October 1st to September 1st.
11. It clarifies that a person licensed or otherwise entitled to fish in waters in this State may take suckers only for that person's own use.
12. It clarifies that a person is guilty of having a loaded firearm in or on a motor vehicle if that person while in or on a motor vehicle has any firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed-ignition device or mechanism. It also clarifies that it is not unlawful to have a loaded firearm in a motorboat but that it is unlawful to shoot from a motorboat.
13. It provides that a person may leave an unregistered deer, bear or moose in the woods for a period of time no longer than 18 hours before notifying a warden.
14. It repeals certain provisions relating to open season for hunting partridge.
15. It repeals the requirement that if a moose is dismembered for ease of transportation all pieces of the moose must be labeled with the name and address of the person who killed the moose.
16. It changes references to the "Visitor's Center at Gray" to the "Maine Wildlife Park".
17. It amends the laws regarding snowmobile rental agents by requiring that the rental agents register a snowmobile that they rent or lease in this State.
18. It amends the laws regarding personal watercraft rental agents by requiring that the rental agents register a personal watercraft that they rent or lease in this State and also changes the period for which personal watercraft rental and leasing agent certificates are valid from July 1st to June 30th to January 1st to December 31st to be consistent with boat registrations.
19. It creates a wildlife rehabilitation permit,
20. It allows snowmobiles registered as antique snowmobiles to be used for occasional personal use,
21. It prohibits any special fishing regulations on the Big Machias River until September 1, 2001,
22. It prohibits fishing from the fishway of the Sheepscot Lake Dam in Palermo
23. It allocates funds to reorganize personnel overseeing the whitewater rafting program and to establish a new position in the Wildlife Habitat Group.

Chapter 403 was enacted as an emergency measure effective June 4, 1999.

LD 2095

An Act to Stagger Registration for Watercraft, All-terrain Vehicles and Snowmobiles

ONTP

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

LD 2095 proposed to change the registration year for snowmobiles, watercraft and all-terrain vehicles.

LD 2206 An Act to Implement an Atlantic Salmon Conservation Plan INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUGAY	OTP-AM	H-606

LD 2206 proposed to require the State Planning Office to develop funding for and fully implement an Atlantic salmon conservation plan; develop model watershed plans; and complete habitat enhancement, fish passage and pollution prevention projects. This bill also proposed to require the State Planning Office to report to the Legislature on the progress of implementing an Atlantic salmon conservation plan and any other recommendations concerning watershed management by January 31, 2001.

Committee Amendment "A" (H-606) proposed to require the Land and Water Resources Council to support Washington County and Hancock County river watershed councils in their efforts to implement recommendations in the Atlantic salmon conservation plan. Through a nonprofit organization supportive of Atlantic salmon interests, it proposed to assist in the planning and implementation of local actions. The amendment proposed to require that the Land and Water Resources Council receive reports on their progress every six months and summarize this information in the council's annual report to the Governor and the Legislature. The amendment also proposed to appropriate \$200,000 over the biennium to support the watershed councils.

LD 2235 An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife Regarding Surface Use on Great Ponds PUBLIC 400 EMERGENCY

<u>Reported by</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP	

LD 2235 proposed to implement the recommendations of the towns of Woodstock, Greenwood, Northfield and Bar Harbor to restrict the use of personal watercraft on certain ponds within those towns. This bill was reported out of committee pursuant to Joint Order H. P. 1585.

Enacted law summary

Public Law 1999, chapter 400 prohibits the use of personal watercraft on certain ponds in the Towns of Woodstock, Greenwood, Northfield and Bar Harbor.

Chapter 400 was enacted as an emergency measure effective June 3, 1999.

Joint Standing Committee on Judiciary

LD 3

An Act to Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 127
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-220 COLWELL S-53
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LD 3 proposed to correct errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (S-53) proposed to correct additional errors and inconsistencies, including updates and corrections to the Governmental Evaluation Act and the herring tax.

House Amendment "A" (H-220), a technical amendment offered on behalf of the Committee on Engrossed Bills, proposed to remove erroneous text.

Enacted law summary

Public Law 1999, chapter 127 corrects errors and inconsistencies in the laws of Maine.

Chapter 127 was enacted as an emergency measure effective May 6, 1999.

LD 37

An Act Providing for a Vote of Confidence before a Judge Is Eligible for Reappointment

ONTP

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 37 proposed to require an advisory vote prior to the reappointment of a District Court Judge or a Superior Court Justice. As proposed, the Governor could not reappoint the judge or justice if the vote was in the negative; if the vote supported the reappointment of the judge or justice, the Governor would not be required to make that reappointment.

Committee Amendment "A" (H-132) proposed to change the timing of the advisory referendum for Superior Court Justices and District Court Judges. The referendum would occur at the general election immediately preceding the expiration of the justice's or judge's term. (Not adopted)

LD 38

An Act to Give the Probate Court Power to Order Child Support in Cases Involving Guardianship of a Minor

PUBLIC 46

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-19
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LD 88

An Act to Add to the List of Mandatory Reporters of Suspected Child Abuse Children's Summer Camp Administrators and Counselors

PUBLIC 300

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-441
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LD 88 proposed to add children's summer camp employees to the list of persons who have a duty to report suspected child abuse to the Department of Human Services.

Committee Amendment "A" (H-441) proposed to limit the expansion of the list of mandatory reporters of child abuse to the administrators and counselors at children's summer camps.

Enacted law summary

Public Law 1999, chapter 300 expands the list of mandatory reporters of child abuse to include the administrators and counselors at a children's summer camp.

LD 137

An Act to Require Parental Notification for Minors Seeking Abortions

ONTP

<u>Sponsor(s)</u> AHEARNE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 137 proposed to require parental notification before an abortion is performed or induced on a pregnant minor.

The bill proposed to require that notification be provided to one parent or, when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified relative, who may be a grandparent, a stepparent or a sister or brother who is 21 years of age or older.

The bill also proposed to allow for alternative procedures whereby the minor may seek court approval for the proposed abortion and establish the procedures for judicial review and appeals.

Committee Amendment "A" (H-626) the minority report of the committee, proposed to add a fiscal note to the bill. (Not adopted)

LD 181

An Act Providing for Post-adoption Contact in Limited Situations

ONTP

<u>Sponsor(s)</u> LAFOUNTAIN PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 181 proposed to create the opportunity for parents of a child who is the subject of a child protective action to consent to the termination of their rights but continue to have contact with the child.

LD 205

An Act to Require a Written Record of the Subject Matters Discussed in Executive Sessions

**ENACTMENT
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN CAREY	OTP-AM	H-635

LD 205 proposed to require each agency and public body to make an electronic recording of its executive sessions and to make the recording available to any person who had a right to be present during the executive session or to that person’s legal representative. The recording would also be disclosed pursuant to court order or upon majority vote of the agency or body if the executive session was not required to be confidential.

Committee Amendment "A" (H-635) proposed to replace the bill. Instead of requiring the public agency or body to make an electronic recording of executive sessions, it proposed to require that a written, public record be kept of the subject matters discussed in executive sessions. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

LD 231

An Act to Initiate Covenant Marriage in the State

ONTP

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

LD 231 proposed to establish covenant marriage status for new and existing marriages.

Committee Amendment “A” (H-100), the minority report, proposed to add a fiscal note to the bill. (Not adopted)

LD 233

An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business

PUBLIC 180

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	H-217 THOMPSON

LD 233 proposed to allow municipalities to conduct consultations in executive session with code enforcement officers who are certified in accordance with District Court Rule 80-K to represent the interests of the municipalities in District Court proceedings.

Committee Amendment "A" (S-55) proposed to replace the bill. It proposed to allow municipal officers to consult with their code enforcement officers in executive session when the consultation relates to an enforcement matter pending in the courts and the code enforcement officer is representing the municipality in that action. (Not adopted; substance of amendment adopted in House Amendment “A”)

House Amendment "A" (H-217) proposed to incorporate the substantive changes contained in Committee Amendment “A” and proposed to incorporate a change made by Public Law 1999, chapter 40. (See LD 157 of the State and Local Government Committee.)

Senate Amendment "A" to Committee Amendment "A" (S-65), presented on behalf of the Committee on Bills in the Second Reading, proposed to prevent a conflict by incorporating a change made to the Maine Revised Statutes, Title 1, section 405, subsection 6 in Public Law 1999, chapter 40. (Not adopted)

Enacted law summary

Public Law 1999, chapter 180 allows municipal officers to consult with their code enforcement officers in executive session when the consultation relates to an enforcement matter pending in the courts and the code enforcement officer is representing the municipality in that action.

LD 242 An Act to Inform Traffic Violators in Court of Potential Parallel Administrative Sanctions ONTP

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

LD 242 proposed to require a court at sentencing to inform a person convicted under the motor vehicle laws if there is a potential pending companion administrative sanction and, if so, what that administrative sanction may be.

LD 252 An Act to Restrict Recreational Activities in Cemeteries ONTP

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

LD 252 proposed to prohibit engaging in recreational activities in cemeteries and to provide for a \$100 civil forfeiture for violation of the prohibition.

LD 260 An Act to Enhance the Enforcement of Civil and Criminal Violations CARRIED OVER

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

LD 260 is a concept draft pursuant to Joint Rule 208. LD 260 proposes to build on the work undertaken by the task force created by Resolve 1997, chapter 103 by doing at least the following:

1. Increase the collection of fines, forfeitures and costs imposed by courts for civil and criminal violations;
2. Expand the jurisdiction of the District Court Violations Bureau to include all civil violations;
3. Prohibit issuance and renewal of any license or other credential issued by the State if fines, penalties or forfeitures to the State remain unpaid; and
4. Decriminalize selected motor vehicle, marine resources and fish and wildlife violations.

This bill has been carried over to the Second Regular Session.

LD 289

**An Act to Amend the Uniform Unclaimed Property Act Concerning
Tangible Property Held by Landlords or by State Institutions**

PUBLIC 294

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-463
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LD 289 proposed to restore the provisions of the abandoned property law governing property held by landlords or by state institutions that were repealed when the 1995 Uniform Unclaimed Property Act was adopted.

Committee Amendment "A" (H-463) proposed to revise the unclaimed property laws with regard to property left behind by a tenant to make the laws consistent with the landlord-tenant laws of the Maine Revised Statutes, Title 14.

The amendment also proposed to enact a section that was part of the unclaimed property laws repealed and replaced by Public Law 1997, chapter 508. The section focuses on the retention by the administrator of property of historical significance. It proposed to allow the Treasurer of State to retain such property and require its storage or display in appropriate locations, such as the State Museum and the State Library.

Enacted law summary

Public Law 1999, chapter 294 revises the unclaimed property laws to provide for the disposition of property left by tenants or left by patients or inmates in State institutions. It also returns to law a section on retention by the administrator of property of historical significance.

LD 303

An Act to Amend the Uniform Unclaimed Property Act

ONTP

<u>Sponsor(s)</u> MAYO LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 303 proposed to amend the Uniform Unclaimed Property Act to:

1. Reduce the general presumption of abandonment from five years to two years;
2. Reduce the presumption of abandonment for gift certificates and credit memos from five years to two years as well as require all issuers of gift certificates to keep records of purchasers and their addresses;
3. Require holders of abandoned property to report the names and addresses of last known owners whose property they retain with a value over \$200;
4. Raise the threshold for the ability to report, in the aggregate, held property with individual values of under \$200 rather than the current \$50;
5. Require the administrator to prove that unclaimed property is being held by a holder before the administrator may fine the holder or business for not reporting; and
6. Reduce from 10 years to six years the length of time a business must maintain records.

LD 347 **An Act to Amend the Installment Payment Order Capability of the Disclosure Court** **CARRIED OVER**

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

LD 347 proposes to allow a court to take into account money from sources exempt from attachment or garnishment when ordering a judgment debtor to make installment payments to a judgment creditor. Although the money from exempt sources would not be subject to attachment or garnishment, it would be counted when determining whether the debtor had sufficient resources with which to make installment payments.

This bill has been carried over to the Second Regular Session.

LD 381 **An Act to Provide the Right to a Jury Trial in Civil Actions for Violations of Constitutional Rights** **ONTP**

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

LD 381 proposed to provide the right to a trial by jury in civil actions for violations of constitutional rights under the Maine Civil Rights Act.

Committee Amendment "A" (H-33), the minority report of the committee, proposed to add a fiscal note to the bill. (Not adopted)

LD 385 **An Act to Collect Unpaid Fines in the State** **ONTP**

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

LD 385 proposed to authorize the Commissioner of Public Safety to issue an arrest permit to a licensed private investigator who meets the necessary qualifications. The arrest permit would enable a private investigator to arrest any person in arrears of payment of a fine.

LD 405 **An Act to Require that the State of Maine Comply with Federal Law Requiring Reasonable Efforts** **P & S 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN MITCHELL B	OTP-AM	H-440

LD 405 proposed to require the State to comply with the Adoption Assistance and Child Welfare Act of 1980, as amended, especially with regard to the placement of children in foster care with relatives. It also proposed that the Department of Human Services to report to the Joint Standing Committee on Judiciary by December 15, 1999 on compliance with that Act.

Committee Amendment "A" (H-440) proposed to correct the title of the bill, as well as change the charge to the Department of Human Services to direct the department to comply with specific federal laws concerning child protective services programs and state responsibilities. It requires the department to report back to the Joint Standing Committee on Judiciary by December 15, 1999 on the status of the State's compliance with the federal law. As proposed, the report must provide information specifically about the State's actions with regard to the reasonable efforts requirement concerning keeping families intact rather than removing children from the home.

Enacted law summary

Private and Special Law 1999, chapter 26 directs the Department of Human Services to comply with specific federal laws concerning child protective services programs and state responsibilities. The department must report to the Judiciary Committee by December 15, 1999 on the status of the State's compliance with federal law.

LD 413 An Act to Prohibit Discrimination Against Motorcyclists ONTP

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

LD 413 proposed to amend the Maine Human Rights Act to prohibit discrimination in public accommodations against persons who operate motorcycles or who wear clothing that displays the name of a motorcycle association or organization.

LD 426 An Act to Implement Recommendations of the Maine Indian Tribal-State Commission to Ensure Enforcement of Subpoenas by Tribal Courts ONTP

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

LD 426 proposed to clarify that sheriffs and deputies have the duty to serve and execute papers issued by the Passamaquoddy Tribal Court and the Penobscot Tribal Court.

LD 432 An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	H-464 S-390 MICHAUD

LD 432 proposed to repeal the Uniform Child Custody Jurisdiction Act and replace it with an updated version, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by the national Conference of Commissioners on Uniform State Laws in 1998.

Committee Amendment "A" (H-464) proposed changes to the bill relating to the prevailing party standard, the legislative intent concerning the role of prosecutors and law enforcement in enforcing child custody orders and how the UCCJEA applies in protection from abuse actions.

Senate Amendment "A" to Committee Amendment "A" (S-390) proposed to delete the appropriation section.

Enacted law summary

Public Law 1999, chapter 486 repeals the Uniform Child Custody Jurisdiction Act (UCCJA) and replaces it with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by the National Conference of Commissioners on Uniform State Laws in 1998. The current protection from abuse laws are amended to take into account the UCCJEA. Maine changes to the Uniform Act are as follows.

1. The “prevailing party standard” provided in the Uniform Act is revised to require the court to award the prevailing party all expenses unless the court finds that to do so would be unjust.
2. A “Maine Comment” is included to explain the legislative intent that the prosecutor and law enforcement be involved in enforcement of child custody orders only as a last resort or to avoid a dangerous situation.

LD 437 **An Act to Clarify the Law Regarding Executive Sessions of Public Bodies** **PUBLIC 144**

<u>Sponsor(s)</u> GLYNN CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-104
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LD 437 proposed to amend the law governing executive sessions of public proceedings. It proposed to require that the governmental entity name the parties to a labor contract it planned to discuss in executive session and to cite the case to be discussed if it planned to discuss pending litigation. It also proposed to limit the legal rights and duties that could be discussed in executive session.

Committee Amendment "A" (H-104) proposed to strike the section of the bill that limits the situations in which governmental bodies can consult with their attorneys in executive session to discuss legal rights and duties and that requires governmental bodies to cite the pending litigation to be discussed in executive session.

Enacted law summary

Public Law 1999, chapter 144 requires a public agency to name the parties to a labor contract that it intends to discuss before going into executive session.

LD 441 **An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions** **PUBLIC 87**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-103
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LD 496

An Act to Exempt Certain Trusts from the Rule Against Perpetuities

PUBLIC 391

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-636
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LD 496 proposed to abrogate the rule against perpetuities for property interests created by instruments taking effect after the effective date of the bill. The rule against perpetuities is a common law rule that prohibits the creation of a property interest that vests farther in the future than the rule allows.

Committee Amendment "A" (H-636) proposed to replace the bill. It proposed to exempt a trust from the rule against perpetuities if the instrument creating the trust specifies that the rule does not apply and the instrument gives a trustee or other person power to sell, lease or mortgage the trust property after the time when the interest would have been required by the rule against perpetuities to vest.

Enacted law summary

Public Law 1999, chapter 391 provides that a trust is exempt from the rule against perpetuities if the instrument creating the trust specifies that the rule does not apply and the instrument gives a trustee or other person power to sell, lease or mortgage the trust property after the time when the interest would have been required to vest in order to be valid under the rule against perpetuities. The law applies to trusts created after September 18, 1999, the effective date of chapter 391.

LD 523

An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Child Welfare Services for Indian Children

PUBLIC 392

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-658
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LD 523 proposed to ensure that Indian children placed in foster homes are eligible for benefits and reimbursement available under any state or federally funded program administered for the benefit of Maine children.

Committee Amendment "A" (H-658) proposed to correct Maine's foster care licensing and funding statutes to recognize the authority of the Maine Indian tribes under the federal Indian Child Welfare Act.

Enacted law summary

Public Law 1999, chapter 392 corrects Maine's foster care licensing and funding statutes to recognize the authority of the Maine Indian tribes under the federal Indian Child Welfare Act. Chapter 392 makes clear that Indian children in the custody of Maine Indian tribes under the Indian Child Welfare Act are fully eligible, as Maine children, for all state and federally funded foster care programs administered by the State. It also recognizes Indian foster family homes licensed or approved under the Indian Child Welfare Act as an exception to the general requirement of state licensing for foster care placements and funding when Indian children are involved.

LD 568

An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate

PUBLIC 69

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-101
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LD 568 proposed to require a person claiming an interest in real estate based on the omission of technical wording in a deed issued prior to the Short Form Deeds Act to file notice in the registry of deeds within two years of the effective date of this Act in order to preserve that interest.

Committee Amendment "A" (H-101) proposed to require a person to file a civil action by December 31, 2002 in order to preserve the interest in property.

Enacted law summary

Public Law 1999, chapter 69 requires a person to file a civil action in court by December 31, 2002 in order to preserve a claim of interest in property due to the absence of an habendum clause or technical words of inheritance in a deed issued prior to the Short Form Deeds Act. After December 31, 2002, a person may not bring an action or enter upon property under a claim of right based on the lack of an habendum or technical words of inheritance in a deed.

LD 571 **An Act to Prohibit Partial-birth Abortion** **ONTP**

<u>Sponsor(s)</u> MACK MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 571 proposed to prohibit partial-birth abortions except when necessary to save the life of the mother. Performance of a partial-birth abortion in violation of the provisions of this bill would be a Class D crime. In addition, the bill proposed that the physician performing the abortion be subject to damages in a civil suit. As proposed, the mother may not be prosecuted. See also LD 917, LD 1593.

LD 596 **An Act to Allow Citizens 70 Years of Age or Older the Option of Serving Jury Duty** **ONTP**

<u>Sponsor(s)</u> SMALL MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 596 proposed to give a person 70 years of age or older the option of declining jury duty.

LD 605 **An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney** **PUBLIC 66**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 605 proposed to clarify the effective date of certain corrections made to powers of attorney laws that were enacted as emergency legislation during the Second Special Session of the 118th Legislature.

Enacted law summary

Public Law 1999, chapter 66 acknowledges that the enactment of the Maine Revised Statutes, Title 18-A, section 5-508 represented a modification of existing law and delays the effective date of the modification until December 31, 1998.

LD 658 **An Act to Require Notification of a Lien on Property to Be Done by Certified Mail** **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 658 proposed to require a person, municipality or the State to notify the property owner by certified mail that a lien has been filed against the owner's property in three instances: when a person has not been paid for providing materials, labor or services on land or a building of another; when an animal owner is in violation of the rabies statutes; and when a taxpayer has not paid state taxes.

LD 687 **An Act Regarding Wrongful Death Actions** **CARRIED OVER**

<u>Sponsor(s)</u> SCHNEIDER DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 687 proposes to amend the Wrongful Death Act to remove the existing cap of \$150,000 on the amount of damages that may be awarded to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

This bill has been carried over to the Second Regular Session.

LD 697 **An Act to Require Courts to Reimburse Jurors for Parking Expenses** **INDEF PP**

<u>Sponsor(s)</u> MACK RAND		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 697 proposed to require a court to reimburse jurors for the jurors' parking expenses.

Committee Amendment "A" (H-133) proposed to allow only reasonable parking expenses of jurors to be paid by the courts and to add an appropriation section and fiscal note to the bill.

LD 699 **An Act Concerning Minors' Consent for Services** **PUBLIC 90**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 699 proposed to authorize a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.

Enacted law summary

Public Law 1999, chapter 90 authorizes a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.

LD 703

An Act to Create the Maine Civil Rights Act of 1999

ONTP

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

LD 703 proposed to prohibit the State and its subdivisions and instrumentalities from discriminating or granting preferential treatment in the operation of public employment, education or contracting to any person on the basis of race, sex, color, ethnicity or national origin.

Committee Amendment "A" (H-194), the minority report, proposed to add a fiscal note to the bill. (Not adopted)

LD 706

An Act to Expedite Treatment of Certain Persons with Mental Illness

PUBLIC 423

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND KILKELLY	OTP-AM MAJ OTP-AM MIN	H-659

LD 706 proposed to provide for a voluntary agreement for mental health treatment or services. The procedure proposed to allow a person with mental illness who has the capacity to make decisions to voluntarily sign a form naming individuals who may later certify that the person requires mental health treatment or services.

Committee Amendment "A" (H-659), the majority report of the committee, proposed to replace the bill, and amend the Uniform Health-care Decisions Act to specifically provide for advance health care directives that authorize mental health treatment, including hospitalization.

Committee Amendment "B" (H-660), the minority report of the committee, differed from the majority report in that it contained a sunset of January 1, 2002 for all changes concerning advance health care directives for mental health treatment. Part A proposed to enact the changes with a self-repealing date of January 1, 2002. (Not adopted)

Enacted law summary

Public Law 1999, chapter 423 provides for advance health care directives authorizing mental health treatment and services, including hospitalization. The directive may contain conditions that specify when the directive becomes effective, and it may specify a particular method for determining when those conditions are met. It may also provide consent to hospitalization for mental health treatment, which may be honored if the person at the time of examination and hospitalization lacks capacity, even if the person objects to the hospitalization. The duration of the stay in the hospital of the person may not exceed 5 working days. Further hospitalization is possible only with the consent of the person or through the emergency admission procedures.

Chapter 423 also authorizes a law enforcement officer to take into protective custody a person that the officer knows has an advance health care directive authorizing mental health treatment if the officer has reasonable grounds to believe, based on probable cause, that the person lacks capacity. The law enforcement officer must then deliver the person

immediately for examination in accordance with the Uniform Health-care Decisions Act to determine whether the person is competent and whether the conditions of the advance health care directive are met.

LD 722

An Act to Increase Adoptions

PUBLIC 78

<u>Sponsor(s)</u> BRAGDON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 722 proposed to bring Maine law into compliance with the federal laws by removing references to cultural, ethnic and racial background from the adoption law.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 78 brings Maine law into compliance with federal law concerning the placement of children for adoption by removing references to cultural, ethnic and racial background from the adoption law.

LD 724

An Act to Define Paralegals and Legal Assistants

PUBLIC 379

<u>Sponsor(s)</u> MADORE KONTOS		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 724 proposed to require any person who uses the title "paralegal" or "legal assistant" to be qualified by education, training or work experience; and supervised by an attorney to the extent that the attorney is ultimately responsible for the work.

Enacted law summary

Public Law 1999, chapter 379 requires any person who uses the title "paralegal" or "legal assistant" to be qualified by education, training or work experience; and supervised by an attorney to the extent that the attorney is ultimately responsible for the work. A person who claims to be a paralegal or a legal assistant and does not meet the statutory definition commits a civil violation for which a forfeiture of up to \$1000 may be adjudged.

LD 748

An Act to Strengthen the Collection of Money Judgments

ONTP

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 748 proposed to impose a monetary penalty on judgment debtors who fail to appear in court in response to subpoenas or at disclosure hearings. The bill also proposed to require the court to allow a judgment creditor five hours to appear in court after a civil order of arrest has been accomplished.

LD 788

An Act to Clarify the Deceptive Trade Practices Act

ONTP

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

LD 788 proposed to clarify that the use of a geographic location in a business name not associated with that location is not a deceptive trade practice if that business name has been used for at least 10 years without objection by any person

LD 793

An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization

ONTP

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

LD 793 proposed to require that high-stakes beano or bingo games be conducted on the reservation of the federally recognized Indian tribe licensed to operate them, rather than allowing the games to be conducted on any Indian territory.

Committee Amendment "A" (S-163), the minority report of the committee, proposed to clarify that the prohibition applied to games beginning on the effective date of the new law, regardless of whether a license had been issued or was pending to conduct high-stakes beano on land other than Indian reservation land. (Not adopted)

LD 794

An Act to Ensure That Child Support Obligations are Met

ONTP

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

LD 794 proposed to hold a parent responsible for child support while that parent is receiving public assistance, and to allow the department to collect reimbursement for the support once the parent no longer receives public assistance.

LD 822

An Act to Rename the Harassment Based on Characteristic Law

PUBLIC 51

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

LD 822 proposed to change the name of the crime of “harassment based on characteristics” to “interference with constitutional and civil rights” to more accurately reflect the prohibited offenses.

Enacted law summary

Public Law 1999, chapter 51 changes the name of the crime of “harassment based on characteristics” to “interference with constitutional and civil rights.”

LD 860

An Act to Limit the Adverse Possession Laws

ONTP

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 860 proposed to limit adverse possession in certain instances as a method by which to gain title to property by allowing it only when necessary to gain access to landlocked property or when the person claiming adverse possession builds a building that mistakenly lies across the boundary line.

LD 874

An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records"

PUBLIC 96

<u>Sponsor(s)</u> AMERO MARVIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-39
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LD 874 proposed to amend the Freedom of Access laws to remove certain records concerning minors from the definition of "public records." The bill proposed to remove personally identifying information concerning minors that a municipality collects or maintains in providing educational or recreational programs or services.

Committee Amendment "A" (S-39) proposed to replace the bill. It proposed to allow certain information regarding minors to be withheld from public disclosure if the municipality that holds the information has enacted an ordinance specifying the circumstances under which the information will be withheld from disclosure to a person or the public in general.

Enacted law summary

Public Law 1999, chapter 96 allows certain information regarding minors to be withheld from public disclosure if the municipality that holds the information has enacted an ordinance specifying the circumstances under which the information will be withheld from disclosure to a person or the public in general.

LD 889

An Act to Increase Public Awareness in Child Protection Cases

ONTP

<u>Sponsor(s)</u> QUINT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 889 proposed to allow a guardian ad litem in a child protection case to disclose some details of the case with the consent of the Commissioner of Human Services and the Attorney General.

This bill was submitted on behalf of the Department of Human Services.

LD 908 **An Act to Create Standards for Guardians Ad Litem in Certain Domestic Relations Matters** **ONTP**

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

LD 908 proposed to require the Department of Human Services to adopt rules establishing standards for guardians ad litem appointed in domestic relations cases. See also LD 1213.

LD 914 **An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System** **DIED BETWEEN BODIES**

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

LD 914 proposed to require the Department of Corrections to perform HIV, hepatitis-B and hepatitis-C testing on all clients of the department.

Committee Amendment "A" (H-478), the minority report, proposed to exclude juveniles from the mandatory testing. (Not adopted)

LD 917 **An Act to Ban Partial Birth Abortion Except to Protect the Life or Health of the Mother** **ONTP**

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

LD 917 proposed to clarify the definition of "abortion" to specifically state that it includes partial birth abortion.

It proposed to amend the State policy on post-viability abortions to clarify that the use of the dilation and evacuation method of abortion after viability is restricted to only those situations in which the abortion is necessary to preserve the life or health of the mother. See also LD 571, LD 1593.

LD 925 **An Act to Create a Superlien for Condominium Association Assessments** **ONTP**

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

LD 925 proposed to allow a lien for condominium assessments to take priority over all other liens except liens for real estate taxes and other governmental assessments against the unit.

LD 942

An Act to Establish the Juvenile Division of the District Court

ONTP

Sponsor(s)
GLYNN

Committee Report
ONTP

Amendments Adopted

LD 942 proposed to establish the Juvenile Division within the District Court, with jurisdiction over matters within the Maine Juvenile Code, matters involving children in need of services, juvenile traffic offenses, emancipation proceedings, homeless juveniles and juveniles who have left home and other matters assigned by the Chief Judge.

LD 947

An Act to Clarify Certain Liens

PUBLIC 88

Sponsor(s)
LAFOUNTAIN
MADORE

Committee Report
OTP-AM

Amendments Adopted
S-38

LD 947 proposed to clarify the mechanic lien law by stating that the financing statement must be notarized and be submitted with a form approved by the Secretary of State, which is the same form as for UCC filings.

This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (S-38) proposed to restructure the section of law relating to filing of mechanics' liens to simplify the language and to clarify what documents must be filed.

Enacted law summary

Public Law 1999, chapter 88 requires the financing statement of a mechanic's lien to be notarized and submitted with a form approved by the Secretary of State, which is the same form as for UCC filings.

LD 1010

An Act Regarding the Family Court

CARRIED OVER

Sponsor(s)
THOMPSON

Committee Report

Amendments Adopted

LD 1010 proposes to give the family case management officer in the Family Division of the District Court authority to hear contested family cases and enter final orders if both parties agree.

This bill has been carried over to the Second Regular Session.

LD 1011

An Act to Change the Application of the Durable Financial Power of Attorney Provisions

PUBLIC 118

Sponsor(s)
THOMPSON

Committee Report
OTP-AM

Amendments Adopted
H-138

LD 1011 proposed to make disclosures and limitations required for all durable financial powers of attorney inapplicable to powers of attorney granted by someone other than an individual, such as a corporation, or by an individual when the power is granted to a secured party or the mortgagee in a security agreement or mortgage.

Committee Amendment "A" (H-138) proposed to replace the word "individual" with "natural person," and to clarify that a power of attorney given by a borrower or related party to a lender in a loan transaction for value is not of the type intended to be regulated by the Maine Revised Statutes, Title 18-A, section 5-505.

Enacted law summary

Public Law 1999, chapter 118 eliminates the requirement that a durable financial power of attorney contain certain limitations and disclosures when the power of attorney is granted by someone other than a natural person, when it is related to a security agreement or mortgage, or when involved in a loan transaction.

LD 1027 An Act to Extend the Waiting Period for Obtaining a Divorce ONTP

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

LD 1027 proposed to establish a six-month waiting period between the service of a divorce complaint and the divorce hearing, except that the waiting period would not apply to any person who has obtained a protection from abuse order to protect that person or another family or household member from the other party.

LD 1031 An Act to Require that Child Support Benefits Designated Children ONTP

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

LD 1031 proposed to state in statute that child support payments must be used for the support and maintenance of the child for whom the child support order is established.

LD 1058 An Act to Provide for Geographic Distribution of Funds for Civil Legal Services ONTP

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

LD 1058 proposed to charge the Civil Legal Services Fund Commission with ensuring that funding from the Maine Civil Legal Services Fund is disbursed in a geographically equitable fashion.

Sponsor(s)
MURRAY
THOMPSON

Committee Report
OTP-AM

Amendments Adopted
S-226

LD 1081 proposed to adopt the Uniform Foreign Money-judgments Recognition Act. This Uniform Act requires a state court to enforce a money judgment from another country with the full faith and credit that the state court would treat a money judgment from another state if the foreign judgment is final, conclusive and enforceable in the country where it was rendered. The bill proposed to set forth standards for determining when a judgment is conclusive and when the court may refuse to recognize the judgment.

Committee Amendment "A" (S-226) proposed to add language allowing a state court to refuse recognition of a foreign judgment if there is not reciprocity, i.e., if the foreign court would refuse recognition of a judgment from the state court. It also proposed to add language regarding uniform interpretation of the law and to make technical changes to correspond with the uniform law.

Enacted law summary

Public Law 1999, chapter 285 enacts the Uniform Foreign Money-judgments Recognition Act into Maine law. This Act requires Maine courts to enforce a money judgment from another country with the full faith and credit that the Maine court would treat a money judgment from another state if the foreign judgment is final, conclusive and enforceable in the country where it was rendered. A judgment is not conclusive if the court that rendered it did not have personal or subject matter jurisdiction or if the legal system in that country did not provide impartial tribunals and due process of law. It allows a Maine court to refuse recognition of a foreign judgment under certain circumstances, including the lack of reciprocity. Finally, it allows the court to stay enforcement of the judgment if the defendant satisfies the court that an appeal is pending or that the defendant is entitled and intends to appeal the underlying foreign-money judgment.

Sponsor(s)
PLOWMAN

Committee Report
ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 1087 proposed to provide that a person accused of wrongdoing in a child protection proceeding is entitled to disclosure of records and reports relating to the proceeding and the investigation from the Department of Human Services and any investigating agency.

Committee Amendment "A" (H-480), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

House Amendment "A" (H-621) proposed to limit the disclosure to accused parents, and only exculpatory evidence in the possession of the Department of Human Services. (Not adopted)

LD 1098 **An Act to Create a Respondent's Bill of Rights in Adjudicatory Proceedings** **ONTP**

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

LD 1098 proposed to require agencies conducting adjudicatory proceedings to inform respondents of their rights and the procedures to be followed at the inception of the proceeding.

LD 1101 **An Act to Require Consistency When Interviewing Children in Criminal and Civil Cases** **ONTP**

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

LD 1101 proposed to require law enforcement officers and Department of Human Services staff who are investigating or participating in a child protection proceeding to limit the number of interviews and the number of interviewers that a child must face. It also proposed to require that the information collected in the interview be disclosed to the person accused of abuse, neglect or other wrongdoing with respect to the child, regardless of whether the investigation relates to a criminal or a civil matter.

Committee Amendment "A" (H-531), the minority report, proposed to eliminate the proposed requirements pertaining to how interviews of children must be conducted and recorded. It also proposed to delete the proposed disclosure requirement.

LD 1109 **An Act to Prevent Children From Being Placed with a Parent Who is a Batterer or an Abuser** **ONTP**

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

LD 1109 proposed to increase the standard the court must apply in determining whether contact or residing with a parent who has committed domestic abuse is in the child's best interest. The bill proposed to require that the court find by clear and convincing evidence that residing with that parent or having contact with that parent is in the child's best interest.

LD 1110 **An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits** **PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-462

LD 1110 proposed to provide that, for purposes of calculating child support, disability benefits received by a child based on the disability of a nonprimary care provider must be counted toward the parental support obligation of the nonprimary care provider on whose disability the benefits are based.

Committee Amendment "A" (H-462) proposed to replace the bill. It proposed to replace the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. The amendment proposed to clarify that credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

As proposed, the child support amount may not be reduced because of the payment of the dependent benefits, and the obligor parent receives credit for the amount of dependent benefits paid, thereby reducing the amount of child support the obligor parent must pay. The credit may not exceed the child support obligation.

Enacted law summary

Public Law 1999, chapter 327 replaced the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. Credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

LD 1120

An Act to Amend the Uniform Health Care Decisions Act

PUBLIC 411

Sponsor(s)
JABAR

Committee Report
OTP-AM

Amendments Adopted
H-616

LD 1120 proposed to amend the Health Care Decisions Act concerning surrogate decision-making. It proposed to authorize a surrogate to make any health care decision, other than to withhold or withdraw life-sustaining treatment, for a patient if the patient lacks capacity and no agent or guardian exists.

The bill also proposed to expand the list of persons who can act as a surrogate for a patient. Added to the list after immediate family members is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.

Committee Amendment "A" (H-616) proposed to replace the bill. It proposed to revise the surrogate's decision-making authority to allow the surrogate, when no agent or guardian exists, to make any health care decision for a patient who lacks capacity, as determined by the primary physician, except that the surrogate may not deny surgery, procedures or interventions that are lifesaving and medically necessary. It also proposed to revise the hierarchical list of persons who can act as a surrogate by moving a person who has a spouse-like relationship with the patient to one step below a spouse.

Enacted law summary

Public Law 1999, chapter 411 amends the Uniform Health Care Decisions Act concerning health care decisions made by a surrogate. It retains the current law concerning a patient in a terminal condition or persistent vegetative state. In addition, it authorizes a surrogate to make any health care decision for a patient if the patient lacks capacity and no agent or guardian exists, except that the surrogate may not deny surgery, procedures or interventions that are life-saving and medically necessary.

Chapter 411 also expands the list of persons who can act as a surrogate for a patient. Added to the list after the spouse is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.

LD 1121

An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court

**PUBLIC 67
EMERGENCY**

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

LD 1121 proposed to amend the statutes to make clear that a court security officer may be directed by a court to serve a protection from abuse order on a defendant who is present in the courthouse.

Enacted law summary

Public Law 1999, chapter 67 authorizes a court security officer to serve a protection from abuse order on a defendant who is present in the courthouse.

Chapter 67 was enacted as an emergency measure effective April 14, 1999.

LD 1128

An Act Creating Offenses Against Unborn Children

ONTP

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

LD 1128 proposed to create new crimes against unborn children. Punishment was proposed as follows: for intentionally or knowingly causing the death of an unborn child, the same as for murder; voluntary manslaughter of an unborn child, a Class A crime; recklessly causing the death of an unborn child, a Class B crime, except that it would be reduced to a Class C crime if the death was caused by the reckless operation of a motor vehicle; assault and aggravated assault on an unborn child, Class D and Class C crimes, respectively.

The bill proposed that the crimes do not apply to an abortion to which the pregnant woman has consented, to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment, or to the pregnant woman.

Committee Amendment "A" (H-612), the minority report of the committee, proposed to add a fiscal note to the bill.

LD 1129

An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee

PUBLIC 390

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT	OTP-AM MAJ	H-371
MITCHELL B	ONTP MIN	S-295 GOLDTHWAIT

LD 1129 proposed to create a new membership structure for the Maine HIV Advisory Committee. It proposed to decrease the number of members from 36 to 21 and to create a membership committee within the Advisory Committee to appoint members, other than legislative members, from lists of nominations provided by specified groups of interested parties. It also proposed to pay a per diem to members with HIV or who are at risk for HIV, in addition to

reimbursement of expenses, which all members receive. The bill proposed to allow the members to annually elect a chair and vice-chair rather than having the governor designate them.

Committee Amendment "A" (H-371) proposed to remove the sections providing for per diem payments to certain members of the commission and to remove a section relating to acceptance of outside funding, since current law already includes such a provision.

Senate Amendment "A" (S-295) proposed to make a technical correction to the bill.

Enacted law summary

Public Law 1999, chapter 390 creates a new membership structure for the Maine HIV Advisory Committee. It decreases the number of members from 36 to 21 and creates a membership committee within the Advisory Committee to appoint members, other than legislative members, from lists of nominations provided by specified groups of interested parties. It also allows the members to annually elect a chair and vice-chair rather than having the governor designate them.

LD 1137 **An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court** **PUBLIC 139**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DAVIS P	OTP-AM	H-136

LD 1137 proposed to allow police officers to prosecute their own traffic infraction cases in District Court without the representation being considered an unauthorized practice of law.

Committee Amendment "A" (H-136) proposed to delete language requiring that representation by a law enforcement officer be approved by the District Court Judge presiding at the trial. It also proposed to clarify that representation by a law enforcement officer must be approved by the prosecuting attorney in each matter.

Enacted law summary

Public Law 1999, chapter 139 authorizes police officers to prosecute their own traffic infraction cases in District Court if that representation is approved by the prosecuting attorney in each matter.

LD 1142 **An Act to Provide for Suit Against Certain State Employees** **ONTP**

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

LD 1142 proposed to provide that an employee of the Department of Human Services who, for inappropriate personal motives, seeks to deprive a person of rights in a child protection action is not entitled to absolute immunity from tort liability.

Committee Amendment "A" (H-611), the minority report, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-691
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LD 1148 proposed to amend the Maine Tort Claims Act to clarify that governmental entities are immune from liability for claims arising out of failures or malfunctions of computers caused by the failure to properly recognize or otherwise process dates or times.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

Committee Amendment "A" (H-691) proposed to more clearly define the computer problems for which immunity is provided. Immunity would be provided for failures or malfunctions related to the "Year 2000 problem," which is defined as those complications associated with using a 2-digit field to represent a year. The amendment also proposed to make the immunity provision applicable only to problems occurring before January 2, 2001.

Enacted law summary

Public Law 1999, chapter 456 clarifies that governmental entities covered by the Maine Tort Claims Act are immune from liability for claims arising out of computer malfunctions or failures related to "the Year 2000 problem." The Year 2000 problem is defined as complications associated with using a 2-digit field to represent a year and its result on the year change from 1999 to 2000. The immunity provision applies only to failures or malfunctions occurring before January 2, 2001.

<u>Sponsor(s)</u> MAYO ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-461
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LD 1155 proposed to amend the State's Uniform Unclaimed Property Act as it applies to automatically renewable deposit accounts. The bill also proposed to clarify that deposit accounts that are IRAs or part of benefit plans are deemed abandoned according to the rules specifically related to IRAs or benefit plans. In addition, the bill proposed to clarify that fees properly assessed before the date of abandonment are not required to be refunded upon escheat to the State.

Committee Amendment "A" (H-461) proposed to makes the following changes to the bill:

1. Replace the provisions concerning the time period since a holder of property last received an indication of interest by an owner, after which deposits are presumed abandoned by the owner;
2. Clarify what constitutes "indication of interest" by an owner when the apparent owner has more than one relationship or account with the holder, such as a bank;
3. Clarify that certain inactivity fees assessed against an account prior to the time it is presumed abandoned may be deducted from the property escheated to the State; and
4. Add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 284 revises Maine’s Uniform Unclaimed Property Act to clarify what constitutes indication of interest by the owner, and the appropriate time periods, as they relate to abandonment of deposit accounts and funeral and burial plans. It also clarifies that inactivity fees may be deducted from property before it escheats to the State.

LD 1156 **An Act to Repeal the Elective Share Available to Surviving Spouses under the Probate Code** **ONTP**

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

LD 1156 proposed to repeal the provisions in the Probate Code that provide that if a married person domiciled in this State dies, the surviving spouse has a right of election to take an elective share of 1/3 of the augmented estate.

LD 1213 **An Act Regarding the Effective Date of Guardian Ad Litem Training** **PUBLIC 251**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-439

LD 1213 proposed to postpone the effective date of the program of training and certification of guardians ad litem.

Committee Amendment "A" (H-439) proposed to replace the bill and revise the deadlines concerning the training and qualifications for guardians ad litem.

Enacted law summary

Public Law 1999, chapter 251 revises the deadlines concerning the training and qualifications for guardians ad litem as follows:

1. The Supreme Judicial Court must implement the guardian ad litem training program by November 1, 1999;
2. The Supreme Judicial Court must report back to the Joint Standing Committee on Judiciary by December 15, 1999 about the training, certification, assignment and supervision of guardians ad litem; and
3. All guardians ad litem appointed after March 1, 2000 in child protection and family law cases must meet the qualifications established by the Supreme Judicial Court.

LD 1223 **An Act to Clarify the Immunity for Charitable Directors, Officers and Volunteers** **ONTP**

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

LD 1223 proposed to make clear that an unpaid volunteer who assists in the provision of legal services to indigent persons is not liable for inadvertent or negligent actions in providing legal services or advice.

LD 1230

An Act Allowing Certain Exceptions to Jury Duty

ONTP

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1230 proposed to allow prospective jurors to be excused from jury duty if they are unable to secure child care or have other pressing personal needs.

LD 1243

An Act to Strengthen the Kinship Laws

PUBLIC 382

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-599
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LD 1243 proposed to require the Department of Human Services to prefer residential placement of the child with other family members of the child after termination of parental rights.

Committee Amendment "A" (H-599) proposed to revise the bill to be consistent with federal law concerning the placement of children with relatives rather than with foster parents who are not related to the child.

Enacted law summary

Public Law 1999, chapter 382 requires, consistent with federal law, that the Department of Human Services consider placing a child with a relative rather than an unrelated foster family, as long as the relative meets all the relevant child protection standards that apply to foster care.

LD 1251

An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court

CARRIED OVER

<u>Sponsor(s)</u> LEMONT DAVIS P		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1251 proposes to increase the reimbursement fee paid to a municipality by District Court for each day a law enforcement officer is present for a scheduled trial from \$25 to \$50.

This bill was recommitted to committee and carried over to the Second Regular Session.

LD 1255

An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory

ONTP

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1255 proposed to give exclusive authority to regulate surface water use on ponds entirely within Passamaquoddy Indian territory to the Passamaquoddy Tribe and to give the Maine Indian Tribal-State Commission authority over surface water use of great ponds with at least 10%, but not all, of the shoreline within Passamaquoddy Indian territory.

LD 1284 **An Act Regarding Test Results Used in Determining Paternity** **ONTP**

<u>Sponsor(s)</u> MCNEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1284 proposed to require a court to make a new paternity determination if, after the court has entered a judgment that the alleged father is the legal father, the alleged father submits to blood or tissue-typing testing and the results show the alleged father is not the father.

LD 1285 **An Act to Allow the Child Support Obligor the Right to Provide Day Care** **ONTP**

<u>Sponsor(s)</u> STANWOOD		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1285 proposed to provide that the nonprimary residential care provider, or either party in case primary residential care is shared equally, may provide child care personally or by a close relative if it is consistent with the best interests of the child. As proposed, if a court does not allow child care, it must state the reasons in writing or on the record.

Committee Amendment "A" (H-644), the minority report, proposed to add a fiscal note to the bill.

LD 1294 **An Act to Provide for a Limited Waiver of Immunity** **CARRIED OVER**

<u>Sponsor(s)</u> POWERS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1294 proposes to waive immunity from liability for directors, officers and volunteers of charitable organizations when they cause harm while operating vehicles, vessels or aircraft. Liability would be limited to the amount of insurance coverage held by the director, officer or volunteer. The bill also proposes to void a provision in an insurance policy that attempts to exclude coverage for such claims.

This bill has been carried over to the Second Regular Session.

LD 1303 **An Act to Amend the Statute of Limitations for Medical Malpractice** **CARRIED OVER**

<u>Sponsor(s)</u> WATSON RAND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1303 proposes to amend the statute of limitations relating to health care providers and health care practitioners. The bill requires an action for professional negligence to be commenced within 3 years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury but not more than 6 years after the cause of action accrues.

This bill has been carried over to the Second Regular Session.

LD 1324 **An Act to Eliminate the Need for a Foster Home License for Adoptive Parents** **ONTP**

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

LD 1324 proposed to allow a child who is being adopted to stay with the child's future adoptive parent without the parent having to license the home as a children's home during the pendency of a petition for adoption. See also LD 1744.

LD 1325 **An Act to Provide Fairness to Victims of Medical Malpractice** **PUBLIC 523**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE THOMPSON	OTP-AM MAJ ONTP MIN	S-352 S-436 LONGLEY

LD 1325 proposed to expedite the operation of prelitigation screening panels under the Maine Health Security Act by allowing the hearing to be bypassed completely if it has not been held within 4 months, shortening certain time periods and allowing statements and presentations of the case in writing. The bill also proposed to clarify the role of the prelitigation screening panels by changing the standard of proof used by the panel, and how the findings may be used. The bill proposed that testimony made under oath in the panel proceedings can be used in subsequent proceedings for the purpose of impeachment.

Committee Amendment "A" (S-352), the majority report, proposed to replace the bill. It proposed to limit depositions and require the panel to maintain a tape recorded record of the panel proceedings to be used for limited purposes in subsequent proceedings. The amendment proposed to change the standard that the panel must use to make its findings: whether the evidence, if properly substantiated, is sufficient to raise a legitimate question appropriate for judicial inquiry concerning the liability of the health care practitioner or health care provider. The panel findings would be admissible in court only if the panel were unanimous in finding against the claimant.

Senate Amendment "A" to Committee Amendment "A" (S-381) proposed to amend the comparative negligence question for the panel by requiring a finding of professional negligence before the panel considers whether the patient was also negligent. It also proposed to revise the admissibility of panel findings. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-436) proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "A" to the bill and change the circumstances under which unanimous panel findings unfavorable to the person accused of professional negligence are admissible in a subsequent court action for professional negligence.

Enacted law summary

Public Law 1999, chapter 523 amends the Maine Health Security Act as follows:

1. It limits depositions to the parties and the experts designated by the parties, although the chair of the prelitigation screening panel may authorize deposing additional persons. Depositions must be admitted to the panel hearing regardless of whether the person deposed is available for the hearing; and
2. It requires the panel to maintain a tape recorded record of the panel proceedings. That record remains confidential except that testimony made under oath in the panel proceeding may be used in subsequent proceedings for purposes of impeachment. In addition, the person who made the statement or presented that evidence may agree to its submission, use or disclosure outside of the panel proceeding.

LD 1341

An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission

P&S 51

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE CATHCART	OTP-A	H-161

LD 1325 proposed to provide additional funding (\$75,000 in fiscal year 1999-00 and \$100,000 in fiscal year 2000-01) to the Maine Indian Tribal-State Commission to meet its obligations under the Maine Indian Claims Settlement Act. (This bill was referred to the Joint Standing Committee on Appropriations and Financial Affairs.)

Committee Amendment "A" (H-161) proposed to reduce the General Fund appropriation in the bill to \$15,000 in each of fiscal years 1999-00 and 2000-01.

Enacted law summary

Private and Special Law 1999, chapter 51 provides a General Fund appropriation to the Maine Indian Tribal-State Commission of \$15,000 on each of fiscal years 1999-00 and 2000-01.

LD 1371

An Act Regarding the Collection of Child Support by Custodial Parents

ONTP

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

LD 1371 is a concept draft pursuant to Joint Rule 208. It proposed to establish better methods to ensure that noncustodial parents who have been ordered or obligated to pay child support in fact make those child support payments in a timely fashion.

LD 1375

An Act to Provide Post-judgment Interest in Small Claims Actions

PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-137

LD 1375 proposed to provide for prejudgment and post-judgment interest on money judgments awarded in small claims actions.

Committee Amendment "A" (H-137) proposed to remove the provision allowing for prejudgment interest on money judgments awarded in small claims actions.

Enacted law summary

Public Law 1999, chapter 109 provides for post-judgment interest on money judgments awarded in small claims actions.

LD 1405 An Act to Allow for a Citizen's Petition for a Grand Jury ONTP

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1405 proposed to require the Chief Justice of the Superior Court to summon a grand jury upon receipt of a petition signed by at least 10% of a county's adult, resident citizens.

LD 1411 An Act Regarding Counseling in Divorce and Separation ONTP

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1411 proposed to establish a divorce effects program. As proposed, the court must order every party to a proceeding for judicial separation, divorce, award of parental rights and responsibilities when the parents live apart or child support to attend such a program when minor children are involved. The bill proposed who may provide such a program and the program's content with regard to the effect of divorce on children. The bill also proposed that the party initiating a judicial separation or divorce proceeding or proceeding when parents live apart be required to show that parental separation is in a child's best interest.

LD 1422 An Act Requiring Notice to Be Given to Alleged Perpetrators ONTP

<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1422 proposed to require notification of alleged perpetrators in child protective proceedings and to grant them the right to testify and present evidence in those proceedings. It proposed to provide that a criminal case may not be brought against the alleged perpetrator if the court finds in favor of the alleged perpetrator.

LD 1427 An Act to Amend the Laws Regarding Domestic Violence Incidence Reports ONTP

<u>Sponsor(s)</u> MUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1427 proposed to allow criminal justice agencies to release domestic violence incidence reports to agencies who contract with the State to provide services and support to victims and families of victims of domestic and family violence.

LD 1449 **Resolve, Directing Cooperation between the Department of Human Services and the Passamaquoddy Tribe in Providing Human Services Programs** **ONTP**

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

LD 1449 proposed to require the Commissioner of Human Services to formulate agreements with the Passamaquoddy Tribe to provide state recognition of foster care homes approved by the tribe and funding for children in foster care custody of the tribe. See also LD 523.

LD 1460 **An Act to Allow Sharing of Information for Child Protective Investigations** **PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-438

LD 1460 proposed to permit the release of reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of certain state agencies, including law enforcement agencies, to the Department of Human Services, Bureau of Child and Family Services for use in the investigation of suspected abuse or neglect.

Committee Amendment "A" (H-438) proposed to clarify that the information shared with the Department of Human Services, Bureau of Child and Family Services is limited to information for use in the investigation of suspected abuse or neglect.

Enacted law summary

Public Law 1999, chapter 305 allows certain state agencies, including law enforcement agencies, to share with the Department of Human Services reports and records that contain intelligence and investigative information for use in the investigation of suspected abuse or neglect.

LD 1471 **An Act to Amend the Laws Governing Wrongful Death** **CARRIED OVER**

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

LD 1471 proposes to change the statute of limitations under the Maine Health Security Act for medical malpractice when the lawsuit results from an alleged wrongful death. If the death occurred within the 3-year period provided under the Maine Health Security Act, the wrongful death action must be filed within 2 years of the death, and all

other provisions of the Maine Probate Code's wrongful death statute, including caps on the amount of damages recoverable, will apply.

This bill has been carried over to the Second Regular Session.

LD 1486 **An Act to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act** **ONTP**

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

LD 1486 proposed to amend the Maine Unfair Trade Practices Act to allow its civil remedies to apply to attorneys' billing practices that are unfair competition or deceptive acts.

LD 1487 **An Act to Bring Equity into Custodial Agreements** **ONTP**

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

LD 1487 proposed to create a presumption in custody cases that an equal allocation of parental rights and responsibilities is in the best interest of the child.

Committee Amendment "A" (H-530), the minority report of the committee, proposed to strike out the language in the bill referring to an agreement of the parties for an allocation other than equal allocation of parental rights and responsibilities. (Not adopted)

LD 1488 **An Act to Ensure Compliance with Court Orders Relating to Child Visitation** **DIED BETWEEN BODIES**

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

LD 1488 proposes to require a judge to provide compensatory visitation if the parent who has primary physical residence with the child denies visitation.

LD 1514 **An Act to Amend the Filing Requirements to Perfect a Purchase Money Security Interest in Consumer Goods** **ONTP**

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

LD 1514 proposed to amend the Uniform Commercial Code, secured transactions, to eliminate the dollar limitation in the provision allowing perfection of a purchase money security interest in consumer goods without filing a financing statement. See also LD 2245.

LD 1523

An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial

PUBLIC 503

<u>Sponsor(s)</u> WINSOR BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-637
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LD 1523, a concept draft pursuant to Joint Rule 208, proposed to require a court to order that a defendant found incompetent to stand trial be confined by the State for the purpose of obtaining treatment, and confined until the court found that the defendant was competent to stand trial.

Committee Amendment "A" (H-637) proposed to replace the original bill by deleting the one-year limitation on how long a defendant can be held if found incompetent to stand trial, and by requiring the court to order the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to start involuntary commitment procedures for a defendant who the court has determined is not competent and there does not exist a substantial probability that the defendant will be competent in the foreseeable future if the defendant is charged with specific serious crimes: crimes against the person; sexual assault; criminal restraint and kidnapping; harassment; arson; and causing a catastrophe .

Enacted law summary

Public Law 1999, chapter 503 amends the current law to establish a procedure to deal with defendants who are found incompetent to stand trial by a court. First, consistent with State v. Dedekian, 680 A.2d 441 (1996), the one-year limitation on how long a defendant may be confined by the State is eliminated, as long as there is a substantial probability that the defendant will attain capacity in the foreseeable future. Second, the court is required to order the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to start involuntary commitment procedures for a defendant who the court has determined is not competent and there does not exist a substantial probability that the defendant will be competent in the foreseeable future if the defendant is charged with specific serious crimes: crimes against the person; sexual assault; criminal restraint and kidnapping; harassment; arson; and causing a catastrophe.

LD 1538

An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs

PUBLIC 290

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-460
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LD 1538 proposed to provide protection from criminal and civil liability for medically trained personnel, such as medical doctors and registered nurses, who conduct body cavity searches pursuant to a body cavity search warrant. This bill is the recommendation of the Attorney General.

Committee Amendment "A" (H-460) proposed to replace the bill. It proposed to provide immunity to persons authorized by rules adopted by the Attorney General to conduct body cavity searches if the person, exercising due care, conducts a body cavity search pursuant to a search warrant directing a body cavity search.

Enacted law summary

Public Law 1999, chapter 290 provides immunity to persons authorized by rules, adopted by the Attorney General, to conduct body cavity searches if the person, exercising due care, conducts a body cavity search pursuant to a search warrant directing a body cavity search.

LD 1549 **An Act to Protect the Riparian Rights of Owners of Rockweed, Seaweed and Other Assets on Intertidal Land** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1549 proposed to prohibit cutting down, harvesting, destroying, injuring or carrying away seaweed, rockweed, marine vegetation, stones, gravel, ore or property of any kind on intertidal land without the permission of the owner.

LD 1557 **An Act to Expand a Judge's Powers for Contemptuous Failure to Pay** **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1557 proposes to expand the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. The bill proposes that, in addition to a reasonable fine and term of imprisonment, the court may suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses.

This bill has been carried over to the Second Regular Session.

LD 1577 **An Act to Amend the Liability Limit under the Maine Tort Claims Act** **PUBLIC 460**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-565
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LD 1577 proposed to increase the liability limit under the Maine Tort Claims Act from \$300,000 to \$500,000.

Committee Amendment "A" (H-565) proposed to raise the liability limit to \$400,000 instead of \$500,000 as proposed in the bill.

Enacted law summary

Public Law 1999, chapter 460 increases the liability limit under the Maine Tort Claims Act from \$300,000 to \$400,000. Pursuant to LD 2255, Part C, the increased limit applies to claims or actions arising out of acts or omissions occurring on or after the effective date of chapter 460.

LD 1586

An Act to Require the Holder or Servicer of a Mortgage to Record the Discharge Within 60 Days

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-382

LD 1586 proposed to require a mortgagee, or the mortgagee's successor in interest, to record the discharge of a mortgage within 30 days after receipt of full payment of the mortgage. The bill proposed that a mortgagee who fails to do so is subject to a penalty based on the original amount of the mortgage plus an attorney's fee.

Committee Amendment "A" (H-382) proposed to require the current holder or servicer of the mortgage to record the discharge of a mortgage within 60 days of the satisfaction of the mortgage and to impose penalties. The amendment proposed to add an application section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 230 requires the current holder or servicer of a mortgage to record the discharge of the mortgage within 60 days of satisfaction of the mortgage. It also provides for a penalty equal to the greater of actual damages incurred by the mortgagor or exemplary damages of \$200 per week after the 60-day period has expired, to a maximum of \$5,000.

LD 1591

An Act to Amend the Laws Concerning HIV Testing

ONTP

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

LD 1591 proposed to remove the requirement that HIV testing sites be anonymous sites and to provide for confidential sites. The bill also proposed to remove the requirement that informed consent to an HIV test be in writing.

LD 1592

An Act to Encourage Joint Custody Practices

ONTP

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

LD 1592 proposed to establish the policy that parents should be awarded shared parental rights and responsibilities unless the court finds that the joint responsibility would not be in the child's best interest. The bill proposed that the court must provide that the parents equally share the responsibility for providing their child's residential care, unless the court makes a finding that the equal sharing is not in the child's best interest. As proposed, the parents may agree to a sharing of parental rights and responsibilities, including the provision of residential care, which the court must accept or provide written reasons why the agreement is not in the child's best interest.

Committee Amendment "A" (H-564), the minority report of the committee, proposed to delete language in the bill concerning the stipulation as to who may be designated as the public assistance recipient.

LD 1593

An Act to Ban Partial Birth Abortion

DIED BETWEEN BODIES

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

LD 1593 is an initiated bill. It prohibits partial-birth abortions except when such an abortion is necessary to save the life of the mother. It proposed that violation of the prohibition is a Class D crime, and that the physician performing the abortion is subject to damages in a civil suit. As proposed, the mother may not be prosecuted.

Committee Amendment "A" (H-627), the minority report of the committee, proposed to add a fiscal note to the bill.

Because the bill was not enacted by the Legislature without change, pursuant to Article IV, Part Third, Section 18 of the Maine Constitution, the proposed language will appear as a referendum question submitted to voters.

LD 1603

An Act to Amend the Wrongful Death Laws

CARRIED OVER

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

LD 1603 proposes to eliminate the current cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current cap of \$75,000 that may be awarded in punitive damages.

This bill has been carried over to the Second Regular Session.

LD 1620

Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf

CARRIED OVER

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

LD 1620 proposes to allow any person who was a student at the Governor Baxter School for the Deaf between 1974 and 1998 to bring an action against the school notwithstanding any provision of the law limiting the time period for which an action may be commenced or concerning the Maine Tort Claims Act. The resolve proposes that a person bringing an action pursuant to this resolve has 3 years from the effective date of the resolve to file the action. This bill has been carried over to the Second Regular Session.

LD 1670

An Act to Amend the Conservation Easement Laws

ONTP

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

LD 1670 proposed to require a change in the boundaries of a leasehold that affects a conservation easement to be approved by both the owner of the leased property and the holder of the easement and to require that the holder's approval be made by private and special law if the holder of the easement is the State.

LD 1673

An Act to Amend the Abandoned Property Laws

PUBLIC 232

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-436
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LD 1673 proposed to amend the Maine Uniform Unclaimed Property Act to provide for redemption of gift certificates at 60% of a gift certificate's face value.

Committee Amendment "A" (H-436) proposed to replace the bill. It proposed to provide that the amount abandoned is 60% of the face value of the gift certificate if the issuer imposes neither a dormancy charge nor a period of limitation on the owner's right to redeem the certificate at 100% of face value. The bill proposed that if the issuer does not meet that criteria, the current language applies; that is, the amount abandoned is the purchase price paid for the certificate.

Enacted law summary

Public Law 1999, chapter 232 amends the Maine Uniform Unclaimed Property Act to provide that if a gift certificate is not redeemed within the presumptive abandonment period, the amount abandoned is 60% of the face value of the gift certificate if the issuer imposes neither a dormancy charge nor a period of limitation on the owner's right to redeem the certificate at 100% of face value. If the issuer does not meet that criteria, the amount abandoned is the purchase price paid for the certificate.

LD 1717

An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient

CARRIED OVER

<u>Sponsor(s)</u> ABROMSON BRENNAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1717 proposes to make communication between a licensed professional counselor and a patient privileged if the communication was received during the course of professional counseling services, with certain exceptions. The communication could be disclosed when the licensed counseling professional determines the patient needs to be hospitalized due to mental illness, when a court orders the examination of a patient to determine the emotional or mental condition of the patient, when a patient raises the patient's mental or emotional condition as a defense in a proceeding at law or in equity, when the communication is to a person who is present or participating in the professional service, including 3rd party reimbursors and clinical or peer supervisors, or when the communication is necessary to further the best interest of the patient or is reasonably necessary for the transmission of the communication.

This bill has been carried over to the Second Regular Session.

LD 1720

An Act to Recover Economic Loss Attributable to Tobacco Use

ONTP

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1720 proposed to create a uniform prospective remedy for recovery of economic loss, including related costs and legal fees, caused by tobacco exposure. As proposed, the liabilities created by the law apply only to manufacturers and not to other members of the tobacco industry.

The bill proposed that manufacturers are prospectively held to a strict liability standard and are deprived of the contributory negligence defense; but victims may not recover noneconomic damages.

The bill proposed that group losses asserted by the State, insurers or health care providers are provable on the basis of market share liability with the aid of certain presumptions that the manufacturers are permitted to rebut or adjust.

The bill proposed that the remedies are expressly cumulative and not intended to foreclose remedies that may exist or arise from interpretations of common law or state or federal laws. As proposed, amounts that may be recovered in prior tobacco settlements are credited against any losses to which those recoveries pertain.

LD 1744 **An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption** **PUBLIC 265**

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

LD 1744 proposed to permit a licensed child-placing agency to designate a preadoptive parent's home as a foster home for the purpose of placing the child to be adopted in that home prior to finalization of the adoption.

Enacted law summary

Public Law 1999, chapter 265 permits a licensed child-placing agency to designate a preadoptive parent's home as a foster home for the purpose of placing the child to be adopted in that home prior to finalization of the adoption.

LD 1753 **An Act to Require Noncustodial Parents to Contribute to the Higher Education of Their Children** **ONTP**

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

LD 1753 proposed to require a parent paying child support to contribute to the costs of postsecondary education for the child until the child graduates, withdraws is expelled, or turns 23 years of age, whichever occurs first.

LD 1771 **An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions** **CARRIED OVER**

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

LD 1771 proposes a limit of \$250,000 on noneconomic damages in medical liability actions. The bill proposes that a plaintiff is still 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.

This bill has been carried over to the Second Regular Session.

LD 1783 **An Act to Clarify the Limited Liability for Recreational or Harvesting Activities** **ONTP**

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

LD 1783 proposed to specify that the limit on liability for recreational or harvesting activities does not apply to a person who has been invited onto the premises.

LD 1791 **An Act to Promote Effective Management of Occupational Exposure to HIV** **PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ OTP-AM MIN	S-326

LD 1791 proposed to expand the options for obtaining authorization to conduct an HIV test on a blood or tissue sample when an occupational exposure has occurred in a health care setting and the person who was the source of the blood or body fluid that caused the exposure is unavailable or unable to give consent, such as when the person is unconscious.

Committee Amendment "A" (S-326), the majority report of the committee, proposed to clarify when a source person is unavailable or unable to give consent to the test, specifies who may receive the test results and clarifies that, if the person contacted for authorization refuses to authorize a test, the test may not be performed without the source person's consent or judicial authorization.

The amendment also proposed to clarify that the law applies to volunteer emergency services personnel, including volunteer firefighters and licensed emergency medical services persons.

The amendment proposed to require the Department of Human Services, Bureau of Health, to study options for expanding the application of the law to other groups of employers and to report back to the Joint Standing Committee on Judiciary by December 31, 1999. The committee would be authorized to report out legislation in response to the report.

Committee Amendment "B" (S-327), the minority amendment of the committee proposed to expand the application to all places of employment subject to the Occupational Safety and Health Act regulation on blood-borne pathogens. A place of employment is subject to that OSHA standard if employees there are "reasonably anticipated" to come into contact with blood, other body fluids or other infectious material.

This amendment proposed to clarify when a patient is unavailable to give consent, specify who may receive the test results and clarify that if any person refuses to give authorization, the test may not be performed without judicial consent or the consent of the source patient. It also proposed to clarify that the law applies to exposures of volunteer emergency services personnel, including volunteer firefighters and licensed emergency medical services persons. (Not adopted)

Enacted law summary

Public Law 1999, chapter 429 expands the options for obtaining authorization to conduct an HIV test on a blood or tissue sample when an occupational exposure has occurred in a health care setting and the source person is unavailable or unable to give consent, e.g., when the source person is unconscious. In that situation, the source person's legal guardian, adult relative, person with power of attorney for health care, certain other adults, or a physician familiar with occupational exposure to HIV may authorize the test. If any person on the list refuses to authorize the test, the test may not be performed without judicial consent or the consent of the source person. The law specifies who may receive the test result, and what information may be kept in personal records. The law clarifies that exposures received by members of a rescue team during performance of emergency services are occupational exposures, even if the person is not paid for services.

The law requires the Department of Human Services, Bureau of Health, to study options for expanding the application of the law to other groups of employers and to report back to the Joint Standing Committee on Judiciary by December 31, 1999. The Judiciary Committee is authorized to report out legislation in response to the report.

LD 1792

An Act Relating to the Admissibility of Medical Records and Reports

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1792 proposed to authorize the admission of medical records into court proceedings without requiring the maker of the record or the record custodian to be called as a witness to authenticate the record.

LD 1795

**An Act to Validate Pierringer Releases and Reform Procedures in
Multiparty Lawsuits**

CARRIED OVER

Sponsor(s)
MILLS

Committee Report

Amendments Adopted

LD 1795 proposes to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants.

The bill also proposes to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarify how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements.

The bill also proposes to authorize the courts to approve Pierringer release procedures in complex litigation. In a Pierringer settlement, the plaintiff gives up that share of recovery that is proportional to the settling defendant's fraction of responsibility. The purpose of a Pierringer release is to permit one defendant to settle with the plaintiff and to withdraw finally from the suit even when there are cross-claims against the defendant.

This bill has been carried over to the Second Regular Session.

LD 1842

An Act to Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created

ONTP

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

LD 1842 proposed to require that, at the time of the creation or conveyance of a conservation easement or preservation interest, the owner of a servient estate or subject property sign a consent form disclosing information about the physical restrictions and legal restraints the easement or interest places on the estate or property; the duration of the easement or interest; and the identity and description of the general activities and purpose of the holder of the easement or interest.

LD 1850

An Act to Amend the Laws Regarding Real Estate Transfers

ONTP

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

LD 1850 proposed to prohibit a person from conveying a parcel of real estate unless the deed clearly delineates any right-of-way that is within the bounds of the deed and that provides access to the property described in the deed; lists the party responsible for the maintenance of a right-of-way delineated in the deed; and lists the purpose for the maintenance of a right-of-way delineated in the deed.

LD 1857

An Act to Amend the Freedom of Access Laws

INDEF PP

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

LD 1857 proposed to amend the freedom of access laws to require 72 hours of notice prior to a public meeting, to require the notice to include an agenda listing items to be discussed at the meeting and to prohibit the agency from discussing items not included on that agenda. The bill also proposed to increase the penalties for a violation of the freedom of access laws and to void any government action taken at a meeting held in violation of the freedom of access laws unless the violation was acknowledged and the action was reconsidered.

Committee Amendment "A" (H-479) proposed to replace the bill. It proposed to allow a person other than the Attorney General or a district attorney to bring an action to enforce the freedom of access laws if the Attorney General failed to bring an action within 30 days after receiving a complaint of a violation. Any civil forfeiture recovered in the action would be paid to the State, not to the person bringing the action. (Not adopted)

House Amendment "A" to Committee Amendment "A" (H-668) proposed to replace the fiscal note on the committee amendment to classify the bill as a state mandate on municipalities. (Not adopted)

House Amendment "B" to Committee Amendment "A" (H-734) proposed to add a mandate preamble. (Not adopted)

<u>Sponsor(s)</u> MCNEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-437
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LD 1860 proposed to authorize the Probate Court to appoint a temporary guardian for a minor when an emergency exists.

Committee Amendment "A" (H-437) proposed to replace the bill. It proposed to extend the Probate Court's current authority to appoint temporary guardians of minors by allowing a hearing after only 5 days' notice. It also proposed to remove any requirement of notice to the parents or others if the person's address and whereabouts are unknown and cannot be determined with due diligence. As proposed, the court may waive notice upon a showing of good cause if the minor for whom the temporary guardian will be appointed is 14 years of age or older. Current law limits a temporary guardianship to 6 months.

Enacted law summary

Public Law 1999, chapter 303 authorizes the Probate Court to appoint a temporary guardian for a minor after a hearing with only 5 days' notice. Notice to the parents is not required if their address and whereabouts are unknown and cannot be determined with due diligence. The court may waive notice upon good cause shown if the minor is at least 14 years old.

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1865 proposed to reconcile the Maine Tort Claims Act and the Highway Defect Statute laws by removing an exemption under the Maine Tort Claims Act, thus making government entities liable for defects, lack of repair or lack of sufficient railing.

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1914 proposed to clarify tribal jurisdiction over rights-of-way over or abutting tribal lands and the collection of fines from violations occurring on tribal lands and rights-of-way.

<u>Sponsor(s)</u> DUDLEY DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-563
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LD 1923 proposed to facilitate the establishment of trail easements by public agencies and nonprofit organizations such as land trusts by specifying that such easements for the use of the public are valid and enforceable even if they lack some characteristics required of easements under common law. It also proposed to define terms used in instruments creating trail easements and specify who may bring or intervene in actions affecting a trail easement.

Committee Amendment "A" (H-563) proposed to provide that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also proposed to delete the provision defining certain terms that may be used in an easement document and delete the provision allowing for application of the law to easements created before the effective date.

Enacted law summary

Public Law 1999, chapter 371 facilitates the establishment of trail easements by public agencies and nonprofit organizations such as land trusts by specifying that such easements for the use of the public are valid and enforceable even if they lack some characteristics required of easements under common law. It provides that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also specifies who may bring or intervene in a court action relating to the easement.

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1941 proposes a process for the involuntary commitment of persons in need of treatment for substance abuse or substance addiction.

This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u> MACDOUGALL MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1949 proposed to require a waiting period of 60 days after a permissive mental examination is reported to a court before the defendant who is the subject of the report may be tried. The bill proposed to require a waiting period of 30 days after a post-conviction examination is reported to the court before the defendant may be sentenced.

LD 1961

An Act to Amend the Right of Entry Clauses

CARRIED OVER

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

LD 1961 proposes to amend the right of entry clauses for the Maine Land Use Regulation Commission, the Bureau of Parks and Lands and the Department of Environmental Protection, and under the forest practices laws. The bill proposes that entry upon private land by an agent or employee of the agencies or department is a trespass unless certain circumstances exist.

This bill has been carried over to the Second Regular Session.

LD 1969

An Act to Revise Certain Provisions of the Medical Examiner Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'GARA	ONTP	

LD 1969 proposed to amend the Medical Examiner Act to address the confidentiality of records and information, address testing for HIV, clarify the procedures for investigating by law enforcement officers, and procedures for the proper disposition of dead bodies.

LD 1971

An Act Regarding Property Tax Liens

CARRIED OVER

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

LD 1971 proposes to require the former owner of real property to notify the State Tax Assessor and the local tax assessor of the transfer of the property within 10 days of the transfer. It also proposes to require a lien on real estate to be placed in the name of the new owner if the assessor has written notice of the change in ownership.

This bill has been carried over to the Second Regular Session.

LD 1972

Resolve, to Establish a Commission to Encourage Incorporations in Maine

**RESOLVE 67
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	H-549 O'NEAL S-215

LD 1972 proposed to create the Commission to Encourage Incorporations in Maine. It proposed that the commission make recommendations on how to encourage corporations to incorporate in Maine initially, and how to encourage existing corporations incorporated elsewhere to reincorporate in Maine.

Committee Amendment "A" (S-215) proposed to revise the membership of the commission to limit it to 8 legislative members, consisting of 3 Senators and 5 Representatives. It also proposed to expand the duties to include looking for creative incentives to broaden Maine's economic base.

House Amendment "A" (H-549) proposed to change the convening date to the last business day in July 1999.

Enacted law summary

Resolve 1999, chapter 67 creates the Commission to Encourage Incorporations in Maine. The commission, made up of eight legislators, will make recommendations on how to encourage corporations to incorporate in Maine initially, and how to encourage existing corporations incorporated elsewhere to reincorporate in Maine. The report is due December 15, 1999.

Chapter 67 was enacted as an emergency measure effective June 10, 1999.

LD 1990 An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights CARRIED OVER

<u>Sponsor(s)</u> JOY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1990 proposes to create the Private Property and Individual Rights Protection Act, which requires economic impact analyses and takings impact analyses to be conducted prior to the adoption or enactment of all laws, policies, regulatory actions or local ordinances. This bill also proposes to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases.

This bill has been carried over to the Second Regular Session.

LD 1994 An Act to Amend the Laws Regarding Unlawful Cutting of Trees PUBLIC 339

<u>Sponsor(s)</u> FOSTER KIEFFER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-459
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LD 1994 proposed to require the court to decide whether damages awarded in a civil suit for unlawful cutting of trees are to be based upon market value or the forfeiture amount in the Maine Revised Statutes, Title 17.

Committee Amendment "A" (H-459) proposed to give the court the authority to reduce the damages awarded for good cause shown when trees were cut either negligently or without fault.

Enacted law summary

Public Law 1999, chapter 339 gives the court, in a civil suit for unlawful cutting of trees, the authority to reduce the damages awarded for good cause shown, but only when the trees were cut either negligently or without fault.

LD 2014

An Act to Institutionalize Substance Abuse Treatment Courts in Maine

CARRIED OVER

Sponsor(s)
SAVAGE W
AMERO

Committee Report

Amendments Adopted

LD 2014 proposes enabling legislation for the creation of substance abuse treatment courts, also known as "drug courts," throughout the State. The bill also proposes continuing financial support for Cumberland County's "Project Exodus," the one existing substance abuse treatment court in the State.

This bill has been carried over to the Second Regular Session.

LD 2022

An Act to Improve the Marketability of Real Estate Titles

PUBLIC 343

Sponsor(s)
LAVERDIERE

Committee Report
OTP-AM

Amendments Adopted
H-507

LD 2022 proposed to provide that a release of all rights by a spouse in a conveyance of property transfers all rights in the property even if the spouse's name was not set forth in the beginning of the deed as a grantor. It proposed to require a person who wishes to preserve rights under a deed entered into before the effective date of the new law to file notice in the registry of deeds and begin a civil action by November 1, 2000.

Committee Amendment "A" (H-507) proposed to add a mandate preamble and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 343 provides that a release of all rights by a spouse in a conveyance of property transfers all rights in the property even if the spouse's name was not set forth in the beginning of the deed as a grantor. It requires a person who wishes to preserve rights under a deed entered into before the effective date of the new law to file notice in the registry of deeds and begin a civil action by November 1, 2000.

LD 2030

An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation

DIED IN CONCURRENCE

Sponsor(s)

Committee Report
ONTP MAJ
OTP MIN

Amendments Adopted

LD 2030 proposed to implement recommendations concerning tribal land use regulation pursuant to Resolve 1997, chapter 45 to clarify that the authority to regulate land use in Indian territory rests with the Passamaquoddy Tribe and the Penobscot Nation. As proposed, the bill excludes tribal lands in Albany Township.

LD 2051

An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders

CARRIED OVER

Sponsor(s)
DUDLEY
RAND

Committee Report

Amendments Adopted

LD 2051 clarifies that the immunity from civil liability provided under the Maine Tort Claims Act applies to law enforcement officers enforcing protective orders regardless of where those orders were issued.

This bill has been carried over to the Second Regular Session.

LD 2067

An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide

CARRIED OVER

Sponsor(s)
FRECHETTE
MURRAY

Committee Report

Amendments Adopted

LD 2067 proposes that the State Court Administrator of the Administrative Office of the Courts establish guidelines for and award contracts to providers of pretrial services.

This bill has been carried over to the Second Regular Session.

LD 2072

An Act to Clarify the Admissibility of Electronic Records and Signatures **CARRIED OVER**

Sponsor(s)
THOMPSON

Committee Report

Amendments Adopted

LD 2072 proposes standards and procedures for the validity and admissibility into evidence in a legal proceeding of electronic records and proposes that an electronic signature have the same legal force and effect as a manual signature.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

This bill has been carried over to the Second Regular Session.

LD 2117

An Act to Improve Responsible Check Writing

ONTP

Sponsor(s)
SNOWE-MELLO

Committee Report
ONTP

Amendments Adopted

LD 2117 proposed to require any person writing a check to provide that person's name, address, phone number and identification. It also proposed to require a notice for nonpayment of a check to state that failure to honor the debt may constitute a criminal offense that may result in a fine or imprisonment.

LD 2121 An Act Regarding Regulations and Compensation to Property Owners CARRIED OVER

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

LD 2121 proposes to allow a property owner to seek compensation from a unit of government in Maine when a regulation imposed by that unit of government reduces the fair market value of the property and there is destruction or damage to or trespass upon the property or a loss of the rightful use of the property.

This bill has been carried over to the Second Regular Session.

LD 2123 An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed ONTP

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

LD 2123 proposed to repeal existing standards for informed consent to abortion and replace them with a provision modeled after the Pennsylvania statute held constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

Committee Amendment "A" (H-628), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

LD 2166 An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies PUBLIC 451 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M LONGLEY	OTP-AM	H-634

LD 2166 proposed to give responsibility to the current Maine Criminal Justice Information System Policy Board to implement a centralized, computerized criminal and civil justice information system by a date certain. The bill proposed to appropriate funds to the Judicial Department to employ an executive director to assist the board.

Committee Amendment "A" (H-634) proposed to replace the bill. It proposed to revise the duties and composition of the Maine Criminal Justice Information System (MCJUSTIS) Policy Board. It also proposed to carry out the interim recommendations of the MCJUSTIS Policy Board concerning the redrafting of criminal and civil violations pursuant to Resolve 1997, chapter 105 by extending that reporting date to December 15, 1999.

Enacted law summary

Public Law 1999, chapter 451 revises the duties and composition of the Maine Criminal Justice Information System (MCJUSTIS) Policy Board. The information to be shared among criminal justice agencies and authorized private users

is expanded to include conditions of release for persons on probation or parole or admitted to bail and information about protection orders, including the conditions established in protection orders. The MCJUSTIS Policy Board membership is revised to delete the Commissioner of Inland Fisheries and Wildlife and the Director of the Division of Probation and Parole, and add the Associate Commissioner for Adult Services of the Department of Corrections and a member, to be appointed by the Governor, who represents a nongovernmental agency providing services to victims of domestic violence. These changes keep the number of policy board members at 13. Chapter 451 requires the policy board to report annually to both the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters. The report must provide information about:

1. The ability of the Judicial Department, the Department of Public Safety and the Department of Corrections to maintain, furnish and disseminate the specified information in an automated manner; and
2. A project plan that delineates the date upon which each category of information will be available in an automated fashion and the date upon which planned enhancements will be available.

Chapter 451 deletes the authority of the Bureau of Information Systems to employ personnel to carry out the MCJUSTIS purposes.

Chapter 451 carries out the interim recommendations of the MCJUSTIS Policy Board concerning the redrafting of criminal and civil violations pursuant to Resolve 1997, chapter 105. To accommodate a broader range of participation and review, the report that was due on January 1, 1999 is termed an "interim report," and a final report is due to the legislative committees on December 15, 1999.

Chapter 451 was enacted as an emergency measure effective June 9, 1999.

LD 2173

An Act to Create the Maine Surrogacy Law

ONTP

Sponsor(s)
GERRY

Committee Report
ONTP

Amendments Adopted

LD 2173 proposed to establish procedures for surrogacy arrangements. It proposed to require medical and nonmedical evaluations of the parties, specify contract provisions and require approval of the contract by the Probate Court.

LD 2178

An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians

CARRIED OVER

Sponsor(s)
SHERMAN

Committee Report

Amendments Adopted

LD 2178 is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the Act to Implement the Maine Indian Claims Settlement to give the Houlton Band of Maliseet Indians the same municipal status as the Passamaquoddy Tribe and the Penobscot Indian Nation under that Act.

This bill has been carried over to the Second Regular Session.

LD 2213

An Act to Create and Regulate the Profession of Legal Document Technician

CARRIED OVER

Sponsor(s)
STEDMAN

Committee Report

Amendments Adopted

LD 2213 proposes to regulate the profession of legal document technician. As proposed, a legal document technician is a person who, for compensation, provides a legal form to a client or fills in, files or serves a legal form pursuant to a specific request by a client. Under this bill, a legal document technician may not provide advice, explanation, opinion or recommendation to a client concerning legal rights, remedies, defenses, options, strategies or selection of forms or any other service that the legal document technician is not specifically authorized to provide. In addition to specifying the types of services that legal document technicians may provide, the bill proposes penalties for legal document technicians who provide unauthorized services.

This bill has been carried over to the Second Regular Session.

LD 2226

An Act Relating to Remedies for Unlawful Housing Discrimination

CARRIED OVER

Sponsor(s)
SAXL M

Committee Report

Amendments Adopted

LD 2226 proposes to amend the Maine Human Rights Act by removing limitations on attorney's fees and damages for civil actions based upon discrimination in housing to make the state law substantially equivalent to the federal Fair Housing Act.

This bill has been carried over to the Second Regular Session.

LD 2239

An Act to Ensure Civil Rights and Prevent Discrimination

CARRIED OVER

Sponsor(s)
ABROMSON
SAXL M

Committee Report

Amendments Adopted

LD 2239 proposes that all citizens, regardless of their sexual orientation, have the same civil rights protections now guaranteed in employment, housing, public accommodations and credit to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. The bill proposes that a religious organization that does not receive public funds is exempt from the prohibition against discrimination based on sexual orientation. The bill also proposes that this change in law be submitted to the voters at the next general election.

This bill has been carried over to the Second Regular Session.

LD 2245

An Act to Adopt the Model Revised Article 9 Secured Transactions

CARRIED OVER

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

LD 2245 proposes to enact changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 9, on secured transactions. This bill was submitted on behalf of the Secretary of State.

This bill has been carried over to the Second Regular Session.

LD 2252

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine

**PUBLIC 510
EMERGENCY**

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

LD 2252 proposed to correct additional errors and inconsistencies, most of which were created during the First Regular Session of the 119th Legislature. (This bill was enacted without reference to committee.)

Enacted law summary

Public Law 1999, chapter 510 corrects additional errors and inconsistencies.

Chapter 510 was enacted as an emergency measure effective June 11, 1999.

LD 2255

An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature

**PUBLIC 531
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN		H-769 S-468 S-469

LD 2255 proposed to make corrections to errors in recently enacted law. (This bill was enacted without reference to committee.)

Senate Amendment "A" (S-468) proposed to correct conflicts created by several public law chapters amending the drug statutes in the Maine Criminal Code.

Senate Amendment "B" (S-469) proposed to correct a conflict created by two public law chapters amending the juvenile detention laws.

Senate Amendment "C" (S-470) proposed to add the substance of L.D. 1878, "An Act to Make More Uniform the Training of Firefighters," which was vetoed by the Governor, and provides for the repeal of the Maine Fire Training and Education Program on June 30, 2001. (Not adopted)

House Amendment "A" (H-769) proposed to add an effective date concerning changes in automobile insurance coverage.

Enacted law summary

Public Law 1999, c. 531 makes the following corrections to errors and conflicts in laws enacted in the First Regular Session of the 119th Legislature.

1. It removes from Public Law 1999, chapter 504, a modification of the definition of "facility owner" for applicants to the Fund Insurance Review Board.
2. It adds an appropriation section to Resolve 1999, chapter 74 to provide funds for the per diem and expenses of legislative members and the expenses of other members of the Task Force to Study the Effect of Government Regulation on Small Businesses.
3. It provides that Public Law 1999, chapter 460, which increased the damages cap of the Maine Tort Claims Act, applies to a claim or cause of action based on an act or omission occurring on or after the effective date of that public law.
4. It amends the eligibility requirements for burial in the Veterans' Memorial Cemetery.
5. It removes the chiefs of police as members of the study commission to review traffic congestion along the Route 1 York Corridor and Route 236 to correctly reflect Senate Amendment "A" to Committee Amendment "A" to S.P. 571, L.D. 1638, which was adopted by both Houses of the Legislature.
6. It clarifies the effective dates of Part KKK of Public Law 1999, chapter 401, concerning prescription drugs for the elderly programs.
7. It removes from Public Law 1999, chapter 513 that portion of the legislation that authorized the Finance Authority of Maine to issue up to \$35,000,000 in bonds, backed by the State of Maine, to finance the construction of transmission lines to connect northern Maine's utilities with the transmission grid of the United States. This Part also resolves a conflict created by Public Law 1999, chapter 484, which amended the same provision of law.
8. It amends Public Law 1999, chapter 505, Part A, section 7 to clarify that direct payments from the Wells Waste Oil Clean-up Fund are not based on financial need and will only be available to Maine residents or corporations.
9. It corrects conflicts created by several public laws amending the aggravated trafficking or furnishing law in the Maine Criminal Code.
10. It corrects a conflict in the Maine Juvenile Code concerning the detention of juveniles.
11. It specifies that the uninsured or underinsured vehicle coverage required by Public Law 1999, chapter 271 applies to personal automobile insurance policies issued or renewed in this State on or after July 1, 2000.

Chapter 531 was enacted as an emergency measure effective June 23, 1999.

SP 767

Joint Order - Relative to the Joint Select Committee to Review the Maine Tort Claims Act

ONTP

Sponsor(s)
LONGLLEY
THOMPSON

Committee Report
ONTP

Amendments Adopted

SP 767, a joint order, proposed to establish the Joint Select Committee to Review the Maine Tort Claims Act to review the limitation on damages and the experience of the Legislature in acting upon claims submitted to the Legislature pursuant to 14 MRSA §8105, sub-§3. See also LD 1577.

HP 1487

Joint Order - Relative to the Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender’s Office

ONTP

Sponsor(s)
SKOGLUND
ABROMSON

Committee Report
ONTP

Amendments Adopted

HP 1487, a joint order, proposed to establish a task force to develop a plan to implement a pilot project for a public defender’s office for Cumberland County.

HP 1524

Joint Order - Relative to the Committee to Address the Recognition of the Tribal Government Representatives of Maine’s Native Sovereign Nations in the Legislature

PASSED

Sponsor(s)
BROOKS
CATHCART

Committee Report

Amendments Adopted
S-271

HP 1524, a joint order, proposed to establish the Committee to Address the Recognition of the Tribal Government Representatives of Maine’s Native Sovereign Nations in the Legislature. (This joint order was passed without reference to a committee.)

Senate Amendment “A” (S-271) proposed to establish a House Subcommittee and a Senate Subcommittee of the Committee, which are to report recommended changes in chamber rules to the Presiding Officers.

Passed joint order summary

Joint Order, HP 1524 establishes the Committee to Address the Recognition of the Tribal Government Representatives of Maine’s Native Sovereign Nations in the Legislature to examine the issues of voting rights, sponsorship of legislation and other relevant issues under the Constitution of Maine, Maine law and the Joint Rules of the Legislature. The order also establishes subcommittees of the House and Senate to examine the impact of chamber rules on those issues. All reports are to be submitted by December 1, 1999.

Joint Standing Committee on Labor

LD 14

An Act to Protect Pensions of Teachers and Public Employees in a Fashion Consistent with Federal ERISA Standards

ONTP

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

LD 14 proposed to provide in statute that the retirement benefits of state employees and teachers under the Maine State Retirement System represent a solemn contractual commitment of the State, the value of which may not be reduced once those benefits are earned. The bill was intended to specifically supplant, with respect to the earned retirement benefits of the named groups of retirement system members, the holding of the United States Court of Appeals for the First Circuit in Parker v. Wakelin et al., 123 F 3d 1 (1997). In that case, the court held that Maine public pension law creates no enforceable private contractual right against the modification of teacher members' retirement benefits until those benefits are actually receivable. The bill would not have limited the ability of the Legislature in the future to reduce public pension retirement benefits prospectively or to remove or to limit the contractual protection provided by this bill with respect to future benefits. Under the bill, however, public employee retirement benefits, once earned, could not be reduced because the value of those benefits is protected under the contract clauses of the Constitution of Maine and the United States Constitution.

See also LD 566 which proposed to amend the Maine Constitution to protect state employee and teacher retirement benefits from the date of hire and LD 267 proposing to reduce from 10 years to 5 years the vesting period for state employees and teachers.

LD 15

An Act to Exempt Owners of Amusement Parks from Paying Overtime

ONTP

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

LD 15 proposed to exempt amusement park owners from paying overtime to their employees.

LD 23

An Act to Increase Health Insurance Benefits for Retired Educators

ONTP

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

LD 23 proposed to increase the State's contribution for health insurance for retired educators from 30% to 50%. See also LD's 829, 1614 and 1730.

LD 41

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000

**P & S 16
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-258

LD 41 proposed to establish the Maine State Retirement System’s operating budget for fiscal year 1999-00. The bill identifies the retirement system's personal services costs and its costs for all other operating expenses and indicates how the system’s expenses are apportioned among the General Fund, Non-General Fund accounts and Participating Local Districts.

This bill was submitted on behalf of the Maine State Retirement System.

Committee Amendment "A" (H-258) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 16 establishes the administrative operating budget for the Maine State Retirement System for fiscal year 1999-00 in the amount of \$7,992,399. Referral of the bill to the Labor Committee and approval by the Legislature has been required since the system was granted independent agency status in 1993.

Private and Special Law 1999, chapter 16 was enacted as an emergency measure effective July 1, 1999.

LD 47

An Act Pertaining to Health Concerns in the Sale of Certain Personal Garments

ONTP

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

LD 47 proposed to authorize the Bureau of Labor Standards to establish rules regulating the return of opened packages of personal undergarments.

LD 74

An Act to Provide Equitable Benefits to Teacher Assistants

ONTP

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

LD 74 is a concept draft pursuant to Joint Rule 208. This bill proposed to give the same benefits to teacher assistants as are given to teachers.

LD 118

An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992

DIED BETWEEN BODIES

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

LD 118 proposed to allow a civil suit to be brought outside the Workers' Compensation Act against an employer who engaged in intentional acts that would be punishable as crimes and that resulted in the employee's injury or death. Under current law, the workers' compensation act is the exclusive remedy for workplace injuries; this bill proposed to create an exception for injuries caused by the employer's intentional criminal acts.

Committee Amendment "A" (S-227) proposed to add a right of subrogation for insurers against employers who commit intentional acts punishable as crimes against their employees. (not adopted)

LD 136

An Act to Forbid Hiring Replacement Workers during a Strike

CARRIED OVER

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

LD 136 proposes to repeal the law prohibiting an employer from hiring replacement workers during a strike, since those laws have been ruled preempted by federal law. It also proposes to require that the contract between an employer and replacement workers provide that, when the strike is settled or the employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the strikers.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 156

An Act to Amend the Laws Regarding the Maine Jobs Council

PUBLIC 6

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

LD 156 proposed to amend the laws governing the Maine Jobs Council. Under current law, each of the council's committees is allowed to have up to 12 members, with no more than four of those committee members being noncouncil members. This bill proposed to allow up to eight noncouncil members to sit on each committee.

This bill was submitted on behalf of the Department of Labor.

Enacted law summary

Public Law 1999, chapter 6 changes the laws governing the Maine Jobs Council to allow up to eight persons who are not members of the Council to sit on each of the council's committees. Current law allows up to four persons who are not members to sit on each of the committees.

LD 159

An Act to Allow the Bureau of Labor Standards to Better Secure Payment of Unpaid Wages and Severance Pay for Workers

PUBLIC 28

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

LD 159 proposed to create a process for the Bureau of Labor Standards to file a lien against the real or personal property of an employer who has failed to pay wages or severance pay due under state law.

This bill was submitted on behalf of the Department of Labor.

Enacted law summary

Public Law 1999, chapter 28 creates a process by which the Bureau of Labor Standards may file a lien against the real or personal property of an employer who has failed to pay wages or severance pay due under state law.

LD 225

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

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP A ONTP B OTP-AM C	S-380 LAFOUNTAIN

LD 225 proposed to amend the workers' compensation law to provide a lump sum benefit in addition to weekly benefits when the employee's injury is an amputation of a body part. The amount of the lump sum benefit would be equal to the amount of the weekly benefit times the period of presumed incapacity set forth in statute, which ranges from 8 weeks to 800 weeks.

Committee Amendment "A" (H-500), a minority report of the committee, proposed to make the change applicable only to injuries that occur on or after January 2, 2000 instead of injuries that occur on or after January 1, 1993. (not adopted)

Senate Amendment "A" (S-380) proposed to make the change applicable only to injuries that occur on or after January 2, 2000 instead of injuries that occur on or after January 1, 1993.

LD 261

Resolve, to Direct the Department of Labor to Determine the Cost of Providing Toll-free Telephone Access to All Mainers to Apply for Unemployment Compensation Benefits

RESOLVE 25

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	OTP-AM	H-259

LD 261 proposed to require the Department of Labor to set up and operate employment offices in the 16 counties of the State and to set up a toll-free telephone number for each office.

Committee Amendment "A" (H-259) proposed to replace the bill and to require the Department of Labor to investigate methods of providing toll-free telephone access to state offices that process claims for unemployment compensation and to report the methods and cost information to the Joint Standing Committee on Labor by November 15, 1999.

Enacted law summary

Resolve 1999, chapter 25 requires the Department of Labor to investigate methods of providing toll-free telephone access to state offices that process claims for unemployment compensation and to report the methods and cost information to the Joint Standing Committee on Labor by November 15, 1999.

LD 267

An Act to Amend the Laws Relative to Vesting in the Maine State Retirement System and to Protect Retirement Benefits Once the Right to those Benefits has Attached

PUBLIC 489

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH KONTOS	OTP-AM	H-652 H-670 HATCH S-431 MICHAUD

LD 267 proposed lowering the vesting period for retirement benefits from 10 to 5 years for state employees, teachers and legislators.

Committee Amendment "A" (H-652) proposed to replace the bill while incorporating elements of the bill and Legislative Documents 14 and 566. The provisions proposed by the amendment would apply to eligibility for, qualification to receive, calculation of and certain other aspects concerning retirement benefits under the Maine State Retirement System for teachers and state employees.

The amendment proposed to establish a set of retirement benefits listed in the amendment as solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine and United States Constitution once the right to those benefits attaches. Under the amendment, the right to benefits would attach when a member has attained the amount of service credit needed for retirement and, where required, has met the related age requirements. The amendment proposed to reduce the minimum amount of service credit required to qualify for a retirement benefit from the current 10 years to 5 years for employees in service on the effective date, first employed after the effective date and, in certain circumstances, reemployed after the effective date of the bill. Former employees not in service on the effective date who do not later become reemployed would continue to be subject to the 10-year minimum creditable requirement for eligibility and for protection of benefits.

The amendment proposed to protect the following retirement benefits once at least 5 years of service credit have been accumulated:

1. The amount of service credit required for eligibility to receive a benefit upon qualifying to retire;
2. The normal retirement age of 60 or 62 years of age or the age established in a special retirement plan;
3. The amount of service credit required for eligibility to retire before normal retirement age and the related reduction in benefits;

4. The method used to calculate the retirement benefit, including use of the 3 highest years, the 5% and 10% caps on increases in earnings in the 3 highest years and the use of sick or vacation leave when applicable; and
5. The post-retirement waiting period for commencement of cost-of-living adjustments to service retirement benefits.

In addition, the amendment proposed that the employee contribution rate may be increased for members who have achieved protection only to pay for increased benefits or to maintain the actuarial soundness of the retirement system as required by the Constitution of Maine.

Any benefit or related provision not listed in the amendment could be changed or eliminated by the Legislature and the Legislature could change any provision of the retirement law for employees not having the minimum amount of creditable service for eligibility and protection.

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

House Amendment "A" to Committee Amendment "A" (H-670) proposed replacing the original fiscal note in order to correctly reflect the impact of the committee amendment by eliminating reference to “accrued” benefits.

Senate Amendment "A" to Committee Amendment "A" (S-431) proposed to strike the General Fund appropriations and Highway Fund allocations included in the original bill. It proposed that appropriated surplus that would otherwise be payable to the Retirement Allowance Fund under the Maine Revised Statutes, Title 5, section 1517, in an amount up to \$2,308,986, be transferred to cover the unfunded liability costs and normal cost increases for teachers.

Enacted law summary

Public Law 1999, chapter 489 reduces the “vesting” period for state employees and teachers from 10 to 5 years and invokes the Contract Clauses of the Maine and United States Constitutions to protect the retirement benefits of those employees once vested.

Chapter 489 is intended to specifically supplant the holding of the United States Court of Appeals for the First Circuit in *Parker v. Wakelin et al.* 123 F.3d 1 (1997) with respect to retirement benefits listed in the law from the time the right to receive those benefits attach. *Parker* held that Maine State Retirement law creates no enforceable private contractual right preventing the modification of members' retirement benefits until those benefits are actually receivable. Chapter 489 establishes the listed benefits as solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine and United States Constitution once the right to those benefits attaches. The right to benefits attaches when a member has attained the amount of service credit needed for retirement and, where required, has met the related age requirements. The minimum amount of service credit required to qualify for a retirement benefit is reduced from the current 10 years to 5 years for employees in service on the effective date, first employed after the effective date and, in certain circumstances, reemployed after the effective date of the Act. Former employees not in service on the effective date who do not later become reemployed continue to be subject to the 10-year minimum creditable requirement for eligibility and for protection of benefits.

The following retirement benefits are protected once at least 5 years of service credit have been accumulated:

1. The amount of service credit required for eligibility to receive a benefit upon qualifying to retire;
2. The normal retirement age of 60 or 62 years of age or the age established in a special retirement plan;
3. The amount of service credit required for eligibility to retire before normal retirement age and the related reduction in benefits;
4. The method used to calculate the retirement benefit, including use of the 3 highest years, the 5% and 10% caps on increases in earnings in the 3 highest years and the use of sick or vacation leave when applicable; and

5. The post-retirement waiting period for commencement of cost-of-living adjustments to service retirement benefits.

In addition, the employee contribution rate may be increased for members who have achieved protection only to pay for increased benefits or to maintain the actuarial soundness of the retirement system as required by the Constitution of Maine.

Any benefit or related provision not listed in the amendment may be changed or eliminated by the Legislature and the Legislature may change any provision of the retirement law for employees not having the minimum amount of creditable service for eligibility and protection.

To cover the unfunded liability costs and normal cost increases for teachers, the Act provides for the transfer of up to \$2,308,986 of appropriated surplus that would otherwise be payable to the Retirement Allowance Fund under the Maine Revised Statutes, Title 5, section 1517.

LD 277

An Act to Prohibit the Employment of Minors in Places Providing Nude Entertainment

PUBLIC 30

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

Under current law, the Director of the Bureau of Labor Standards is required to establish by rule a list of occupations that are not suitable for minors, including occupations that are hazardous, dangerous to life, health or limb or injurious to morals. LD 277 proposed to require that employment in places having nude entertainment be included in that list.

This bill was submitted on behalf of the Department of Labor.

Enacted law summary

Public Law 1999, chapter 30 requires that places having nude entertainment be included in the list of occupations not suitable for minors. The list is required to be adopted by the Department of Labor.

LD 284

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>
FULLER DAGGETT	ONTP	

LD 284 proposed to add one member to the Board of Trustees of the Maine State Retirement System, who must be selected from a list of three nominees submitted by the Maine Association of Retirees. Currently the board consists of 8 members.

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

LD 290 proposed to repeal the requirement that a recipient of optional, reduced benefits under the Maine State Retirement System who desires to change the beneficiary of survivor benefits must obtain the agreement of the recipient's spouse or former spouse in the event of divorce if the spouse was originally named the beneficiary. The bill would have allowed the recipient to name a new beneficiary after a divorce without obtaining the permission of the spouse originally named the beneficiary.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP MAJ OTP-AM MIN	H-477 S-361 MILLS S-412 MICHAUD

LD 292 proposed to repeal the law requiring certain employers, such as mercantile, hotel and manufacturing employers, to pay their employees weekly.

Committee Amendment “A” (H-477) proposed to replace the bill. It proposed to repeal the weekly pay requirement and substitute a general rule requiring most employees to be paid at least semimonthly. An employer that paid more frequently than semimonthly would be required to give employees at least 30 days’ notice before extending the payment interval. The amendment proposed to exclude from the requirement family members of the employer and bona fide executive, administrative and professional employees who are paid an annual salary of at least 3000 times the minimum wage. The amendment proposed to specify when an employee is entitled to receive remedies for unpaid wages.

Senate Amendment “A” to Committee Amendment “A” (S-361) proposed that wages be paid at intervals not to exceed 16 days.

Senate Amendment “E” to Committee Amendment “A” (S-412) proposed to strike the appropriation to the Department of Labor for revising the Regulation of Employment poster, because the revision was funded in a different bill.

Enacted Law Summary

Public Law 1999, chapter 465 repeals the law requiring certain employers to pay their employees weekly and replaces it with a law requiring all employers to issue paychecks to employees at regular intervals not to exceed 16 days. Each payment must include wages earned to within 8 days of payday. An employer that issues paychecks at intervals less than 16 days may not lengthen the interval without giving employees at least 30 days’ notice of the change. Family members of the employer and bona fide executive, administrative and professional employees who earn an annual salary of at least 3000 times the minimum wage are exempt from the requirement.

The law also specifies that an employee becomes eligible for remedies for unpaid wages 8 days after the due date for payment, if there is no dispute over the amount due, and 8 days after demand when there is a dispute that has been resolved and the amount is in fact owed.

LD 302

An Act to Repeal the Prevailing Wage

ONTP

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

LD 302 proposed to repeal the laws requiring that workers employed in the construction of public works be paid a wage of no less than the prevailing hourly rate of wages and benefits for work of a similar character in this State.

Committee Amendment “A” (H-304), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

LD 330

An Act to Prohibit the Replacement of Striking Workers

ONTP

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

LD 330 proposed to prohibit an employer from hiring replacement workers during a labor dispute and to repeal the current law that makes it a Class D crime for a person involved in a labor dispute to be armed with a dangerous weapon.

LD 339

An Act to Amend the Law Regarding Leaves of Absence for Legislative Service

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM A OTP-AM B OTP-AM C ONTP D	

LD 339 proposed to remove the 2-year time limit on the leave of absence that an employer must grant an employee to serve as a Legislator.

Committee Amendment “A” (H-354) proposed to increase the number of terms for which an employer must give a leave of absence from one term to 4 terms (8 years). The amendment also proposed to clarify that the parties to an appeal of the leave requirement share in paying for the services of the State Board of Arbitration and Conciliation, which hears the appeal. (not adopted)

Committee Amendment “B” (H-355) proposed to increase the number of terms for which an employer must grant a leave of absence from one term to 2 terms (4 years) and to raise the threshold for size of employer subject to the law from 5 employees to 15 employees. It also proposed to clarify that the parties to an appeal of the leave requirement share in paying for the services of the State Board of Arbitration and Conciliation, which hears the appeal. (not adopted)

Committee Amendment “C” (H-356) did not propose a change in the length of leave an employer must grant. It proposed to raise the threshold for size of employer subject to the law from 5 employees to 15 employees and to clarify that the parties to an appeal of the leave requirement share in paying for the services of the State Board of Arbitration and Conciliation, which hears the appeal. (not adopted)

LD 349

An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

ONTP

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

LD 349 proposed that the Maine State Retirement System pay Medicare Part B premiums for state retirees and retired teachers. See also LD 919.

LD 357

An Act Raising the Minimum Wage

CARRIED OVER

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

LD 357 proposes to send to referendum a proposed increase in the minimum wage to \$5.50 per hour beginning January 1, 2000 and to \$6.00 per hour beginning January 1, 2001. The proposal also requires the Director of the Bureau of Labor Standards to adjust the minimum wage by the percent change in the CPI, on January 1, 2002 and annually thereafter.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 375

An Act to Amend the Obligations of Direct Reimbursement Employers

ONTP

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

LD 375 proposed to repeal the provision of law that required employers who are direct reimbursement employers for unemployment benefits to make payments for employees who are ineligible for benefits when they terminate employment with that employer, if they later become eligible for benefits upon termination of subsequent employment.

Committee Amendment “A” (S-310), the minority report of the committee, proposed that wages earned during employment from which a person is discharged for gross or aggravated misconduct are removed from the employee’s base period wages under the unemployment compensation laws. Removal of wages may result in a lower unemployment benefit or disqualification for receipt of benefits. (not adopted)

LD 380

An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits

ONTP

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

LD 380 proposed to repeal the 1.15% increase in employee contributions (increasing employee contributions to the current rate of 7.65% of earnable compensation) and reinstate the cost-of-living adjustment for retirement system members retiring before normal retirement age who had less than 10 years of creditable service on July 1, 1993. Those elements of the retirement plan for state employees and teachers were changed in 1993 as part of cost savings measures to balance the budget. See also LD’s 847 and 1622.

LD 400

An Act to Exempt Volunteer Fire Departments from Health and Safety Laws

ONTP

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

LD 400 proposed to exempt volunteer fire departments from state law establishing safety standards.

LD 423

An Act to Provide an Option for Employers to Pay Employees Biweekly

ONTP

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

LD 423 proposed to repeal the law requiring employers to pay their employees weekly and to give employers the option to pay their employees biweekly. See also LD 292.

Committee Amendment “A” (H-349), the minority report of the committee, proposed to replace the bill. It proposed to amend the weekly pay law to allow camp counselors to be paid less often than weekly if the employee requested in writing to be paid less often. (not adopted)

LD 427

An Act to Raise the Minimum Wage

ONTP

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

LD 427 proposed to raise the minimum wage by 10 cents per hour.

LD 459

An Act to Ensure Equity in the Competitive Bidding Process for Construction Projects Supported by Public Funds

ONTP

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

LD 459 proposed to exclude union or nonunion status as a factor in the competitive bidding process for construction projects supported by public funds.

Committee Amendment "A" (H-302), the minority report of the committee, proposed to clarify that the bill does not impose a requirement for competitive bidding. It proposed to prohibit exclusion of bidders on the basis of union or nonunion status when competitive bidding is otherwise required. (not adopted)

LD 476

An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum

PUBLIC 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD STANLEY	OTP MAJ ONTP MIN	S-17 DOUGLASS

LD 476 proposed to prohibit employers from negotiating severance pay that is lower than that required by state law for employees not covered by collective bargaining agreements. Current law requires severance pay of one week's pay for each year of employment in the covered establishment.

Senate Amendment "A" (S-17) proposed to replace the bill to simplify the wording of the bill and to clarify that the exemptions from severance pay liability refer only to exemptions from liability imposed by that section of law, not to obligations imposed by other means such as through collective bargaining.

Enacted law summary

Public Law 1999, chapter 55 prohibits employers from negotiating for a severance pay obligation that is lower than required by state law for employees not covered by collective bargaining agreements. Current law requires one week's pay for each year of employment in the covered establishment.

LD 506

An Act to Extend the Department of Labor Contribution Rate Table

ONTP

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

LD 506 proposed to extend the Department of Labor rate table for determining unemployment compensation contributions.

LD 555

Resolve, to Require the Department of Labor to Establish a Living Wage

ONTP

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

LD 555 proposed to require the Department of Labor to establish a living wage to replace the minimum wage statewide, taking into consideration expenditures for an average household in Maine.

LD 566

Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

ONTP

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

LD 566 proposed to amend the Maine Constitution to make membership for state employees and teacher in the Maine State Retirement System a contractual relationship between the State and those employees, the benefits of which may not be diminished or impaired. Pension benefits could be reduced only for public employees hired after the effective date of a law diminishing benefits.

LD 574

An Act to Repeal the Chemical Substance Identification Law

PUBLIC 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	OTP-AM MAJ ONTP MIN	H-53

LD 574 proposed to repeal the state chemical substance identification law, which required employers to communicate information regarding chemicals in the workplace to workers and to the Bureau of Labor Standards. The provisions of that law have been superseded by federal law and regulation.

This bill was submitted on behalf of the Department of Labor.

Committee Amendment "A" (H-53) proposed to clarify that the Board of Pesticide Control is not responsible for enforcement inspections under the law being repealed, and to clarify that the board must assist the Director of the Bureau of Labor Standards in providing training and education to agricultural employers, rather than giving the board sole responsibility to provide that education and training.

Enacted law summary

Public Law 1999, chapter 57 repeals the state chemical substance identification law, which has been superseded by federal law and regulations. The law also clarifies the responsibilities of the Board of Pesticide Control with regard to training and educating agricultural employers.

LD 584

An Act to Eliminate the Requirement for an Independent Medical Examination under Certain Circumstances

ONTP

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

LD 584 proposed to remove the requirement that an employee undergo an independent medical examination under the workers' compensation laws if a medical specialist's report is made available to the parties within a reasonable period of time after an independent medical examination is requested or ordered.

LD 586

An Act to Abolish Apportionment in Workers' Compensation Claims

CARRIED OVER

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

LD 586 proposes to adopt the “last injury rule” for determining who is responsible for paying workers’ compensation benefits when an employee suffers two or more consecutive work-related injuries. Current law requires the apportionment of liability among insurers providing coverage during any of the injuries; LD 586 proposes to make the last insurer responsible for the entire injury.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 646

An Act to Reform the Unemployment Compensation System

ONTP

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

LD 646 proposed to make several changes in the state unemployment compensation laws to improve the solvency of the unemployment compensation fund, including raising the taxable wage base from \$7,000 to \$12,000, lowering the cap on benefits, providing for two-quarter averaging of wages used to determine the benefit, and use of an array system to determine the tax rate that an employer pays.

LD 670

An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry

PUBLIC 364

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J HATCH	OTP-AM MAJ OTP-AM MIN	S-269

LD 670 proposed to require all persons engaged in harvesting forest products to carry workers' compensation insurance, except an individual who contracts directly with the landowner to harvest the wood and who performs all of the wood harvesting alone or with certain closely-related family members.

Committee Amendment "A" (S-269) was the majority report of the committee. It proposed to specify that all persons engaged in harvesting forest products are “employees” under the workers' compensation law, except a person who obtains a certificate of independent status or a predetermination of independent contractor status and who contracts

LD 762

An Act to Amend the Requirement that the Employment Rehabilitation Fund Reimburse Employers and Insurers for Benefits Paid pursuant to the Benefits Adjustments

PUBLIC 404

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

LD 762 proposed to eliminate the requirement that the Employment Rehabilitation Fund reimburse employers and insurers for benefits paid to employees pursuant to the benefit adjustment laws for employees with partial incapacity.

This bill was submitted on behalf of the Workers' Compensation Commission.

Committee Amendment "A" (S-239), the majority report of the committee, proposed to continue reimbursement from the Employment Rehabilitation Fund for additional weeks of benefits payable under the benefits adjustment law for injuries that occurred prior to January 1, 2000 and to discontinue reimbursement of payments relating to injuries occurring on or after January 1, 2000.

Committee Amendment "B" (S-240), the minority report, proposed to discontinue reimbursement from the Employment Rehabilitation Fund for injuries occurring on or after January 1, 2000, as in the majority report. The minority report also proposed to eliminate the adjustment of the maximum number of weeks of benefits and the adjustment to the impairment threshold for injuries occurring on or after January 1, 2000. (not adopted)

Enacted law summary

Public Law 1999, chapter 404 eliminates the requirement that the Employment Rehabilitation Fund reimburse employers and insurers for benefits paid to employees pursuant to the benefits adjustment for partial incapacity for injuries occurring on or after January 1, 2000. The law does not change the amount of benefit paid to employees.

LD 776

An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers

DIED BETWEEN BODIES

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

LD 776 proposed to repeal the law allowing an employer to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

LD 778

An Act to Require Insurance Companies to Pay Workers' Compensation Benefits until a Hearing is Called if Contesting Payments

ONTP

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

LD 778 proposed to repeal the law allowing employers, insurers and self-insurers to discontinue or reduce workers' compensation payments before a matter in dispute has been resolved.

LD 785

**An Act to Restore State Funding for Mediation Services Provided by the
Maine Labor Relations Board** **DIED BETWEEN
BODIES**

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

LD 785 proposed to restore state funding for mediation services provided by the State under the municipal public employee labor relations laws.

Committee Amendment "A" (H-357) proposed to improve readability of the law relating to funding of mediation services and to clarify that the State pays for the first three days of mediation of disputes and the parties share equally the costs of mediation sessions after the first three days. (not adopted)

LD 787

**An Act to Amend the Membership of the Commission on Safety and
Health in the Maine Workplace** **PUBLIC 162**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH DOUGLASS	OTP-AM	H-260

LD 787 proposed to amend the laws governing the Commission on Safety and Health in the Maine Workplace to provide for a term of office for the commission's chair and vice-chair, provide for appointment of a vice-chair from the membership, and make the Commissioner of Labor, currently ex officio vice-chair, a regular member and allow the commissioner to appoint a designee to represent the department.

This bill was submitted on behalf of the Department of Labor.

Committee Amendment "A" (H-260) proposed to remove language allowing the Commissioner of Labor to appoint a designee to serve in the commissioner's place on the commission. It also proposed to allow the members of the commission to appoint the chair and vice-chair of the commission by majority vote, rather than having the Governor make the appointments.

Enacted law summary

Public Law 1999, chapter 162 changes the law regarding the Commission on Safety and Health in the Maine Workplace to allow the commission to appoint a chair and vice-chair from among its members by majority vote and to provide a two-year term of office for the chair and vice-chair. It also provides that the Commissioner of Labor is an ex officio, nonvoting member of the commission. Under current law, the Governor appoints the chair of the commission and the Commissioner of Labor serves as vice-chair of the commission.

LD 796

An Act to Require Employees to be Paid at Least Once Every 2 Weeks

ONTP

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

LD 796 proposed to require employers to pay their employees at least once every two weeks and proposed to make the change retroactive to January 1, 1988. See also LD 292.

LD 806

An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART SAXL M	OTP-AM MAJ ONTP MIN	S-189

LD 806 proposed to allow annual cost-of-living adjustments in workers' compensation benefits for an employee who was injured on or after January 1, 1993, experienced total incapacity or partial incapacity that meets statutory thresholds and has reached the 6th anniversary of the injury. The proposed adjustment could not exceed 3%.

Committee Amendment "A" (S-189) proposed to make the cost-of-living adjustment prospective for injuries occurring on or after January 1, 2000 instead of retroactive to January 1, 1993 as in the bill.

LD 810

An Act to Encourage Responsible Employment Practices

CARRIED OVER

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

LD 810 proposes to require employers who wish to contract with the State to perform public improvement or public works projects to meet certain criteria, including providing health insurance and a minimum employer contribution to all employees, providing a state-approved training or apprenticeship program and other criteria established by the Bureau of General Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 821

Resolve, to Amend the Qualifications for Participation in the Governor's Training Initiative Program

ONTP

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

LD 821 proposed to require the Department of Labor and the Department of Economic and Community Development to revise rules setting forth selection criteria for funding under the Governor's Training Initiative Program. It proposed

that the rules be amended to allow businesses to qualify even if they have a waiting period or a minimum work week to receive an employer contribution to health insurance premiums, or a graduated contribution schedule.

LD 829 **An Act to Increase the State's Contribution for the Cost of Health Insurance Premiums for Retired Educators** **ONTP**

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

LD 829 proposed to increase the State's contribution for health insurance for retired educators from 30% to 50%. See also LD's 23, 1614 and 1730.

LD 835 **Resolve, Establishing a Commission to Study the Interrelationship Among the Maine State Retirement System, Social Security and Tax-advantaged Accounts** **CARRIED OVER**

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

LD 835 proposes to establish the Commission to Study the Interrelationship among the Maine State Retirement System, federal Social Security System and tax-advantaged retirement accounts. The bill proposed a study commission consisting of 12 members, 6 with expertise or experience in retirement systems and 6 who are Legislators. The commission would report to the Second Regular Session of the 119th Legislature and the Joint Standing Committee on Labor.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 838 **An Act to Provide Paralegal Assistants to the Workers' Compensation Advocate Program and an Auditor to the Monitoring, Auditing and Enforcement Program** **PUBLIC 359**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER KONTOS	OTP-AM MAJ ONTP MIN	H-350

LD 838 proposed to establish 9 new paralegal assistant positions for the Workers' Compensation Board so that a Paralegal Assistant can be assigned to each Workers' Compensation Advocate employed by the board. It also proposed to increase the assessment limit of the board from \$6.6 million to \$7 million in order to allow sufficient funding levels for the new positions.

Committee Amendment "A" (H-350) proposed to replace the bill. It proposed to add one auditor and 2 paralegal assistant positions to the Workers' Compensation Board, instead of providing for 9 paralegal positions. It also proposed to provide for a cap of \$6,735,000 on the assessments against insurers and self-insurers instead of \$7,000,000, as provided in the bill.

Enacted law summary

Public Law 1999, chapter 359 adds one auditor and 2 paralegal assistant positions to the Workers' Compensation Board and increases the assessment limit of the board from \$6.6 million to \$6.735 million in order to allow sufficient funding levels for the new positions.

LD 840 An Act to Provide Binding Arbitration for Police Departments, Sheriff Departments and Professional Fire Departments DIED BETWEEN BODIES

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

LD 840 proposed to make arbitration by employees of sheriff departments, police departments and professional fire departments binding with respect to monetary matters as well as all other matters.

Committee Amendment “A” (H-351), the minority report of the committee, proposed to extend the binding arbitration on monetary issues to law enforcement officers employed by the State as well as for local officers. It also proposed to subject the arbitrator’s decision to a referendum for approval if the employer so requested. (not adopted)

LD 847 An Act to Reduce State Employee and Teacher Contributions to the Maine State Retirement System ONTP

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

LD 847 proposed to remove the 1.15% increase in the employee contribution to the Maine State Retirement System (increasing the employee contribution rate to the current 7.65%) enacted with the benefit changes of 1993 and to return the contribution rate to 6.5% of earnable compensation. See also LD’s 380 and 1622.

LD 880 An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months VETO SUSTAINED

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

LD 880 proposed to extend collective bargaining rights to persons employed in public higher education for less than six months.

LD 892

An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council

PUBLIC 58

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

LD 892 proposed to repeal the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities and transfer its responsibilities to the Statewide Independent Living Council administered by the Department of Labor, Bureau of Rehabilitation Services.

This bill was submitted on behalf of the Department of Labor.

Enacted law summary

Public Law 1999, chapter 58 repeals the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities and transfers its responsibilities to the Statewide Independent Living Council administered by the Department of Labor, Bureau of Rehabilitation Services. The purpose of the transfer is to allow recreational opportunities, including indoor recreational activities, to be considered within the broader context of independent living issues.

LD 919

An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON DOUGLASS	OTP-AM MAJ ONTP MIN	H-358

LD 919 proposed to require the State to pay Medicare Part B premiums for state retirees and retired teachers.

Committee Amendment "A" (H-358) proposed to clarify that it is the responsibility of the State to pay the Medicare Part B premiums required in the bill. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

The bill died on the Appropriations Table.

LD 944

An Act to Protect Victims of Crimes in the Workplace

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M CATHCART	OTP-AM MAJ OTP-AM MIN	H-642

LD 944 proposed to make discrimination in employment against victims of domestic violence a violation of the fair employment laws under the Maine Human Rights Act.

Committee Amendment "A" (H-642), the majority report of the committee, proposed to replace the bill. It proposed to allow an employee who is a victim of violent crime or abuse to take leave from work to participate in legal proceedings, obtain medical treatment and tend to other crises created by the violence or abuse. The amendment proposed that the

leave be with or without pay, at the employer’s discretion and that the employer may refuse to grant leave if the employer would sustain undue hardship as a result of the leave, the request for a leave was not communicated to the employer in a timely manner, or the leave was impractical, unreasonable or unnecessary. The amendment proposed to require the Department of Labor to report back to the Labor Committee by December 31, 1999 on workplace safety as it relates to violent crime.

Committee Amendment “B” (H-643), the minority report of the committee, proposed to replace the bill. It proposed to prohibit an employer from discharging or terminating an employee or the employee’s health insurance because the employee takes time off to attend court as a witness in a criminal case involving domestic violence or to obtain a protection from abuse order. It also proposed to require the Department of Labor to include information about workplace violence, including domestic violence, in its safety education and training programs. Finally, it proposed to create a legislative commission to examine the nature and extent of the problem of domestic violence as it relates to the workplace and to make recommendations to the Legislature. (not adopted)

Enacted Law Summary

Public Law 1999, chapter 435 requires employers to grant leave, with or without pay, to an employee who is a victim of violent crime or abuse to enable the employee to participate in legal proceedings, obtain medical treatment and tend to other crises created by the violence or abuse. The employer may refuse to grant leave if the employer would sustain undue hardship as a result of the leave, the request for a leave was not communicated to the employer in a timely manner, or the leave is impractical, unreasonable or unnecessary. The law requires the Department of Labor to report back to the Labor Committee by December 31, 1999 on workplace safety as it relates to violent crime.

LD 960

An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations

PUBLIC 181

Sponsor(s)
HATCH

Committee Report
OTP-AM

Amendments Adopted
H-261
H-327 CAMERON

LD 960 proposed to allow the Director of Labor Standards to assess civil money penalties of up to \$1,000 for violation of employment and child labor laws and up to \$500 for failure to respond to surveys or questions proposed by the director under statutory authority. The bill also proposed to require the director to establish rules that include an appeal procedure and a structure for determining the level of penalty.

This bill was submitted on behalf of the Department of Labor.

Committee Amendment "A" (H-261) proposed to limit the amount of the forfeiture that the Director of the Bureau of Labor Standards may assess to \$1,000 or the amount provided in law or rule for the specific violation, whichever is less. It also proposed to lower the maximum forfeiture assessed for failure to respond to a survey to \$50 and to clarify that the \$50 penalty relates to failure to provide information relating to determination of the prevailing wage and benefits. The amendment also proposed to classify rules to implement the assessment of forfeitures as major substantive rules.

House Amendment "A" to Committee Amendment "A" (H-327) proposed to correct a section number designation.

Enacted law summary

Public Law 1999, chapter 181 allows the Director of the Bureau of Labor Standards to assess a civil forfeiture for violation of employment and child labor laws. The amount of the forfeiture may not exceed \$1,000 or the amount allowed as a penalty for the specific violation, whichever is less. The law also requires the director to adopt rules governing administration of the penalty, including a right to appeal the penalty and a range of penalties taking into consideration the size of the employer’s business, the good faith and prior history of the employer, and the gravity of the

violation. It also provides for a forfeiture of up to \$50 for failure to provide information requested by the department for the purpose of determining the prevailing wage and benefits.

LD 987 **An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies** **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 987 proposes to allow teachers and public employers to include educational policy issues in their negotiations for a collective bargaining agreement. It provides that the parties are not required to negotiate on those issues, but provides that educational policy issues agreed to by the parties and included in the collective bargaining agreement would be enforceable. It also proposes to rewrite the section of law relating to these issues to clarify language.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 995 **Resolve, Directing the Maine State Retirement System to Provide Each Member with a Statement of Account No Later Than December 31, 1999** **ONTP**

<u>Sponsor(s)</u> HARRIMAN BERRY R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 995 proposed that the Maine State Retirement System prepare and deliver before December 31, 1999 a member's statement of account to every vested and nonvested member of the system stating the member's contributions and benefits accrued at the date of the statement. The resolve would have directed the Maine State Retirement System to prepare each member's statement of account on a date as close to December 31, 1999 as practical that still allows for the statements to be delivered before a possible computer disruption on January 1, 2000. The issue raised by the bill will be considered with LD 1091 which has been carried over to next session.

LD 1016 **An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process** **PUBLIC 202**

<u>Sponsor(s)</u> HATCH MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-262
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LD 1016 proposed to require the Workers' Compensation Board to provide or pay the cost of an interpreter during workers' compensation proceedings for an employee who is not fluent in English. It also proposed to require the board to share the services of interpreters in the Department of Labor to the extent possible.

Committee Amendment "A" (H-262) proposed to direct the Workers' Compensation Board to seek advice in locating interpreters from the Department of Labor, rather than requiring the board to use interpreters employed by the department.

Enacted law summary

Public Law 1999, chapter 202 requires the Workers' Compensation Board to provide or pay the cost of an interpreter during workers' compensation proceedings for an employee who is not fluent in English. It also directs the board to seek advice from the Department of Labor in locating interpreters.

LD 1017 **An Act to Ensure That Funds Received from Penalties Due to Lack of Workers' Compensation Coverage Go to the Workers' Compensation Board** **ONTP**

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

LD 1017 proposed to require that penalties paid by employers for failure to secure workers' compensation coverage be paid to the Workers' Compensation Board Administrative Fund, to be used to reimburse an employee for mileage incurred to undergo a medical examination required by an employer or the employer's insurer.

LD 1018 **An Act to Amend the Prevailing Wage Laws** **DIED BETWEEN BODIES**

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

LD 1018 proposed to require contractors subject to the prevailing wage laws to keep payroll records on the work site and to make the records available to labor department officials and the public to enable them to oversee compliance with the prevailing wage law.

LD 1019 **An Act to Limit Mandatory Overtime** **CARRIED OVER**

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

LD 1019 proposes to limit mandatory overtime to 40 overtime hours in a 2-week period. The bill proposes to define overtime as any time over 8 hours in a day and any time over 40 hours in a week.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1033 **An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System** **PUBLIC 250**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-360

LD 1033 proposed to authorize state employee and teacher members of the Maine State Retirement System who formerly were employed by a Head Start program to purchase up to four years of service credit for that employment to be used in calculating retirement benefits.

Committee Amendment "A" (H-360) proposed to reduce from four to two years the amount of service credit for prior service that may be purchased by former Head Start employees under the provisions of the bill.

Enacted law summary

Public Law 1999, chapter 250 authorizes state employee and teacher members of the Maine State Retirement System who formerly were employed by a Head Start program to purchase up to two years of service credit for that employment to be used in calculating retirement benefits.

LD 1046

An Act to Prohibit the Employment of Professional Strikebreakers

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON DOUGLASS	OTP-AM MAJ ONTP MIN	H-484

LD 1046 proposed to prohibit a company or organization from recruiting or employing replacement workers during a labor dispute if the company or organization has been involved in recruiting or hiring 100 or more such strikebreakers on at least 3 occasions within the previous 5 years. The bill proposed to allow the prohibition to be enforced through a civil action filed by any interested party. The employment of replacement workers as security guards or as maintenance workers would be exempt from the prohibition, as would the employment of permanent employees who choose to work during a strike.

The bill also proposed to repeal the fine and imprisonment penalty under current law for employing during a strike a person who customarily and repeatedly offers services in place of a striking worker.

Committee Amendment "A" (H-484) proposed to change the prohibition on professional strikebreaking activity to apply to a person who has supplied 10 or more strikebreakers on 2 or more occasions within the previous 20 years. It also proposed to allow for the recovery of attorney's fees and penalties for the prevailing plaintiff. Finally, it proposed to exempt activities necessary to prevent continuing substantial adverse impact on the employer.

LD 1047

An Act to Increase the Penalty for Failure to Secure Workers' Compensation Insurance

ONTP

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

LD 1047 proposed to amend the workers' compensation laws to add a penalty for failure to procure workers' compensation insurance, in an amount equal to twice the amount it would have cost the employer to procure the insurance. This penalty would be paid to the Employment Rehabilitation Fund.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BERRY R	OTP-AM MAJ ONTP MIN	S-275 LAFOUNTAIN

LD 1054 proposed to require physicians and surgeons selected by employers to give opinions in workers' compensation cases to be certified in the field of practice that treats the type of injury complained of by the employee. The physician or surgeon would also be required to have an active practice of treating patients, which could be demonstrated by having treating privileges at a hospital.

Committee Amendment "A" (S-218) proposed to allow a physician or surgeon to continue to perform examinations for up to 2 years after discontinuing an active practice.

Senate Amendment "A" (S-275) proposed to allow chiropractors licensed by the Board of Chiropractic Licensure to give 2nd opinions in cases where the initial opinion was given by a chiropractor, when they meet the "active practice" requirement applicable to other health care providers giving 2nd opinions. It also proposed to allow a physician, surgeon or chiropractor to continue to be qualified to give 2nd opinions for 2 years after discontinuing an active practice.

Enacted law summary

Public Law 1999, chapter 365 requires physicians, surgeons and chiropractors selected by employers to give 2nd opinions in workers' compensation cases to have an active practice of treating patients or have discontinued active practice within 2 years of performing the examination. "Active practice" may be demonstrated by having hospital privileges. It also requires a physician or surgeon to be certified in the field of practice that treats the type of injury complained of by the employee and allows chiropractors who are licensed by the Board of Chiropractic Licensure to give 2nd opinions when the initial opinion was rendered by a chiropractor.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J CAMERON	OTP-AM	S-156

LD 1055 proposed to establish new cutoff levels for screening and confirmation tests for marijuana. The bill proposed cutoff levels of 50 nanograms and 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter of urine for screening and confirmation tests respectively.

Committee Amendment "A" (S-156) proposed to remove the screening test cutoff level for drug testing for marijuana set in the bill. The cutoff level for screening tests would continue to be set by rule adopted by the Department of Human Services. The amendment proposed to retain the reduction in the cutoff level for confirmation tests set in the bill.

Enacted law summary

Public Law 1999, chapter 199 establishes new cutoff levels for confirmation tests for marijuana use in employee substance abuse testing programs. The cutoff level for confirmation tests is 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter of urine. The cutoff level for screening tests for marijuana use will be continue to be set by DHS rule.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-241
	ONTP MIN	

LD 1067 proposed several changes to workers' compensation law. It proposed to increase the salary range for Workers' Compensation Board deputy directors from range 82 to 85 and to remove the job titles currently contained in the statutes. The bill also proposed to repeal the provision that reduces death benefits payable to dependents who are aliens residing outside the United States or Canada. The bill also proposed to define audit working papers and provide that they are confidential.

The bill proposed to require the filing of a wage statement within 30 days after an employer has notice or knowledge of a claim for incapacity benefits. This bill proposed that a case in which a request for an order has been ruled upon by a hearing officer may not be referred to mediation, but must remain with the hearing officer to be scheduled for a hearing.

The bill proposed to provide a basic 2-year statute of limitations for workers' compensation actions and also provide that the payment of benefits, either with or without prejudice, extends the statute of limitations to 6 years after the last payment. It also proposed to provide a 6-year statute of limitations in cases when the occurrence of a work-related injury is established by board decree, mediation report or agreement of the parties, even if no benefits are paid.

The bill proposed to increase the fine for not securing required workers' compensation coverage to ensure that it is more expensive to be fined for not having coverage than it is to secure workers' compensation coverage. This bill proposed to eliminate Bureau of Insurance arbitration proceedings and places jurisdiction over apportionment issues with the Workers' Compensation Board, thus allowing hearing officers to decide these issues.

This bill was submitted on behalf of the Workers' Compensation Board.

Committee Amendment "A" (S-241) proposed to place the job titles of the current Workers' Compensation Board deputy directors in statute in addition to raising their salary range to 85. It also proposed to delete a section of the bill relating to death benefit payments, since that section is included in a separate legislative document.

It proposed to rewrite the provision relating to the time for filing petitions to clarify current law and make that clarification applicable to injuries occurring on or after January 1, 1993. The amendment also proposed to ensure that certain information supporting the conclusions of an audit would become public along with the final audit report.

Enacted law summary

Public Law 1999, chapter 354 was submitted on behalf of the Workers' Compensation Board. It increases the salary range for deputy directors of the Workers' Compensation Board from range 82 to 85. The law also defines audit working papers and provides that they are confidential, but provides that supporting documents become public when the final report becomes public. The law requires the filing of a wage statement within 30 days after an employer has notice or knowledge of a claim for incapacity benefits pursuant to Title 39-A, section 212, 213 or 215, unless a wage statement has previously been filed.

This law provides that cases in which a request for an order has been ruled upon may not be referred to mediation, but must remain with the hearing officer to be scheduled for a hearing. The law increases the fine for not securing required workers' compensation coverage to ensure that it is more expensive to be fined for not having coverage than it is to secure workers' compensation coverage. This law eliminates Bureau of Insurance arbitration proceedings and places jurisdiction over apportionment issues

with the Workers' Compensation Board, thus allowing hearing officers to decide these issues.

LD 1091 **An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit** **CARRIED OVER**

<u>Sponsor(s)</u> MCKEE DAGGETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1091 proposes that annual payments for purchase of service credits by members of the Maine State Retirement System may be made either by a single yearly payment or by periodic payments through payroll deduction. Service credits may also be purchased by a single lump-sum, which is unaffected by this bill.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1117 **An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws** **INDEF PP**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1117 proposed to repeal the state bedding, upholstered furniture and stuffed toys laws.

This bill was submitted on behalf of the Department of Labor.

LD 1133 **An Act to Reward Academic Excellence for Students Who are 16 and 17 Years of Age** **ONTP**

<u>Sponsor(s)</u> COLWELL CAREY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1133 proposed to increase the number of hours a minor may work when school is in session from 20 hours to 30 hours per week, if the minor maintains a grade average of 80% or better. The bill also proposed to increase the hours a minor may work on a school day from four to six hours and decrease the hours per day when not in school from 10 to eight hours.

Committee Amendment “A” (H-404), the minority report of the committee, proposed to remove the section of the bill that lowers the number of hours a student may work per day when not in school. (not adopted)

LD 1165**An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park****CARRIED OVER**

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

LD 1165 proposes to permit law enforcement officers currently employed by the Baxter State Park Authority to retire at age 50 after 25 years of service and to retain the current option to choose, instead, to retire at age 55 after 25 years of service. LD 1376 which was enacted as Public Law 1999, c. 493 provides prospective coverage for BSPA rangers under the 1998 Special Plan.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1166**An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals****CARRIED OVER**

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

LD 1166 proposes to establish workplace standards with respect to video display terminals, including requirements for glare-reduction, swivel chairs, flexible work breaks and paid leave for vision examinations.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1232**An Act to Amend the Definition of "Employment" in the Unemployment Compensation Law****PUBLIC 389**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM A OTP-AM B OTP-AM C	H-502 S-319 MILLS

LD 1232 proposed to exclude services performed by a free-lance journalist from the definition of "employment" for purposes of unemployment compensation.

Committee Amendment "A" (H-502), the majority report of the committee, proposed to refine the description of services by a free-lance journalist that will not be covered by unemployment compensation contributions or benefits. It also proposed to add a section to provide that agricultural work performed by aliens under a federal program are not covered by unemployment contributions or benefits.

Committee Amendment "B" (H-503), a minority report of the committee, proposed to replace the bill. It proposed to add a section to unemployment compensation law to provide that agricultural work performed by aliens under a federal program is not covered by unemployment contributions or benefits. (not adopted)

Committee Amendment "C" (H-504), a minority report of the committee, proposed to refine the description of services by a free-lance journalist that will not be covered by unemployment compensation contributions or benefits. (not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-319) proposed to refine further the description of an author who would not be covered by unemployment compensation contributions or benefits by providing specific criteria that must be met.

Enacted Law Summary

Public Law 1999, chapter 389 amends the unemployment compensation law to exclude an author, such as a freelance journalist, from the definition of "employee" if the author furnishes material to a publisher who does not control the author's work or time, does not furnish an office or equipment, pays only for material accepted for publication and does not restrict the author from publishing elsewhere. It also excludes from the definition of employee certain foreign agricultural workers who are working in the United States under a federal program.

LD 1237 An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations ONTP

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

LD 1237 proposed to prohibit employers from imposing union membership or dues payment as a condition of employment and to prohibit employers from withholding union dues from an employee's paycheck without written authorization from the employee.

Committee Amendment "A" (H-501), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

LD 1246 An Act to Protect the Rights of Judicial Employees CARRIED OVER

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

LD 1246 proposes to include employees of the judicial department who have been employed for at least 6 months in the definition of "judicial employee" for purposes of the Judicial Employees Labor Relations Act, regardless of whether the employee was hired within the standard state personnel system.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1262 An Act to Increase the Minimum Wage in Maine CARRIED OVER

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

LD 1262 proposes to raise the minimum wage to \$5.65 per hour beginning January 1, 2000 and to \$6.15 per hour beginning January 1, 2001.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1350 **An Act to Exclude Intentional Tort Claims from the Application of the
Maine Workers' Compensation Act of 1992** **ONTP**

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

LD 1350 proposed to allow an employee to pursue an action outside of the workers' compensation law for injuries arising out of an intentional act against that employee.

LD 1351 **An Act to Require that Members of the Workers' Compensation Board
be Subject to Review by the Joint Standing Committee on Labor** **ONTP**

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

LD 1351 proposed that review of gubernatorial nominations to the Workers' Compensation Board be performed by the Joint Standing Committee on Labor instead of by the Joint Standing Committee on State and Local Government, as required by current law. This bill was reported out of the Labor Committee with a divided report, then referred to the Joint Standing Committee on State and Local Government, which voted that the bill ought not to pass.

LD 1352 **An Act to Ensure that Workers' Compensation Death Benefits are Paid
to Dependents Without Regard to Country of Residence** **PUBLIC 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM	H-263

LD 1352 proposed to prohibit reduction of workers' compensation benefits payable to an employee because the employee is not a United States citizen.

Committee Amendment "A" (H-263) proposed to repeal the law that reduces death benefits payable to dependents of employees who die due to workplace injuries when those dependents are aliens who live outside the United States or Canada. The amendment also proposed to make the change retroactive to June 1, 1998.

Enacted law summary

Public Law 1999, chapter 201 repeals the law that reduces death benefits payable to dependents of employees who die due to workplace injuries when those dependents are aliens who live outside the United States or Canada. The change is effective retroactive to June 1, 1998.

LD 1353 **An Act to Amend the Workers' Compensation Laws as They Pertain to Wage Statements** **ONTP**

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

LD 1353 proposed to amend the due date for an employer to file a wage statement for an employee who is receiving compensation payments. The proposed due date was 15 days after the employer had knowledge of the employee's injury or death for which compensation was being paid.

LD 1357 **Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board** **CARRIED OVER**

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

LD 1357 proposes to create a commission to study issues related to the workers' compensation hearing process, including the length of time needed to finally resolve cases.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1358 **An Act to Promote Stability in Labor Management Relations in the Public Sector** **CARRIED OVER**

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

LD 1358 proposes to amend the public employee labor relations laws to provide that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1359 **An Act to Make the Unemployment Compensation Program More Responsive to the Needs of Today's Workforce and to Ensure the Solvency of the Unemployment Compensation Trust Fund** **ONTP**

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

LD 1359 proposed to amend the unemployment compensation laws to provide access to unemployment compensation benefits for seasonal workers, persons who must restrict their work hours to part-time for good cause, and to persons who leave work because of lack of child care or transportation. It also proposed to increase the taxable wage base to \$16,000 and to adopt an array system to distribute tax rates among employers and to address the system's solvency problems.

LD 1376 **An Act to Expand the Uniform 1998 Special Retirement Plan to Include Baxter State Park Authority Rangers, Fire Marshals and Certain Additional Correctional Employees** **PUBLIC 493**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY PENDLETON	OTP-AM	H-687

LD 1376 proposed to amend the 1998 Special Plan under the Maine State Retirement System to include any employee of the Department of Corrections who is employed in a correctional facility or whose duties involve contact with prisoners, probationers, parolees or juveniles.

Committee Amendment "A" (H-687) proposed to replace the bill and extend coverage of the 1998 Special Retirement Plan. Like the bill, the amendment proposed providing coverage under the special plan for Department of Corrections employees working inside correctional facilities other than the Maine State Prison, departmental employees working outside correctional facilities having contact with prisoners, parolees, probationers and juvenile offenders, and employees of the department supervising such employees. The amendment also proposed extending special plan coverage to Baxter State Park Authority rangers, the State Fire Marshal, fire marshal inspectors and fire marshal investigators. (Both of these changes were the result of proposals in other bills--LD 1747 for fire marshals and LD 1165 for BSPA rangers.) All of the changes provided in the amendment would begin January 1, 2000.

Enacted law summary

Public Law 1999, chapter 493 extends eligibility for coverage by the 1998 Special Plan under the Maine State Retirement System to Department of Corrections employees working inside correctional facilities other than the Maine State Prison, departmental employees working outside correctional facilities having contact with prisoners, parolees, probationers and juvenile offenders, and employees of the department supervising such employees. Chapter 493 also extends special plan coverage to Baxter State Park Authority rangers, the State Fire Marshal, fire marshal inspectors and fire marshal investigators. All of the changes provided in the law begin January 1, 2000.

LD 1377 **Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings** **CARRIED OVER**

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

LD 1377 proposes to direct the Department of Labor to develop standards for employers to follow in providing heat in buildings occupied by employees.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

<u>Sponsor(s)</u> BRAGDON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-362
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LD 1383 proposed to allow employers to maintain personnel records in any form including paper, microfiche or electronic form and to require the employer to take adequate steps to ensure the integrity and confidentiality of the records.

Committee Amendment "A" (H-362) proposed to require an employer who keeps records in a form other than paper to have available the equipment necessary to review and copy personnel files. It also proposed to allow the Department of Labor, as well as an employee or former employee, to bring an action for equitable relief for violations of the law.

Enacted law summary

Public Law 1999, chapter 235 allows employers to maintain personnel records in any form including paper, microfiche or electronic form and requires an employer who keeps records in a form other than paper to have equipment available for reviewing and copying the personnel files. It also allows the Department of Labor, as well as an employee or former employee, to bring an action for equitable relief for violations of the law.

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1444 proposed that Legislators be required to pay 10% of their health and dental insurance and 60% of their dependents' health insurance premiums. Currently the State pays 100% of Legislators' health and dental plan premiums and 50% of their dependents' health insurance premiums.

<u>Sponsor(s)</u> HARRIMAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1445 proposed to eliminate state-paid health insurance benefits for retired Legislators who were first elected in 1992 or later.

LD 1448

An Act to Eliminate the Legislative Retirement System

ONTP

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

LD 1448 proposed to eliminate the Maine Legislative Retirement System for legislators who are not vested on December 31, 1999. After that date, current Legislators who were not vested would not remain members of the system and future Legislators would have been required to join either a 401(a) defined contribution plan or a 457 deferred compensation plan or both. The plans were to be administrated by the Maine State Retirement System. The bill proposed that legislators contribute at least 7.5% of their compensation to one of the plans; additional contributions above that level would be subject to federal law. The State would have been required to contribute to the plans on behalf of Legislators at the same rate as Legislators up to the contribution rate for employers under the United States Social Security Act. Any gains realized by the Maine State Retirement System as a result of this bill were to be used to reduce the unfunded liability of the Maine State Retirement System attributable to state employees and teachers. See also LD 2041.

LD 1463

An Act to Require the Department of Labor to Pay for Workers' Compensation Related Translation Services

ONTP

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

LD 1463 proposed to require the Department of Labor to pay for an interpreter during workers' compensation proceedings for an employee who is not fluent in English. See also LD 1016.

LD 1510

An Act to Clarify the Medical Fee Schedule in Workers' Compensation Cases

ONTP

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

LD 1510 proposed to prohibit unpaid medical claims recovered in workers' compensation cases from being reduced by contingent attorney's fees.

LD 1512

An Act to Amend Maine's Family and Medical Leave Law

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	OTP-AM MAJ ONTP MIN	H-576 HATCH S-217 S-323 DOUGLASS

LD 1512 proposed to expand the family and medical leave law to allow parents to take leave from work to care for a child with a bona fide medical problem, to attend a child's medical and dental appointments and to attend parent-teacher conferences.

Committee Amendment "A" (S-217) proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" (H-576) proposed to remove language allowing leave to an employee for a child with a bona fide medical problem. It also proposed to limit an employee to no more than 24 hours of family medical leave in each calendar year for attending necessary medical and dental appointments of a child and no more than 24 hours of family medical leave in each calendar year for attending parent-teacher conferences in a child's school.

Senate Amendment "B" to House Amendment "A" (S-323) proposed to limit to not more than a total of 24 hours annually the family medical leave available for attending necessary medical and dental appointments of a child and for attending parent-teacher conferences in a child's school. It also proposed to clarify that the 30 days' notice of the intended date upon which family medical leave will commence for attending necessary medical and dental appointments of a child or for attending parent-teacher conferences in a child's school is not necessary if the notice could not reasonably be provided within the 30 days.

LD 1547 Resolve, to Modify the Retirement Laws for a Certain School Principal ONTP

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

LD 1547 proposed that the Maine State Retirement System retirement benefits of Westbrook High School Principal Peter Curran be calculated using the pre-June 30, 1993 definition of "earnable compensation". That would have exempted Mr. Curran from application of the 5% and 10% caps on increases in earnable compensation that apply to other retirees when his or her retirement benefits are calculated.

LD 1571 An Act to Protect the Rights of Employees Who Volunteer Time As Firefighters ONTP

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

LD 1571 proposed to prohibit an employer from penalizing an employee who is absent from work to perform volunteer firefighting duties if the employee provided proper notice to the employer.

LD 1614 An Act to Increase the Health Benefits for Retired Educators ONTP

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

LD 1614 proposed that the State contribute 100% of the cost of health insurance for retired educators. See also LD's 23, 829 and 1730.

LD 1616

An Act Regarding the Calculation of Maine State Retirement System Benefits

ONTP

<u>Sponsor(s)</u> PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1616 proposed that the retirement system use a member's fourth highest year of compensation regardless of when it occurred as the base year in determining whether the 5% and 10% caps on earnings in the last 3 years have been exceeded rather than the year prior to the third highest year. The bill also proposed that in the case of a retiree who exercised a benefit payment option calling for a reduced benefit during the member's lifetime in return for continued payment of a benefit to a designated beneficiary after the retiree's death, the retirement benefit of the retiree must be recalculated if the beneficiary dies before the retiree. Retroactive to July 1, 1996, the retiree's benefit would be recalculated as if the option of full benefit payment had been selected.

LD 1622

An Act to Restore the Cost-of-living Adjustment for State Employees and Teachers Who Retire Before Normal Retirement Age

ONTP

<u>Sponsor(s)</u> SULLIVAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1622 proposed to reinstate the cost-of-living adjustment for retirement system members who retire before normal retirement age. Awarding of a COLA was delayed until a retiree reaches normal retirement age by the changes in the retirement plan enacted in 1993. See also LD's 380 and 847.

LD 1629

An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination

PUBLIC 191

<u>Sponsor(s)</u> MITCHELL B POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-139
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LD 1629 proposed that an employer who purchases a business free and clear of liens through bankruptcy does not acquire the payroll record and experience rating records of that employer for purposes of determining contributions to the Unemployment Compensation Fund.

Committee Amendment "A" (S-139) proposed that a successor employer who takes over a business after bankruptcy does not acquire the contribution rate of the predecessor employer if the business was purchased free and clear of liens and the business contribution rate was higher than the state average. In such a case, the amendment proposed that the successor employer be assigned the state average contribution rate.

Enacted law summary

Public Law 1999, chapter 191 provides that a successor employer is assigned the state average contribution rate for purposes of determining the contribution to the Unemployment Compensation Fund if the successor employer purchases

the business after bankruptcy free and clear of liens and the contribution rate of the business was higher than the state average. Otherwise, a successor employer who takes over after bankruptcy obtains the payroll records and experience rating records of the predecessor employer.

LD 1630 **An Act to Fully Comply with the Requirements of the Older Workers Benefit Protection Act** **ONTP**

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

LD 1630 proposed to require the Maine State Retirement System to contact members of the system who in 1992 were eligible but failed to exercise their option to be covered by the system's disability plan as amended to meet the requirement of the federal Older Workers Benefits Protection Act or to remain covered by the previous disability plan. The bill would have required the Maine State Retirement System to get a written response from each member who previously failed to exercise the option and report to the Joint Standing Committee on Labor on the results of its activities.

LD 1648 **An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence** **ONTP**

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

LD 1648 proposed to allow an injured employee to sue the employer for damages if the injury was caused by the gross negligence or illegal act of the employer.

LD 1659 **Resolve, to Investigate State Purchasing of Goods and Services Produced under Conditions that Violate International Standards of Human Rights** **ONTP**

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

LD 1659 proposed to direct the Bureau of General Services within the Department of Administrative and Financial Services to review its purchasing practices to identify goods and services produced under conditions that violate international human rights, labor or environmental standards.

LD 1718

An Act to Ensure that Displaced Workers Have Access to Appropriate Job Training, Education and Employment Services through a Peer Support Program

PUBLIC 506

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COLWELL	OTP-AM MAJ ONTP MIN	S-242 S-413 MICHAUD

LD 1718 proposed to create the Peer Support Program for Displaced Workers within the Department of Labor to provide advocacy and information to employees affected by significant layoffs. Under the program, the department would initiate a peer support project and hire peer support workers when layoffs of 100 or more employees occur or when 50 or more employees are laid off and a project is warranted by the nature of the workforce or the community.

Committee Amendment "A" (S-242) proposed to add an appropriation and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-413) proposed to amend the bill to account for the fact that a pilot program for peer support was funded in the "Part 2" budget, Public Law 1999, chapter 401, Part RR. The amendment proposed to clarify that the Department of Labor is authorized to use existing funds or apply for federal funding to continue the Peer Support Program for Displaced Workers beginning July 1, 2000. It also proposed to require the Department of Labor to report to the Joint Standing Committee on Labor on the status of the pilot program funded in the "Part 2" Budget, along with the availability of any funding to continue the program. The amendment also proposed to eliminate the General Fund appropriation.

Enacted law summary

Public Law 1999, chapter 506 authorizes the Department of Labor to create a Peer Support Program for Displaced Workers, to provide advocacy and information to employees affected by significant layoffs. Under the program, the department will initiate a peer support project and hire peer support workers when layoffs of 100 or more employees occur or when 50 or more employees are laid off and a project is warranted by the nature of the workforce or the community. The program may be operated within existing resources, and the department may use any available resources and may apply for federal grants for the program. The Department of Labor is also required to report to the Joint Standing Committee on Labor by January 14, 2000 on the status of a pilot peer support program funded in the "Part 2" budget, PL 1999, chapter 401, Part RR.

LD 1730

An Act to Increase Health Insurance Benefits for Retired Educators

CARRIED OVER

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

LD 1730 proposes to increase the State's contribution for health insurance for retired educators from 30% to 35% beginning January 1, 2000 and from 35% to 40% beginning January 1, 2001.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1731

An Act to Allow Minors to Work Over the Labor Day Weekend

ONTP

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

LD 1731 proposed to allow a minor to work up to 10 hours a day for each day of the three-day Labor Day weekend.

Committee Amendment “A” (S-188), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

LD 1747

An Act to Amend the Retirement Plan for Maine State Troopers

ONTP

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

LD 1747 proposed to remove state police troopers from the provisions of the 1998 Special Plan and to allow a trooper to qualify for benefits under the Maine State Retirement System if the trooper was hired after August 31, 1984 and has 25 years of creditable service, with no age requirement.

LD 1748

An Act to Correct Inconsistencies within the Maine State Retirement System

ONTP

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

LD 1748 proposed to add investigators and inspectors employed by the Department of Public Safety, Office of the State Fire Marshal to the 1998 Special Retirement Plan. The substance of the bill was included in LD 1376.

LD 1767

An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans CARRIED OVER

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

LD 1767 proposes to allow an employer or organization making provisional payments through a self-funded health plan or employee welfare benefit plan to recover those payments from the disability retirement benefit due the member.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1768

An Act to Change the Child Labor Laws

ONTP

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

LD 1768 proposed to allow students to work more than 18 hours per week during scheduled vacations.

Committee Amendment “A” (H-353), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

LD 1781

An Act Relative to Freedom of Employment in the Broadcasting Industry

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE ROWE	OTP-AM MAJ ONTP MIN	S-282

LD 1781 proposed to prohibit employment restrictions in the broadcasting industry that seek to restrict competition by requiring employees, as a condition of employment, to agree not to work in a specified geographic area for a specified period of time after their employment with a broadcasting industry employer.

Committee Amendment "A" (S-282) proposed to replace the bill. It proposed to provide that a “noncompete clause” in a broadcast industry contract is presumed unreasonable if it applies at expiration of the contract or upon termination of employment without fault of the employee.

Enacted law summary

Public Law 1999, chapter 406 specifies that a provision in a broadcast industry contract is presumed unreasonable if it prohibits a person from being employed in a certain geographic area for a certain period of time after the contract expires or after employment is terminated without fault of the employee.

LD 1790

An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits

CARRIED OVER

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

LD 1790 proposes to remove the restrictions on who may be named as beneficiary of reduced retirement benefits, allowing the recipient to name anyone as a beneficiary. The bill continues the current requirement that the original beneficiary be informed by the Maine State Retirement System that the recipient is changing the beneficiary.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1805

An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers

PUBLIC 376

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT COLWELL	OTP-AM MAJ ONTP MIN	S-216 S-267 DOUGLASS

LD 1805 proposed to require the employer of a full-time employee who works less than full-time hours due to lack of work to give that employee a properly filled out unemployment compensation claim form.

Committee Amendment "A" (S-216) proposed to replace the bill. It proposed to rewrite and simplify the requirement that employers give properly completed partial unemployment claim forms to full-time employees who are given no work or less than full-time work during a week due to a lack of work available.

Senate Amendment "A" to Committee Amendment "A" (S-267) proposed to provide that partial unemployment claim forms for a week must be provided to eligible employees no later than the day that the pay for that week is available to employees.

Enacted law summary

Public Law 1999, chapter 376 requires an employer to give an employee a properly filled out partial unemployment claim form if the employee is a full-time employee who does not work or works less than full-time hours due to lack of work. The form must be given to the employee no later than the day that the pay for that week is available to employees.

LD 1864

An Act Concerning the Political Use of Union Dues

CARRIED OVER

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

LD 1864 proposes to prohibit an employer from withholding wages to be used for political purposes and to prohibit a labor organization from using dues or fees for political purposes unless the withholding and use are authorized by the employee.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1891

An Act to Increase the Minimum Wage

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE HATCH	OTP-AM MAJ OTP-AM MAJ	S-280

LD 1891 proposed to increase the minimum wage to \$5.50 per hour, effective November 1, 1999. It also proposed that the state wage increase to an amount 35¢ above the federal minimum wage if the federal minimum is increased above the current \$5.15 per hour rate.

Committee Amendment "A" (S-280), the majority report of the committee, proposed to increase the minimum wage to \$5.65 on November 1, 1999 and \$6.15 on November 1, 2000. The amendment proposed that, if the federal minimum wage were higher than the level set by the State at any time, the federal minimum wage would become the State's minimum wage as well.

Committee Amendment "B" (S-281), the minority report of the committee, proposed to update the language of the minimum wage law and provide that the state minimum wage is the higher of the state and federal minimum wages. (not adopted)

LD 1897 An Act to Increase the Maximum Benefit Levels Provided for Injured Workers VETO SUSTAINED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM MAJ ONTP MIN	H-548

LD 1897 proposed to increase the maximum weekly benefit level under the Maine Workers' Compensation Act of 1992 to the higher of \$600 or 166% of the state average weekly wage, as adjusted annually.

Committee Amendment "A" (H-548) proposed to change the maximum benefit level to the state average weekly wage beginning July 1, 2000.

LD 1908 An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value CARRIED OVER

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

LD 1908 proposes to clarify that persons who collect signatures on citizen initiative petitions for wages, salaries or anything of value are employees under Maine labor laws, such as workers' compensation and unemployment compensation and their employers are subject to the requirements of those laws.

This bill was submitted on behalf of the Secretary of State.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1913

An Act to Ensure Fair Access under the Workers' Compensation Utilization and Review System

ONTP

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

LD 1913 proposed to repeal the laws requiring an employee’s medical care to undergo utilization review under an insurer’s standards, and to continue the authority for the Workers’ Compensation Board to adopt rules establishing treatment protocols.

LD 1927

An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law **CARRIED OVER**

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

LD 1927 proposes to require the Department of Labor to determine eligibility for training assistance under the U. S. Trade Act of 1974 within a specified period of time, and to amend the eligibility requirements to allow a person who is unable to enroll in training due to continuing part-time work with the employer under certain circumstances to receive dislocated worker benefits.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1942

Resolve, to Require the Workers' Compensation Board to Reverse Its Decision and Find in Favor of Richard N. Pushard, Sr.

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN L DAGGETT	ONTP MAJ OTP MIN	

LD 1942 proposed to require the Workers' Compensation Board to reverse its decision and find in favor of Richard N. Pushard, Sr.

LD 1943

An Act to Ensure that Workers Are Informed about Their Employers' Cancellation of Workers' Compensation Insurance

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E O'GARA	ONTP	

LD 1943 proposed to require employers to notify their employees when the employer's workers' compensation insurance policy is canceled or expires without being renewed, unless the employer has obtained insurance coverage from another insurance company.

LD 1970

An Act to Address the Solvency of the Unemployment Compensation Fund

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-681
	OTP-AM MIN	

LD 1970 was submitted pursuant to a law directing the Department of Labor to submit legislation recommending a plan to provide for long-term solvency of the Unemployment Compensation Fund. With respect to unemployment compensation taxes, the bill proposed to raise the taxable wage base from \$7,000 to \$12,000 effective January 1, 2000; establish an array system for determining employer contributions to the Unemployment Compensation Fund; and provide additional authority for the Director of Unemployment Compensation to collect money owed to the Unemployment Compensation Fund by employers.

With respect to unemployment compensation benefits, the bill proposed to base the benefit for persons who begin receiving benefits after January 1, 2000 on the average of the wages from the 2 highest quarters of the base period rather than the highest quarter of the base period; change the types of misconduct for which a person becomes ineligible to receive unemployment compensation; change the provisions related to overpayment of benefits to allow a greater deduction from future benefits when the claimant refuses to repay the amounts due and provide for interest on overpayments; provide for a penalty against benefits obtained through false statements or failure to disclose information when the statement or failure to disclose is knowingly made; and allow the department to withhold benefits for up to 14 days after new information or new issues arise with respect to the claimant's eligibility or benefit amount.

Finally, the bill proposed to allow the department to use the Special Administrative Expense Fund to fund activities that improve the solvency of the Unemployment Compensation Fund.

Committee Amendment "A" (H-681), the majority report of the committee, proposed to redefine the term "misconduct" and change the amount that may be withheld from benefit payments to repay previous overpayments to provide a lower percentage of withholding on the first \$100 of a person's benefit. It also proposed to establish a planned yield and require the Department of Labor to report back to the Legislature by January 1, 2000 with legislation to impose a cap on the amount in the Unemployment Compensation Fund to prevent further increases in the contribution rates when the fund reaches a certain level. The amendment also proposed to delete language allowing the Department of Labor to stop making payments for up to 14 days when a question arises after benefit payments have begun.

Committee Amendment "B" (H-682), the minority report of the committee, proposed to increase the taxable wage base to \$14,000 and to cap contribution rates so that the amount in the Unemployment Compensation Trust Fund would not exceed 12 months' worth of benefits at any time. The amendment also proposed a lower planned yield than the bill, which would result in a lower tax rate. The amendment proposed to amend the definition of "misconduct", increase the maximum portion of benefits that may be withheld to recover overpayments, and provide an 18% interest rate on overpayments that begins accruing on the first of the month following the overpayment. The amendment proposed to change the benefit calculation to 2/47ths of the average of the 2 highest quarters of wages, reduced to 97%, with a maximum of 50% of the average weekly wage. The amendment also proposed to decrease the maximum amount of benefits payable in a benefit year, increase the dependency benefit, and lower the number of weeks that dislocated workers in training programs can obtain extended benefits, except in areas of high unemployment. The amendment proposed a 200% penalty for falsely obtained benefits and provided for 4 weeks of disqualification for each week of falsely obtained benefits. The amendment proposed a lower contribution rate for new employers, required the

department to conduct random audits of claimants and employers, and removed language imposing liability for contributions, fees and interest and penalties on officers, directors and members of an employer

Enacted law summary

Public Law 1999, chapter 464 makes several changes with respect to state laws regarding unemployment compensation, to improve the solvency of the Unemployment Compensation Trust Fund. With respect to unemployment compensation taxes, the law raises the taxable wage base from \$7,000 to \$12,000 effective January 1, 2000; establishes an array system for determining employer contributions to the Unemployment Compensation Fund; and provides additional authority for the Director of Unemployment Compensation to collect money owed to the Unemployment Compensation Fund by employers.

With respect to unemployment compensation benefits, the law bases the benefit for persons who begin receiving benefits after January 1, 2000 on the average of the wages from the 2 highest quarters of the base period rather than the highest quarter of the base period; changes the types of misconduct for which a person becomes ineligible to receive unemployment compensation; changes the provisions related to overpayment of benefits to allow a greater deduction from future benefits when the claimant refuses to repay the amounts due and provide for interest on overpayments; provides for a penalty against benefits obtained through false statements or failure to disclose information when the statement or failure to disclose is knowingly made; and allows the department to withhold benefits for up to 14 days after new information or new issues arise with respect to the claimant's eligibility or benefit amount.

Finally, the law allows the department to use the Special Administrative Expense Fund to fund activities that improve the solvency of the Unemployment Compensation Fund.

**LD 1988 An Act to Provide for Benefits to Surviving Dependents of Employees CARRIED OVER
Who Die as a Result of Work Injuries**

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

LD 1988 proposes to amend the workers' compensation laws regarding compensation payable to the surviving dependents of employees who die as a result of work injuries. The bill provides for an annual adjustment of the weekly compensation so that it continues to have the same percentage relationship to the state average weekly wage as it did at the time of the employee's injury. The bill also proposes to remove the current 500 week maximum limit for receiving compensation and allows payment of compensation until the dependent spouse dies or becomes a dependent of another person. Upon the death of a surviving spouse, this bill proposes to continue compensation for any dependent child under 18 years of age until the child reaches 18 or marries, or longer if the child is physically or mentally handicapped. Weekly compensation that is equal to the same proportion of weekly payments provided to fully dependent people would be provided to dependents who were partially dependent upon the employee's support.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1989

An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected **CARRIED OVER**

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

LD 1989 proposes to amend the public employee labor relations laws to allow for binding arbitration on salaries, pensions and insurance and to create a process for submitting the results of arbitration to the voters or the Legislature for approval.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1995

An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption **CARRIED OVER**

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

LD 1995 proposes to clarify that the agricultural employer exemption from workers' compensation law does not apply to an employer who has employed more than 6 agricultural workers concurrently for 240 person hours per week or more, at any time within the 52 weeks immediately preceding the injury.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2041

An Act to Eliminate Legislative Pensions **ONTP**

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

LD 2041 proposed to eliminate the legislative retirement system. See also LD 1448.

LD 2073

An Act to Amend the Workers' Compensation Laws Pertaining to Attorney's Fees **DIED IN CONCURRENCE**

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

LD 2073 proposed to require an employer who is represented by legal counsel in a workers' compensation proceeding to pay the attorney's fees of an employee in a workers' compensation proceeding if the employee prevailed. The employer would not be responsible for the employee's attorney fees if the employer chose not to be represented by legal counsel or if the employee did not prevail.

LD 2075 **An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health** **CARRIED OVER**

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

LD 2075 proposes to amend the occupational disease law to require the Workers' Compensation Board to appoint an impartial physician to each occupational disease claims case, extend liability to all employers under which a person was exposed to a substance that causes an occupational disease and to extend the deadline for filing a claim from 90 to 180 days after the occupational disease injury. It also proposes to permit a person to seek compensation for a disease caused by exposure to a variety of chemicals and metals and to remove the 3-year statute of limitations for diseases that occur as a result of exposure to chemicals or metals.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2076 **An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance** **CARRIED OVER**

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

LD 2076 proposes to move the responsibility for monitoring, auditing and enforcement of the workers' compensation system from the Workers' Compensation Board to the Bureau of Insurance.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2100 **An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases** **PUBLIC 410**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS MACDOUGALL	OTP-AM	S-268

LD 2100 proposed to give the Workers' Compensation Board advocates authority to decline or cease assistance to employees under certain circumstances, such as cases in which the statute of limitations has run, essential evidence was missing or under circumstances specified by the Board by rule. The bill also proposed to allow an employee for whom representation ceased or was declined to appeal the decision to the executive director of the board within 30 days.

Committee Amendment "A" (S-268) proposed to require written staff attorney approval for advocates to decline representation or present lump-sum settlements on cases. The amendment also proposed to allow hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and to provide for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

Enacted law summary

Public Law 1999, chapter 410 authorizes Workers' Compensation Board advocates to decline or cease assistance to employees under certain circumstances, if the staff attorney approves. Reasons for declining or ceasing representation include lack of essential evidence, running of the statute of limitations, and other reasons that may be specified by Board rule. It allows the employee to appeal the decision to the executive director of the board within 30 days. It also allows hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and provides for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

LD 2104 **An Act to Provide Equity for Unemployment Compensation** **CARRIED OVER**

<u>Sponsor(s)</u> KILKELLY RINES		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2104 proposes to repeal the law that requires unemployment compensation benefits to be reduced for a person who receives a social security pension based on that person's own work history.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2124 **An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan** **CARRIED OVER**

<u>Sponsor(s)</u> MACK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2124 proposes to establish a defined contribution retirement plan for state employees and teachers hired on or after July 1, 2000. Active employees on July 1, 2000 have a choice of remaining in the current Maine State Retirement System's defined benefit retirement plan or joining the new plan. Under the defined contribution plan, the employer matches the employee's contribution of 6% of salary. The employee exercises sole authority over selection and management of investment options meeting Internal Revenue Code, Section 401(k) requirements.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2147 **An Act to Ensure Just Cause Termination in Employment** **CARRIED OVER**

<u>Sponsor(s)</u> BRYANT CAREY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2147 proposes to prohibit a private employer from terminating the employment of a person without just cause, unless the person has agreed to waive that prohibition in return for an agreement to make a severance payment of a specified amount. The bill proposes to allow an aggrieved employee to seek remedies for wrongful termination through a civil action.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2177

An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits

CARRIED OVER

Sponsor(s)
HARRIMAN

Committee Report

Amendments Adopted

LD 2177 proposes to amend the provisions of the Maine State Retirement System to require that all benefits paid on the death of a participating member are paid to the surviving spouse of that member. The bill also proposes that the spouse of a member may waive this requirement by filing a waiver with the Board of Trustees of the Maine State Retirement System and that if the participating member is not married, then the beneficiary designated by that member receives the benefits.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2194

An Act Regarding Doing Business with Burma

CARRIED OVER

Sponsor(s)
CATHCART

Committee Report

Amendments Adopted

LD 2194 proposes to require the Commissioner of Administrative and Financial Services to maintain a list of companies doing business with Burma, to prohibit investment of state funds in such companies or in the government of Burma, and to limit the award of public contracts to such companies.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2204

An Act to Amend the Calculation of Service Credits Under the Maine State Retirement System Pertaining to the Comprehensive Employment and Training Act of 1973 Employees

PUBLIC 241

Sponsor(s)
PARADIS
AHEARNE

Committee Report
OTP-AM

Amendments Adopted
S-177

LD 2204 proposed to amend the calculation of service credits under the Maine State Retirement System to allow state employees and teachers who are former Comprehensive Employment and Training Act of 1973 (CETA) employees hired before July 1, 1979 to purchase service credits by paying the full actuarial cost.

Committee Amendment "A" (S-177) proposed a cross-reference clarification and to allow participating local district (PLD) employees who are former CETA employees hired before July 1, 1979 to purchase service credits for their pre-1979 employment in the PLD retirement plan by paying the full actuarial cost. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 241 allows state employees, teachers and participating local district employees who are former CETA employees to purchase creditable service under the Maine State Retirement System for CETA employment before July 1, 1979 by paying the full actuarial cost of that service credit. Prior law limited purchase or service credit for CETA employment to employment occurring after July 1, 1979.

LD 2251

An Act to Provide Health Insurance Benefits to Dwight Parsons

CARRIED OVER

Sponsor(s)
FERGUSON
GAGNE

Committee Report

Amendments Adopted

LD 2251 proposes to provide health insurance benefits under the State Employee Health Insurance Program to Dwight Parsons, a 30-year state employee who did not apply for the State-paid health benefits in time.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

Joint Standing Committee on Legal and Veterans Affairs

LD 55

An Act to Clarify Referendum Wording

**DIED BETWEEN
BODIES**

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

LD 55 proposed to require that the wording of referenda be phrased so that an affirmative vote would be in favor of the subject or issue in question rather than in favor of the petitioner's position.

Committee Amendment "A" (H-532) proposed to clarify the bill to include referendum questions on the ballot at a municipal election. This amendment was not adopted.

LD 71

An Act Regarding Commercial Beano Halls

PUBLIC 74

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LABRECQUE DAGGETT	OTP-AM	H-126

LD 71 proposed to amend laws applicable to beano as follows.

1. It would create a commercial beano hall permit, which must be acquired by an individual, corporation, partnership or unincorporated association seeking to rent or lease a building or facilities for profit to an organization licensed to conduct beano.
2. The applicant seeking a commercial beano hall permit would be required to submit information and fingerprint cards to the Chief of the State Police for owners and the manager so a background investigation may be conducted prior to issuance of the permit. The chief would be able to deny a permit to an owner if the owner or manager has been convicted of murder or a Class A, B or C crime or a violation of the chapters in the Maine Criminal Code that cover theft, forgery, fraud or unlawful gambling.
3. A commercial beano hall permittee and the permittee's employees would be prohibited from being members of the licensee organizations that rent the hall.
4. A commercial beano hall permit would be valid for one year for a fee of \$500.
5. The Chief of the State Police would be able to adopt rules necessary for the regulation of the operation of commercial beano halls. These would be routine technical rules. The chief would be authorized to suspend or revoke a commercial beano hall permit after appropriate notice and the opportunity for a hearing.
6. Operating a commercial beano hall without a permit or in violation of the rules adopted regarding operation of the hall or beano would be considered a Class E crime.

Committee Amendment "A" (H-126) provided an exemption for agricultural fair associations from the licensing requirements applicable to commercial beano hall permittees provided the agricultural fair associations are licensed and

conducting beano or bingo games pursuant to the laws specific to that type of organization. The amendment also added an allocation section and fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 74 establishes a commercial beano hall permit for those seeking to rent or lease a building for profit to an organization licensed to conduct beano. It provides a process for application which includes submission of fingerprint cards and background investigations. It also lists circumstances under which the Chief of the State Police may deny a permit. A commercial beano hall permit is valid for one year for a fee of \$500 and stipulates that a permittee and the permittee's employees are prohibited from being members of the licensed organizations that rent the hall. Under this law, operation of a commercial beano hall without a permit is a Class E crime. Finally, the law authorizes the Chief of the State Police to adopt rules necessary for the regulation of this act and suspend or revoke licenses after appropriate notice of hearing.

LD 87

An Act to Require All Voting Places to be Accessible

PUBLIC 252

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER	ONTP MAJ	H-250
TREAT	OTP-AM MIN	H-445 BAKER S-258 DAGGETT

LD 87 proposed to require each municipality to provide at least one voting place that is accessible to persons with physical handicaps or impairments. Voters utilizing such accessible voting places would be permitted to use absentee ballots or be treated differently from other voters. This bill proposed to require such access at all voting places.

Committee Amendment "A" (H-250) proposed to add a fiscal note to the bill.

House Amendment "A" (H-445) required the Office of the Secretary of State and the Department of Administrative and Financial Services, Bureau of General Services to review the effects of this legislation and develop cost-saving recommendations to reduce costs of the mandate for any municipality affected by this legislation.

This amendment established a deadline for municipalities to have total polling place accessibility. All polling places located in publicly owned buildings must be accessible by April 1, 2000. All other polling places, such as churches, fraternal halls and other private facilities, must be accessible by July 1, 2001 if they are to be used by the municipality as polling places under this amendment.

Senate Amendment "A" (S-258) proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 1999, chapter 252 requires each municipality to provide at least one voting place that is accessible to persons with physical handicaps or impairments. Publicly owned polling places must be accessible by April 1, 2000 and others, such as churches and fraternal halls, must be accessible by July 1, 2001. Public Law 1999, chapter 252 also directs the Office of the Secretary of State and the Department of Administrative and Financial Services, Bureau of General Services to review the effects of this law and make recommendations to reduce the costs of the mandate.

LD 89 Resolve, to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits RESOLVE 78 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY CAREY	OTP-AM	H-312 S-444 MICHAUD

LD 89

This resolve proposed to establish the Commission to Study Standardized Periods of Military Service for Award of Benefits to Maine Veterans to examine ways to codify and standardize eligibility requirements for veterans' benefits based on periods of military service.

Committee Amendment "A" (H-312) In addition to changing the title of the resolve, the amendment proposes to establish the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits, alters the membership of the committee, changes the process of selecting cochairs and specifically adds the veterans' property tax exemption, veterans' burial eligibility and peacetime veterans' eligibility for benefits to the issues that are to be examined by the committee. It also would require the committee to hold public hearings to gather public comment on veterans' benefit issues.

House Amendment "A" to Committee Amendment "A" (H-518) This amendment proposed to expand the membership of the Committee to Study Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits to include one member from each of five major veterans organizations.

Senate Amendment "A" to Committee Amendment "A" (S-444) This amendment proposed to make technical corrections to the resolve to make it consistent with the study guidelines by allowing the committee to seek an extension of its reporting deadline.

Enacted law summary

Resolve 1999, chapter 78 establishes the Commission to Study Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits. Chapter 78 was passed as an emergency measure effective June 17, 1999.

LD 91 An Act to Eliminate the Minimum Quota Requirement for a Store to Have a Lottery Machine DIED BETWEEN BODIES

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

LD 91 proposed to prohibit the Tri-State Lotto Commission from charging sales agents the balance of the difference between actual sales from an agents machine and the quota set by the commission if the sales agents do not meet the quota.

LD 122 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto** **CON RES 1**

<u>Sponsor(s)</u> LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-24
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LD 122 proposed to amend the Constitution of Maine to require that a people's veto be submitted to the people either at a regular statewide or general election, whichever comes first, not less than 60 days after the Governor's proclamation that the petition will be submitted to the voters. This resolution eliminates language in the constitution that authorizes the Governor to call a special election for purposes of submitting a petition for a people's veto to the voters.

Committee Amendment "A" (S-24) This amendment adds a fiscal note to the resolution.

Enacted law summary

Constitutional Resolution 1999, chapter 1 requires that a people's veto be submitted to the people either at a regular statewide election or a general election, whichever comes first, no less than 60 days after the Governor's proclamation that the people's veto will be put before the voters of the State. Under this resolution, the Governor is no longer authorized to call a special election for the purposes of a people's veto vote.

LD 131 **An Act to Amend the Beano and Games of Chance Statutes** **PUBLIC 63**

<u>Sponsor(s)</u> DAGGETT TUTTLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-25
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LD 131 proposed to amend the Beano and games of chance statutes by:

1. Making a technical change by deleting unnecessary language.
2. Amending the statute that permits licensing of Beano games to make it clear that only Maine organizations may be licensed.
3. Amending the games of chance disposition of funds reporting requirements to require monthly reports for annual licensees rather than annual reports.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (S-25) changed the number of days by which a disposition of funds report is due from a Beano licensee from six days to 10 business days.

Enacted law summary

Public Law 1999, chapter 63 amends current law to specify that only Maine organizations may be licensed to conduct Beano. It also requires that those who have annual games of chance licenses report disposition of funds monthly. Public Law 1999, chapter 63 also increases the number of days by which a disposition of funds report is due from a Beano licensee.

LD 147 **An Act to Prohibit Public Broadcasting Stations from Auctioning Alcoholic Beverages** **ONTP**

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

LD 147 proposed to repeal the law that allows public broadcasting stations to accept for the purpose of an auction gift certificates from a brewery, winery or wholesaler of malt or brewed beverages or wines.

LD 148 **An Act to Make the Purchase or Sale of Liquor by Direct Shipment, Mail Order or the Internet a Class C Crime** **ONTP**

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

LD 148 proposed to make the shipment or purchase of liquor from outside the State by mail order or direct shipment or via the Internet a Class C crime.

LD 151 **An Act to Prohibit Mandatory Maine National Guard Membership** **CARRIED OVER**

<u>Sponsor(s)</u> BAKER RUHLIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 151, which was carried over to the Second Regular Session, proposed to provide that membership in the Maine National Guard may not be required as a condition to obtaining or retaining employment with the State.

LD 158 **An Act to Require an Elected Town Clerk to Nominate the Registrar of Voters** **ONTP**

<u>Sponsor(s)</u> LEMOINE PENDLETON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 158 proposed to require that a registrar of voters in a municipality with an elected clerk be nominated by the clerk and confirmed by the municipality's municipal officers.

LD 175 **An Act to Establish Limits on Contributions to Political Action Committees That Support Candidates** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u> AMERO GLYNN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 175 proposed to limit to \$25,000 aggregate yearly contributions by an individual to political action committees that support candidates for state office.

Committee Amendment "A" (S-18) proposed to make the original bill consistent with the provisions of the Maine Revised Statutes, Title 30-A, section 2502 governing campaign reports in municipal elections. This amendment was not adopted.

LD 179 **An Act to Reduce Lobbying Fees** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 179 proposed to reduce the minimum fees assessed for the registration of lobbyists from \$400 to \$200 and from \$200 to \$100 for the registration of each lobbyist associate.

LD 185

An Act to Enhance Enforcement of the Gambling Laws

ONTP

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

LD 185 proposed changes regarding enforcement of the gambling laws. Specifically, the bill defined illegal gambling machines and provided that illegal gambling machines and their monetary contents would be subject to seizure and forfeiture in both civil and criminal proceedings. Seizure would have been pursuant to court process or without process if the seizure is incident to a search that is in conformity with constitutional requirements governing searches and seizures.

LD 188

An Act to Allow Unenrolled Voters to Serve as Election Workers at Polling Places

ONTP

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

LD 188 proposed to permit registered voters who are not enrolled in a political party to serve as election workers.

LD 204

An Act to Require the Secretary of State to Provide Single-sided Ballots upon Request of Municipal Clerks

ONTP

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

LD 204 proposed to require the Secretary of State to furnish single-sided ballots to any municipality whose clerk requests single-sided ballots.

LD 215

An Act to Amend the Laws Regarding Acceptance of Campaign Contributions during Legislative Sessions

ONTP

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

LD 215 proposed to clarify the exception in current law to the prohibition against solicitation or acceptance of contribution by a candidate for the Legislature while the Legislature is in session, which permits acceptance or solicitation of a contribution if they are made after the deadline for filing as a candidate. The proposed clarification would have applied only to those candidates opposed in the primary election.

LD 230

An Act Relating to the Registration Requirements of the Military Selective Service Act

DIED BETWEEN BODIES

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

LD 230 proposed to prevent persons who failed to comply with the Military Selective Service Act of the United States from attending state-supported institutions of postsecondary or higher education, receiving student loans and being employed by the State or its political subdivisions.

Committee Amendment "A" (H-67), which was not adopted, replaced the original bill and proposed to prevent persons who failed to comply with the Military Selective Service Act of the United States from continuing to attend, as matriculated students, any state-supported institutions of postsecondary or higher education, receive student loans or grants or be employed by the State beyond a six-month probationary period.

LD 243

Resolve, to Allow Zelma Rudge to Sue the State

ONTP

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

LD 243 proposed to authorize Zelma Rudge, as personal representative of the estate of Victor Lizzotte, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the death of Victor Lizzotte.

LD 246

An Act to Clarify the Use of Campaign Funds

ONTP

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

LD 246 proposed to prohibit the direct transfer of funds from federal campaign accounts to state campaign accounts.

LD 255

An Act to Require the Commission on Governmental Ethics and Election Practices to Report Delinquent Filers

DIED BETWEEN BODIES

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

LD 255 proposed to require the Commission on Governmental Ethics and Election Practices to issue a report each biennium to the joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs identifying filers of delinquent or problematic campaign reports.

LD 295

An Act Regarding Lobbying by Government Agencies and Organizations That Receive Public Funds

ONTP

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

LD 295 proposed to limit lobbyists representing governmental departments and agencies to no more than eight hours of lobbying per month. The bill also proposed to require that before a lobbyist testifies to a legislative committee, the lobbyist disclose to the committee the amount of any compensation from a governmental source received by the lobbyist or the lobbyist's employer for the past year.

Committee Amendment "A" (H-190), which was not adopted, proposed to remove the eight hour restriction from the original bill and add a definition of "governmental source."

LD 313

An Act to Allow Honorably Discharged Veterans to Be Buried in the Veterans' Memorial Cemetery

PUBLIC 517

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

LD 313 proposed to allow any honorably discharged veteran of the United States Armed Forces to be buried in the Veterans' Memorial Cemetery.

Enacted law summary

Public Law 1999, chapter 517 provides that any honorably discharged veteran of the United States Armed Forces may be buried in the Veterans' Memorial Cemetery.

LD 314

An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places

INDEF PP

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

LD 314 proposed to prohibit the circulator of a direct initiative petition from presenting any such petition and requesting voter signatures in the polling place or within 250 feet of the entrance to the voting place.

Committee Amendment "A" (S-42), which was not adopted, proposed to change the bill and its title by referring to petitions instead of initiated petitions specifically.

Committee Amendment "B" (S-43), which was not adopted, proposed to strike the bill and replace the title. The amended bill would prohibit the circulation of petitions within the voting place.

Senate Amendment "A" to Committee Amendment "A" (S-106), which was not adopted, proposed to extend the restriction on certain persons being within 250 feet of a voting place to candidates for an election.

LD 335 **An Act to Require Reimbursement to Municipalities for the Cost of State Special Elections** **ONTP**

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

LD 335 proposed to require the State to reimburse municipalities for expenses incurred as a result of a statewide special election and to require that all designated polling places in a voting district be open for all elections.

Committee Amendment "A" (H-310), which was not adopted, proposed to strike two provisions of the original bill that prohibited consolidation of voting districts and required that all polling places be open for all classes of elections. The amendment retains the provision that the State pay for a municipality's expenses from a statewide special election.

LD 346 **An Act to Increase the Number of Absentee Ballots That A Person May Request** **ONTP**

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

LD 346 proposed to allow a voter to make application to obtain absentee ballots for all elections during a calendar year.

LD 363 **An Act to Reduce Operating Under the Influence by Requiring Certification of On-premise Alcohol Servers** **ONTP**

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

LD 363 proposed to require all on-premise alcohol servers to complete a certified alcohol server education course. With this course, alcohol server education courses must be certified by the Commissioner of Public Safety. Instructors who teach alcohol server education courses would be required to be certified by the Bureau of Liquor Enforcement under this proposal. The bill would also have prohibited licensees who serve liquor on the premises from employing servers who have not completed a certified alcohol server education course.

<u>Sponsor(s)</u> TRUE CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-27
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LD 367 proposed to clarify that the Bureau of Liquor Enforcement may consider changes to the selling location within a licensed premises rather than changes in the physical location of the entire premises when it receives an application for renewal of a liquor license.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-27) clarified the bill by stating that the Department of Public Safety, Bureau of Liquor Enforcement may not consider a minor change in the placement of liquor inventory that is within the scope of an agency liquor license, state law and agency rule as a reason to deny a renewal of a retail license.

Enacted law summary

Public Law 1999, chapter 34 amended current law to clarify that the Bureau of Liquor Enforcement may consider changes to the selling location of liquor within a licensed premises not simply the location of the premises itself when it receives an application for renewal of a liquor license. Public Law 1999, chapter 34 further stipulates that minor changes of the selling location of liquor within a licensed premises may not be a factor for renewal of a retail license as long as that changes does not go beyond scope of the laws pertaining to the placement and marketing of liquor within a licensed premises.

<u>Sponsor(s)</u> POVICH CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-333 DAGGETT
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LD 382 proposed to allow a law enforcement officer to detain a person whom the officer believes to be a minor and to require that person to provide proof of name, address and date of birth if the person, as a minor, is the underlying cause or an element of a violation on the premises of a licensed liquor establishment.

This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (H-313) proposed to strike the entire bill and replace it with two provisions that make refusal to provide proper identification a violation of the liquor laws. It also proposed to change the title of the bill.

Senate Amendment "A" (S-333) replaced the bill. This amendment provided that a person who fails to provide proper identification to a law enforcement officer is subject to a civil forfeiture if:

1. The person is present on a licensed premises at a time when minors are not permitted to be on the premises;
2. The officer has reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises;

3. The officer has a reasonable and articulable suspicion that the person is a minor; and
4. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor.

Enacted law summary

Public Law 1999, chapter 413 provides that a person who fails to provide proper identification to a law enforcement officer is subject to a civil forfeiture if:

1. The person is present on a licensed premises at a time when minors are not permitted to be on the premises;
2. The officer has reasonable and articulable suspicion that a violation of law has taken place or is taking place because a minor is present on licensed premises;
3. The officer has reasonable and articulable suspicion that the person is a minor; and
4. The officer has informed the person that the officer is investigating a possible liquor violation involving the presence of minors on the licensed premises and that the officer believes that the person is a minor.

LD 396 An Act to Give Standing to Any Person Who Witnesses a Violation at a Polling Place ONTP

<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 396 proposed to give a registered voter witnessing a violation at a polling place standing to seek an injunction of relief or declaration of violation in Superior Court.

LD 416 An Act to Ensure the Maintenance, Protection and Repair of Veterans' Graves, Headstones, Monuments and Markers ONTP

<u>Sponsor(s)</u> LIBBY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 416 proposed to change current law, which requires towns to maintain the graves and markers of any Revolutionary War soldiers or sailors or any soldiers or sailors who were in the United States Army, Navy or Marines and who served in a war and are buried in graveyards in that town. A town that fails to do so may be penalized up to \$100.

This bill proposed to increase the fine to \$200 and make it mandatory.

LD 420

**An Act to Require Lobbyists to Disclose Whether They are Compensated
by a Committee Member**

ONTP

Sponsor(s)
PERKINS

Committee Report
ONTP

Amendments Adopted

LD 420 proposed to require lobbyists to disclose whether they are employed directly or indirectly by a member of the committee before which they are testifying prior to testifying before that committee.

LD 431 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Fees for Activity Related to the Election Process** **ONTP**

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

LD 431 proposed to amend the Constitution of Maine to prohibit the assessment of fees in connection with a citizen's participation in the election process.

LD 438 **An Act to Expedite Removal of Invalid Voter Names from Voter Lists** **ONTP**

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

LD 438 proposed to change the process for the removal of inactive voters from voting lists by requiring municipal clerks to remove a voter from the voting list within 90 days after the second general election after the voter fails to respond to a change of address notice mailed by the clerk.

Committee Amendment "A" (H-384), which was not adopted, proposed to change the time when a voter must be removed from the voting list to 90 days after the ballots are unsealed.

LD 445 **An Act to Amend the Election Laws Concerning Vacancies in the House of Representatives** **ONTP**

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

LD 445 proposed to allow any voter eligible to vote in a political party's primary to vote in that political committee's election to fill a vacancy in the House of Representatives of that voter's district. Current law states that municipal political committees alone choose new candidates to fill vacancies.

LD 461 **An Act to Allow a Holder of a Retail Liquor License to Sell to Other Licensed Entities** **ONTP**

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

LD 461 proposed to allow a retailer with a license to sell wine and malt liquor to be consumed off of the premises to sell wine and malt liquor to other entities with a license to sell liquor for on-premise consumption.

LD 500 **An Act to Establish an Administrative Procedure to Hear Polling Place Violation Complaints** **ONTP**

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

LD 500 proposed to establish a procedure for addressing polling place violation complaints.

LD 501 **An Act to Eliminate Voter Registration on Election Day** **ONTP**

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

LD 501 proposed to eliminate voter registration on election day.

Committee Amendment "A" (H-497), which was a minority report, and not adopted, proposed to replace the original bill and give municipalities the option to decide whether they will accept voter registrations on election day. The effective date of the bill would have been delayed to allow municipalities a statewide election before the option would take effect.

House Amendment "A" (H-577), which was not adopted, proposed to regulate, rather than eliminate, election day voter registration by requiring the voter to execute a sworn statement, witnessed by the registrar, stating the voter's name, date of birth and mailing and street addresses.

LD 535 **An Act Regarding Burial at the Veterans' Memorial Cemetery** **ONTP**

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

LD 535 proposed to allow the use of private burial services for eligible veterans and eligible dependents at the Veterans' Memorial Cemetery, providing the costs of the private services are not borne by the State.

LD 543 **An Act to Amend the Laws Governing the Purchase of Liquor by Commercial Entities** **ONTP**

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

LD 543 proposed to permit persons authorized to sell liquor for on-premise consumption to purchase liquor from a state discount liquor store at the discount retail price and require wholesale licensees to accept returns of malt liquor and wine purchased by retail and on-premise licensees.

LD 560 **An Act to Promote Ballot Clarity** **ONTP**

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

LD 560 proposed to require that all referendum questions proposed by the Legislature, including bond issues, constitutional resolutions and referendum questions required by a referendum clause, be reviewed by the Secretary of State. This review would have been conducted through a ballot clarity board created by the Secretary of State.

LD 583 **An Act to Promote Competition in the State's Liquor Industry** **ONTP**

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

LD 583 proposed to repeal the section of law that imposes pricing limits on agency liquor stores.

LD 594 **An Act to Privatize the Liquor Industry** **ONTP**

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

LD 594 proposed to eliminate state and agency liquor stores as well as price-setting and wholesale activities by the State. The Bureau of Alcoholic Beverages and Lottery Operations and the Bureau of Liquor Enforcement would have maintained the power to collect taxes, issue licenses and ensure compliance with the state liquor laws under this bill.

LD 600

An Act to Prohibit Convicted Felons from Voting

ONTP

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

LD 600 proposed to prohibit convicted felons from voting.

LD 611

Resolve, to Allow Lawsuit Against the State of Maine

ONTP

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

LD 611 proposed to authorize Robert Gray to sue the State. The resolve also proposed to authorize the release of certain confidential information pertaining to Robert Gray's claim which stated that errors made by state officials caused children to believe that they had been victims of a crime.

LD 620

Resolve, to Allow James E. Segien of Eastport to Sue the State and the Town of Eastport

ONTP

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

LD 620 proposed to authorize James Segien of Eastport to sue the State of Maine and the Town of Eastport for damage done to his pier by the sewage outfall from Eastport's municipal sewage treatment plant.

LD 639

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes

PUBLIC 450

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ ONTP MIN	S-266

LD 639 proposed to increase access to election procedures for new parties, unenrolled candidates and unenrolled voters as follows:

1. Modify the frequency of the 5% vote requirement from the current two-year cycle to a four-year cycle;
2. Allow that a party that forms around a candidate be recognized as qualified to participate in a primary election once it has filed the consent of the candidate;
3. Clarify the petition filing procedures for new political parties by adding a separate and earlier filing deadline for petitions to be submitted to local election officials before the petitions are submitted to the Secretary of State and allows that a party that forms by petition will be recognized as qualified to participate in a primary election once it has filed the petition with the Secretary of State;

4. Allow any registered voter to sign a petition to form a new political party so long as the voter is not enrolled in a political party;
5. Protect the use of the word "independent" so it may be used only by candidates who do not belong to any political party;
6. Improve access to municipal lists of registered voters; and
7. Provide that until September 1, 2000, if municipal officers are unable to appoint a sufficient number of election clerks from major parties, the officers may appoint any registered voter including voters who are not enrolled in any party, provided the balance between major parties is maintained.

Committee Amendment "A" (S-266) proposed to change the requirement that petitions to form a new political party have signatures equal to at least 5% of the votes cast in either of the last two preceding gubernatorial elections rather than the last preceding gubernatorial election. It also removed the prohibition on appointing election clerks after September 1, 2000 from the original bill.

Enacted law summary

Public Law 1999, chapter 450 amended Title 21-A to increase access to election procedures for new parties, unenrolled candidates and unenrolled voters as follows:

1. Modifies the 5% vote requirement to be based on either of the last two preceding gubernatorial elections;
2. Allows that a party that forms around a candidate be recognized as qualified to participate in a primary election once it has filed the consent of the candidate;
3. Clarify the petition filing procedures for new political parties by adding a separate and earlier filing deadline for petitions to be submitted to local election officials before the petitions are submitted to the Secretary of State and allows that a party that forms by petition will be recognized as qualified to participate in a primary election once it has filed the petition with the Secretary of State;
4. Allows any registered voter to sign a petition to form a new political party so long as the voter is not enrolled in a political party;
5. Protects the use of the word "independent" so it may be used only by candidates who do not belong to any political party;
6. Improves access to municipal lists of registered voters; and
7. Provides that until September 1, 2000, if municipal officers are unable to appoint a sufficient number of election clerks from major parties, the officers may appoint any registered voter including voters who are not enrolled in any party, provided the balance between major parties is maintained.

LD 641

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions

DIED BETWEEN BODIES

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

LD 641 proposed to amend the Constitution of Maine to require a valid direct initiative petition to carry the signatures of at least 50,000 registered voters.

LD 642

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Petition Signatures Be Based on 10% of Registered Voters

ONTP

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

LD 642 proposed to amend the Constitution of Maine to require that the number of signatures on a direct initiative petition equals at least 10% of the number of citizens registered to vote on the date of the last gubernatorial election.

LD 644

An Act to Provide Opportunity for an Increase in Wine-tasting Locations for Farm Wineries

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP-AM MAJ ONTP MIN	S-246

LD 644 proposed to allow a holder of a farm winery license to apply for licenses for up to four additional locations for the tasting of wine.

Committee Amendment "A" (S-246) amended the original bill by decreasing the number of additional locations for the tasting of wine a farm winery licensee may apply for from four to two. It clarified language pertaining to serving limits of spirits, wine and malt liquor to one person at one time

Enacted law summary

Public Law 1999, chapter 275 permits a holder of a farm winery license to apply for two additional locations for a wine-tasting event. It also clarifies language in existing law pertaining to serving limits of wine, malt liquor and spirits to any one person at one time.

LD 668 **An Act to Amend the Term "Veteran" for Property Tax and Burial Purposes** **ONTP**

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

LD 668 proposed to provide for property tax exemptions and burial benefits for veterans of the United States Armed Forces who have served in certain federally recognized periods of conflict. This bill proposed to extend these property tax exemptions and burial benefits to all veterans of the Armed Forces of the United States.

LD 679 **An Act to Submit Legislative Term Limits to Referendum in November 1999** **ONTP**

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

LD 679 proposed to submit a repeal of the term limits law to the voters for approval at a statewide referendum.

LD 714 **An Act to Allow Multipart Referendum Questions for Referenda at the Municipal Level** **ONTP**

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

LD 714 proposed to authorize governing bodies at a local level to set forth referendum questions constructed to offer multiple choices to the voter.

LD 717 **An Act to Amend the Election Laws** **PUBLIC 426**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE DAGGETT	OTP-AM	H-622 H-663 CHIZMAR

LD 717 proposed to change the definition of a write-in candidate and requires that the candidate file a declaration of write-in candidacy with the Secretary of State in order to be considered a valid write-in candidate and be included in the election tabulation. The bill proposed to clarify the term of office for a registrar who is also a municipal clerk. The bill proposed to require that a candidate who wishes to withdraw, for reason other than death or disqualification, must do so at least 60 days before the primary in order to be allowed to replace the candidate. The bill also proposed to allow student election clerks to be appointed to fill a vacancy in the office of election clerk. The bill proposed to move the deadline for a municipality to hold a hearing on consolidating or establishing new voting districts from 60 to 90 days before the election. The bill also proposed a change to the deadline for requesting a recount from seven business days to

five business days after the election. The bill would remove the Secretary of State's responsibility for assisting the Commission on Governmental Ethics and Campaign Practices with its duties under the Maine Revised Statutes, Title 21-A. The bill proposed to make other technical changes that correct inconsistencies with other parts of the laws.

This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (H-622) proposed to make technical changes to the original bill. It removed the provision that allows student election clerks to fill vacancies in the office of election clerk. It clarified references to residential care facilities.

House Amendment "A" to Committee Amendment "A" (H-663) clarified that the provisions of the committee amendment apply to Level II licensed residential care facilities rather than to all licensed residential care facilities. It deleted a reference to Level II with respect to licensed nursing homes.

Enacted law summary

Public Law 1999, chapter 426 changes the definition of a write-in candidate and requires that the candidate file a declaration of write-in candidacy with the Secretary of State to be considered a valid write-in candidate. This law also requires a candidate, who wishes to withdraw from an election, for reason other than disqualification or death, to do so at least 60 days before the primary in order to be allowed to replace the candidate. Public Law 1999, chapter 426 also extends the deadline for a municipality to hold a hearing on consolidating or establishing new voting districts from 60 to 90 days before the election. The deadline for requesting a recount of election results is changed from seven to five business days under this law. Among other minor technical changes and clarifications, this law removes the responsibility from the Secretary of State to assist the Commission on Governmental Ethics and Election Practices with its duties.

LD 759 An Act to Expedite Disputes among Commercial Landlords and Tenants PUBLIC 192

<u>Sponsor(s)</u> DAGGETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-129
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LD 759 proposed to expedite disputes among commercial landlords and tenants. The bill would allow the landlord and tenant the opportunity of choosing arbitration as a way of resolving a dispute. The bill also proposed to establish a bonding mechanism for commercial landlord and tenant relationships. The bill also proposed to authorize a negotiated waiver of jury trial.

Committee Amendment "A" (S-129) made technical corrections to the bill.

Enacted law summary

Public Law 1999, chapter 192 provides that a landlord and tenant have the opportunity to choose arbitration as a method of resolving a dispute. It also establishes a bonding mechanism for commercial landlord and tenant relationships and authorizes a negotiated waiver of jury trial.

LD 773 An Act to Require the Missing-in-Action Flag to Be Flown on State-owned Flag Poles ONTP

<u>Sponsor(s)</u> TRUE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 773 proposed to require that the missing-in-action flag be flown from each flag pole where the state flag is flown.

LD 850 **An Act to Institute Wild Number Beano**

PUBLIC 419

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-675
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LD 850 proposed to allow an organization licensed to conduct beano to conduct wild number beano. "Wild number beano" means a beano game or series of beano games in which a number is picked or denoted as a wild number that can be used to fit any number or letter on a beano card.

Committee Amendment "A" (H-675) proposed to make technical corrections to the original bill.

Enacted law summary

Public Law 1999, chapter 419 allows an organization licensed to conduct beano to conduct wild number beano. "Wild number beano" means a beano game or series of beano games in which a number is picked or denoted as a wild number that can be used to fit any number of letter on a beano card.

LD 865 **An Act to Make Uniform Hours for Agency Liquor Stores**

ONTP

<u>Sponsor(s)</u> MICHAUD		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 865 proposed to remove the prohibition on selling liquor on Sunday mornings before 9 a.m., which would make hours of sale the same for all days of the week.

LD 868 **An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses**

ONTP

<u>Sponsor(s)</u> PINGREE MACK		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 868 proposed to repeal the law which requires cash, check or credit card payment by a licensee upon delivery of liquor by a wholesale licensee.

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

LD 872 proposed to change the names of the Maine Clean Election Act and the Maine Clean Election Fund to the Maine Public Election Act and the Maine Public Election Fund, respectively.

LD 873

An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites

CARRIED OVER

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

LD 873, which was carried over to the Second Regular Session, proposes to update and to amend municipal responsibilities for veterans' grave sites, including:

1. Changing the term "soldier or sailor who served in the United States Army, Navy or Marine Corps in any war" to "veterans of the Armed Forces of the United States of America";
2. Changing the liability of the municipality for failing to properly maintain veterans' grave sites from \$100 per town to \$500 per cemetery for each municipality;
3. Changing the term "May 30th" for the decoration of veterans' graves to "the day Memorial Day is observed"; and
4. Requiring municipalities to follow the National Flag Code in the handling and display of American flags.

LD 885

An Act to Decrease the Time by Which Rent Is Considered Late

INDEF PP

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

LD 885 proposed to decrease the time by which rent is considered late from 15 days to eight days.

Committee Amendment "A" (H-285), which was not adopted, proposed to reduce the time by which rent is considered late for purposes of the imposition of a late fee to seven days.

LD 898

An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality

ONTP

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

LD 898 proposed to authorize municipalities and unincorporated places to require, from an applicant for a liquor license, proof of liquor liability insurance with minimum coverage of \$50,000 before approval of an application for a liquor license would be granted. The insurance policy must have included a provision that requires the insurer to notify the municipality or unincorporated place of a lapse in coverage under this bill. Any lapse in coverage would have resulted in automatic revocation of a liquor license. If the licensee could show proof of new insurance or give good cause as to the reason for the lapse, the revocation would be withdrawn.

LD 899

An Act to Establish a Part-time Liquor License

INDEF PP

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

LD 899 proposed to establish a six-month part-time license to sell alcoholic beverages.

Committee Amendment "A" (H-286) proposed to stipulate that only one part-time liquor license could be purchased in a calendar year. This amendment was not adopted.

LD 920

An Act to Create a Lottery Ticket to Reduce Hunger in Maine

ONTP

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

LD 920 proposed to create a lottery ticket, the net proceeds from which, would have been distributed equally between two accounts to benefit the school lunch program and to help provide food for children of low-income families.

LD 954

An Act to Improve Alcohol Server Education Courses

PUBLIC 519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT FERGUSON	OTP-AM	S-228

LD 954 proposed to amend the alcohol server education course as follows.

1. It would allow for the admissibility of evidence that serving practices were not negligent or reckless for servers who attend alcohol server education courses recommended by the Server Education Advisory Committee and approved by the Commissioner of Public Safety.
2. It would adjust the membership of the Server Education Advisory Committee to reflect current attendance.
3. It would allow the Server Education Advisory Committee to relax the preevaluation process for certain alcohol server courses.
4. It would reduce the fee for attending an alcohol server education course sponsored by the Bureau of Liquor Enforcement from \$28 to \$10 and dedicates the fee to maintaining alcohol server education training.
5. It would create a certification process for alcohol server course instructors.

This bill was submitted on behalf of the Department of Public Safety.

LD 973 proposed to increase the amounts of spirits, wine and malt liquor that may be legally transported within and into the State.

Committee Amendment "A" (H-383) proposed to correct an oversight in the original bill by also increasing the legal limit for importation of wine by a person who does not have a wholesale license, small brewery license or farm winery license from four quarts to 12 quarts.

LD 985 **An Act to Increase the Penalties for Providing Alcohol to a Minor,
Possession of Alcohol by a Minor and Certain Other Offenses** **ONTP**

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

LD 985 proposed to increase the penalties for certain offenses involving minors and alcohol. It provided that for offenses including the purchase or possession of liquor by a minor, the fine may not be suspended; the judge shall assign the minor to perform at least 10 hours of community service; and the minor shall attend at least two hours of alcohol counseling. It also provided for increased fines and a mandatory minimum term of imprisonment of 30 days for offenses including furnishing or allowing consumption of liquor by a minor.

LD 1015

Resolve, to Implement the Recommendations of the Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1015 proposed to implement the recommendations of the Joint Select Commission to Study the Opening of a Discount State Liquor Store in Fort Kent. The study recommends that the State not open a discount store in Fort Kent. The select commission also recommends that the decision to open the discount store in Calais be reevaluated. This resolve proposed to direct the Bureau of Alcoholic Beverages and Lottery Operations to provide information to the Joint Standing Committee on Legal and Veterans Affairs on two issues relating to liquor sales: First, information relevant to determining whether to continue operating the discount state liquor store in Calais and secondly, information on possible changes in liquor pricing to enable agency liquor stores to increase their profits.

LD 1035

An Act to Require Maine's Off-track Betting Facilities to Promote Maine Racing CARRIED OVER

<u>Sponsor(s)</u> BRUNO	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1035, which was carried over to the Second Regular Session, proposes to require off-track betting facilities to display any Maine race on one-third of their monitors, unless more than one Maine track is broadcasting its races, in which case one-half of each off-track betting facility's monitors would have to be dedicated to the in-state races.

LD 1036

An Act to Repeal Term Limits for Legislators and Constitutional Officers

ONTP

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1036 proposed to repeal the law which imposes term limits on Legislators, the Secretary of State, the State Treasurer, the Attorney General and the State Auditor. The bill would have proposed the following question to voters in a statewide referendum. "Do you favor repealing term limits for Legislators and constitutional officers?"

LD 1039

An Act to Allow Horse Racing Commencing at Noon on Sundays

PUBLIC 394

<u>Sponsor(s)</u> TUTTLE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 1039 permits harness racing to begin at noon on Sunday. Current law provides that harness racing may not commence until the hour of 1 p.m.

Committee Amendment "A" (H-526) proposed to transfer approval for appointments and reporting requirements for the Maine State Harness Racing Commission from the joint standing committee of the Legislature having jurisdiction over agricultural matters to the joint standing committee of the Legislature having jurisdiction over harness racing.

House Amendment "A" to Committee Amendment "A" (H-528) was presented on behalf of the Committee on Bills in the Second Reading to add the preamble necessitated by the change in confirmation procedures proposed by Committee Amendment "A."

Enacted law summary

Public Law 1999, chapter 394 changes current law which provides that harness racing may not commence until 1 p.m. on Sunday. Public Law 1999, chapter 394 extends a Sunday raceday by one hour, permitting racing to commence at noon.

LD 1042 **An Act to Require Liability Insurance for Sellers of Liquor Consumed on the Premises** **ONTP**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1042 proposed to require all licensees serving liquor for on-premise consumption to obtain at least \$250,000 of liquor liability insurance. Failure to maintain that insurance would result in suspension or revocation of license under this bill.

LD 1043 **An Act to Clarify the Guidelines for the Allocation of Tri-state Lottery Machines** **ONTP**

<u>Sponsor(s)</u> NASS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1043 proposed to amend the factors considered by the Tri-state Lotto Commission when issuing a license to include seasonal and cross-border potential sales. It proposed to require that the commission provide a detailed report to an applicant who is denied a license, including proof that all considerations were properly evaluated and specifying the reason for the denial.

LD 1051 **An Act to Apportion State Lottery Funds to Pay for Quality Early Care and Education** **ONTP**

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> ONTP A OTP-AM B OTP-AM C	<u>Amendments Adopted</u>
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LD 1051 proposed to require that 10% of the State's share of all proceeds deposited into the State Lottery Fund be appropriated to the Department of Human Services to be used for Head Start and child care services.

LD 1074

An Act to Change the Percent of Gross Sales of Tri-State Lotto That May Be Paid Out As Prizes

PUBLIC 64

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	OTP	S-30 DAGGETT

LD 1074 proposed to increase from 50% to 60% the percentage of Tri-state Lotto proceeds that may be paid out as prizes from 50% to 60%.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

Senate Amendment "A" (S-30) added a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 64 increases the percentage of Tri-state Lotto proceeds that may be paid out as prizes from 50% to 60%.

LD 1077

An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment

PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA TUTTLE	OTP	

LD 1077 proposed to prohibit the sale or furnishing of equipment that is specifically constructed, manufactured or marketed for the purpose of brewing malt liquor or fermenting or making wine to a person who is under 21 years of age except by a parent, legal guardian or custodian for use in a supervised manner. It would also prohibits possession of the equipment by a person who is under 21 years of age, unless the person is working in the scope of employment or is in the person's own home under the supervision of a parent, legal guardian or custodian. Both offenses are civil violations.

Enacted law summary

Public Law 1999, chapter 103 prohibits the sale or furnishing of equipment for making beer or wine to a person under the age of 21 years except by a legal guardian for use under supervision. The prohibition does not apply when the use of the equipment is within the scope of the minor's employment. A violation of this provision is a civil offense.

LD 1078

An Act to Extend Term Limits for Elected Officials and Constitutional Officers

DIED IN CONCURRENCE

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

LD 1078 proposed to extend the number of years of service authorized under the term limits law from eight to 12 years for Legislators, the Secretary of State, the Treasurer of State and the Attorney General and from eight to 12 years for the State Auditor. The bill would have also required that the voters of the State vote on this matter at the general election held in the year 2000.

Committee Amendment "A" (S-262) proposed to change the year the referendum question to extend term limits will be placed on the statewide ballot from 2000 to 1999. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-707) proposed to require the extension of term limits for elected officials and constitutional officers as proposed in the bill to be submitted to the voters of this State only if, within 90 days of adjournment of the First Regular Session of the 119th Legislature, Legislators gather a number of signatures greater than or equal to 10% of the number of votes cast for Governor in the 1998 gubernatorial election. Signatures must be collected in each county. This amendment was not adopted.

Senate Amendment "A" (S-438) proposed to prevent those elected officials and constitutional officers that are in office on July 1, 1999 from benefiting from the extension of term limits and would change the referendum question to reflect this limitation. This amendment was not adopted.

LD 1102 **An Act to Reduce the Limitations on Nonprofit Organizations Holding Games of Chance** **PUBLIC 295**

<u>Sponsor(s)</u> CAMERON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-468
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LD 1102 proposed to allow nonprofit organizations to conduct games of chance once every six months for a maximum of three consecutive days. This bill removes that restriction.

Committee Amendment "A" (H-468) proposed to remove the restriction in current law regarding the number of licensed games of chance that may be operated by nonprofit organizations. This amendment would restore the restrictive language. It further proposed to amend the bill by changing current law, which allows nonprofit organizations to conduct games of chance once every six months for a maximum of three consecutive days, to allow for games to be conducted once every three months for two consecutive days.

Enacted law summary

Public Law 1999, chapter 295 amended existing law which allowed nonprofit organizations to conduct games of chance once every six months for a maximum of three consecutive days, to allow for games to be conducted once every three months for two consecutive days. This increases the number of days a nonprofit can conduct games from six to eight per calendar year.

LD 1124 **Resolve, to Allow David Prentiss to Sue the State** **ONTP**

<u>Sponsor(s)</u> O'NEAL CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1124 proposed to authorize David Prentiss to sue the State. The resolve would have authorized David Prentiss to recover damages up to \$70,000 that were incurred due to the mislabeling by the Department of Environmental Protection of his business property as contaminated.

LD 1149 **An Act to Require the Municipal Clerk to Attend at Least One Training Session that is Approved by the Secretary of State Every 2 Years Regarding the Conduct of Elections** **CARRIED OVER**

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

LD 1149, which has been carried over to the Second Regular Session, proposed to require each municipal clerk to attend a training session that is approved by the Secretary of State at least once every two years in regard to the conduct of elections.

This bill was submitted on behalf of the Secretary of State.

LD 1162 **An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms** **PUBLIC 157**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM	H-241 TUTTLE S-44

LD 1162 proposed to amend the Maine Clean Election Act to require legislative review of Commission on Governmental Ethics and Election Practices rules establishing the forms to be used by candidates to file campaign reports.

Committee Amendment "A" (S-44) placed the proposed language from the original bill in the section of statute governing campaign report filing by candidates.

House Amendment "A" to Committee Amendment "A" (H-241) clarified legislative oversight of rules establishing campaign report filing forms.

Enacted law summary

Public Law 1999, chapter 157 amends the Maine Clean Election Act to require legislative review of Commission on Governmental Ethics and Election Practices rules establishing the forms to be used by candidates to file campaign reports.

LD 1164 **An Act to Clarify Landlord Access to Premises in Residential Tenancies** **PUBLIC 204**

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

LD 1164 proposed to clarify a landlord's rights in cases where a tenant changes the lock to a dwelling without permission of the landlord.

Enacted law summary

Public Law 1999, chapter 204 states that in the case of emergency a landlord may gain admission through whatever reasonable means necessary in the event the tenant changed the lock and neglected to provide the landlord with a duplicate key. The landlord may charge the tenant for any resulting damage. Public Law 1999, chapter 204 also states that if a tenant changes the lock and refuses to provide a duplicate key, the landlord may terminate tenancy with a seven-day notice.

LD 1201 An Act to Require Licensing Fees of Tobacco Products Manufacturers CARRIED OVER

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1201, which has been carried over to the Second Regular Session, proposes to require tobacco products manufacturers who distribute for sale or sell tobacco products directly in the State to pay an annual licensing fee to the State of \$10,000 beginning January 1, 2000. The bill would not apply to dealers and distributors licensed under the Maine Revised Statutes, Title 36, chapter 703 or chapter 704 and retailers licensed under Title 22, chapter 262-A.

LD 1211 An Act to Permit Wine to be Ordered Through the Mail ONTP

<u>Sponsor(s)</u> STEVENS	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1211 proposed to amend the prohibition on the interstate shipping of liquor to allow the interstate shipping of wine.

House Amendment "A" (H-575), which was not adopted, proposed to replace the bill by repealing the law that deals with the prohibition of interstate shipping of liquor and would reinstate the law that relates to interstate reciprocal shipping of malt liquor and wine. The amendment also proposed to add an additional requirement to ensure that the State receives payment in an amount that would otherwise be received as taxes and makes a violation of this proposed provision a Class E crime.

LD 1235 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Number of Signatures Required on Direct Initiative Petitions ONTP

<u>Sponsor(s)</u> DUNLAP	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1235 proposed to amend the Constitution of Maine to require that the number of signatures required on a petition to directly initiate legislation be not less than 15% of the total vote for Governor cast in the last preceding gubernatorial election.

LD 1244

An Act to Require Truth in Campaign Advertising

ONTP

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

LD 1244 proposed to require that any entity advertising in support of or opposition to a candidate, when reporting roll call votes, shall list all recorded votes on that issue, explain the pending motion on which the vote was cast and accurately reflect the position taken by the candidate at the time of the vote.

LD 1254

An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses

INDEF PP

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

LD 1254 proposed to permit the Bureau of Liquor Enforcement to license golf courses to serve liquor on the course from a mobile service bar.

Committee Amendment "A" (H-467), which was not adopted, proposed to amend the original bill by setting the license fee for mobile service bars at \$100 annually.

It also proposed to clarify what may be served from a mobile service bar and add a requirement that liquor may be served only to those engaged in a round of golf.

Finally, it proposed to provide for revocation of any license held by a golf course owner for violation of the liquor laws or of rules established by the Department of Public Safety, Bureau of Liquor Enforcement.

LD 1257

An Act to Regulate Push Polling

CARRIED OVER

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

LD 1257, which has been carried over to the Second Regular Session, proposes to require a person conducting a push poll by telephone for any candidate for office to disclose the name and address of the organization conducting the push poll, the name and address of the person or organization underwriting the push poll and the name of the candidate and the office for which the candidate is running if the poll is authorized by the candidate. The bill would define "push poll" as an interview with a voter that is designed to influence the voter's decision with a series of questions that appear to be an objective opinion poll concerning an issue but that are worded to suggest answers that support a certain position concerning the issue.

LD 1259

An Act to Discourage Consumption of Alcohol by Minors

DIED BETWEEN BODIES

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

LD 1259 proposed to amend the laws pertaining to consumption of alcohol by a minor by increasing the forfeiture for violation of the Maine Revised Statutes, Title 28-A, section 2051 from not less than \$100 nor more than \$300 to not less than \$200 nor more than \$400 for the first offense; not less than \$200 nor more than \$500 to not less than \$300 nor more than \$600 for the second offense and from \$500 to \$600 for a third and subsequent offenses. The bill would also give the court authority to suspend a license if a minor violates Title 28-A, section 2051.

LD 1291

An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts

PUBLIC 236

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER HARRIMAN	OTP-AM	H-314

LD 1291 proposed to amend the licensing requirements for bed and breakfasts to:

1. Allow a bed and breakfast to obtain a Class I liquor license;
2. Allow a bed and breakfast to obtain an off-premise catering license; and
3. Remove the restriction that a bed and breakfast may only serve liquor to bona fide registered patrons and the patron's guests.

Committee Amendment "A" (H-314) proposed to remove the provision of the bill allowing a bed and breakfast to acquire a Class I liquor license. It would also allow a bed and breakfast licensee to deliver alcohol to a room in the bed and breakfast under certain conditions.

Enacted law summary

Public Law 1999, chapter 236 permits a bed and breakfast to obtain an off-premise catering license and allows a bed and breakfast licensee to deliver alcohol to a room in the establishment under certain conditions.

LD 1318

An Act to Amend the Treatment of Security Deposits Upon the Sale of a Building

PUBLIC 213

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-128
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LD 1318 proposed to make certain that tenants can recover their security deposit from a new owner. This bill was the recommendation of the Attorney General.

Committee Amendment "A" (S-128) replaced the bill. It proposed that upon the transfer of a residential rental unit there must be either an accounting and transfer of all security deposits held by the landlord or a return of the security deposits to the tenants. The amendment also proposed to clarify that an entity that acquires a residential rental unit is responsible for maintaining and returning to tenants all security deposits to the extent the previous owner accounted for and transferred the security deposits to the new owner.

Enacted law summary

Public Law 1999, chapter 213 requires that upon the transfer of ownership of a residential unit there must be either an accounting and transfer of all security deposits held by the landlord or a return of the security deposits to the tenants. It also states that an entity that acquires a residential rental unit is responsible for maintaining and returning to tenants all security deposits to the extent the previous owner accounted for and transferred the security deposits to the new owner.

LD 1339

An Act to Provide Preference to Farmers for Disaster Relief

ONTP

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1339 proposed to require that an individual whose primary source of income is the agricultural use of land receive preference in receiving disaster relief financial assistance.

LD 1406

An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets

PUBLIC 176

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1406 proposed to provide penalties for forging lottery tickets or passing false lottery tickets.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

Enacted law summary

Public Law 1999, chapter 176 makes forging, manufacturing or passing false lottery tickets a Class D crime.

LD 1431 RESOLUTION, Proposing an Amendment to the Constitution of Maine INDEF PP
to Require Signatures from All Counties on Direct Initiative Petitions

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

LD 1431 proposed to amend the Constitution of Maine to require that at least 6% of the number of signatures required on a petition to directly initiate legislation be collected in each of the 16 counties.

Committee Amendment "A" (H-487), which was not adopted, proposed to strike the provision that requires that 6% of the total number of signatures on a direct initiative petition be collected in each county. It proposed to replace that provision with the requirement that signatures be collected in each county equal to an amount no less than 6% of the total vote in that county in the last gubernatorial election.

LD 1438 An Act to Allow for Expeditious Improvements to Commercial Tracks CARRIED OVER

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

LD 1438, which has been carried over to the Second Regular Session, proposes to allow for interim payments to persons licensed to conduct pari-mutuel wagering on horse racing from the fund into which is deposited a portion of the revenue credited to the General Fund that is attributable to total wagers in excess of \$35,000,000. It also would allow commercial tracks to accumulate the balance in their share of the fund from year to year, thereby allowing tracks to fund large capital improvements.

LD 1439 An Act to Ensure the Preservation of Maine's Commercial Racetracks CARRIED OVER

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

LD 1439, which has been carried over to the Second Regular Session, proposes to allow reimbursement to commercial racetracks for expenditures needed to enhance, preserve or restore their facilities or related assets.

LD 1466

An Act to Maintain Responsible Taste Testing

ONTP

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

LD 1466 proposed to require that any retail liquor licensee engaged in taste testing of wine designate an employee who is responsible for the activities of all persons conducting the tasting event and is present for the duration of the taste testing.

LD 1492

An Act to Propose Changes to the Maine Election Laws

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANWOOD	OTP-AM	H-469

LD 1492 proposed to expand access to the ballot by presidential and vice-presidential candidates of nonqualified parties. Under this bill, these candidates are given the choice of filing by petition, as authorized by current law, or by paying a filing fee to the Secretary of State. The bill also proposed to provide for later petition filing dates.

Committee Amendment "A" (H-469), which was not adopted, proposed to replace the entire bill. It extends the date for filing nomination petitions for a slate of candidates for the office of presidential elector with the Secretary of State and the municipality.

Enacted law summary

Public Law 1999, chapter 264 extends the deadlines from May 25 to August 8th of election year, in which the petitions will be used for filing nomination petitions for a slate of candidates for the office of presidential elector with the Secretary of State and the municipality.

LD 1503

An Act to Require any Person or Organization That Gathers Signatures on Petitions for Referendum Questions to Make Full Financial Disclosure to the Commission on Governmental Ethics

ONTP

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

LD 1503 proposed to require a person, firm or organization that contracts, subcontracts or agrees for compensation to circulate a petition for the constitutional procedure of direct initiative of legislation or people's veto to file monthly reports with the Commission on Governmental Ethics and Election Practices. Information in the report must include the names and addresses of the person, firm or organization responsible for the collection of signatures and the amount of payments made to the person, firm or organization and its directors. Also required under this proposal were the names, addresses and length of residency in Maine of any persons hired or used to circulate the petition.

LD 1504**An Act to Amend the Lobbyist Registration Fee Provisions****CARRIED OVER**Sponsor(s)
CAREYCommittee ReportAmendments Adopted

LD 1504, which has been carried over to the Second Regular Session, proposes to reduce the registration fee paid annually by lobbyists and lobbyist associates and is proposing to provide for all fees collected to be credited to a dedicated lobbyist registration fee account administered by the Commission on Governmental Ethics and Election Practices. The bill also would provide that the electronic filing system administered by the commission must be funded by the Maine Clean Election Fund; lobbyist registration fees, penalties and certain other revenues; and by other entities that may benefit from the electronic filing system.

LD 1544**An Act to Study the Effectiveness of Harness Racing Promotions****CARRIED OVER**Sponsor(s)
DUNLAPCommittee ReportAmendments Adopted

LD 1544 has been carried over to the Second Regular Session. Part A of this bill is proposing to abolish the Harness Racing Promotional Board effective July 10, 2000. Part B of this bill proposes to establish the Commission to Study the Effectiveness of Harness Racing Promotions, which will report to the Second Regular Session of the 119th Legislature no later than January 10, 2000.

LD 1555**An Act to Maintain the Viability of Maine's Liquor Industry****ONTP**Sponsor(s)
KIEFFER
SAXL MCommittee Report
ONTPAmendments Adopted

LD 1555 proposed to remove restrictions on the number of agency store licenses that may be granted by the Bureau of Liquor Enforcement in order to allow less-restricted transfers of retail and agency liquor store license to different locations within the same municipality.

LD 1560

An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General

PUBLIC 291

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SCHNEIDER	OTP-AM	S-151

LD 1560 proposed to change the qualifications for the appointment of the Adjutant General and assistant adjutant general.

Committee Amendment "A" (S-151) proposed to remove the requirement that a person appointed Adjutant General or assistant adjutant general must have served at least five years in the Maine National Guard.

Enacted law summary

Public Law 1999, chapter 291 states that a person appointed Adjutant General or Assistant Adjutant General must have attained the federally recognized rank of Colonel in the Maine National Guard.

LD 1597

Resolve, to Transfer the National Guard Armory in Skowhegan to Somerset County for Use as a County Jail

ONTP

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

LD 1597 proposed to instruct the Commissioner of Defense, Veterans and Emergency Management to transfer the Skowhegan armory to Somerset County for \$1.

LD 1607

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

DIED BETWEEN BODIES

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

LD 1607 proposed an amendment to the Constitution of Maine that revokes the right of a convicted felon to vote while that felon is imprisoned.

House Amendment "A" (H-498), which was not adopted, proposed to amend the constitutional resolution to also revoke the right to vote of a person convicted of treason.

Senate Amendment "A" (S-287), which was not adopted, proposed to further amend the Constitution of Maine to give persons under guardianship for reasons of mental illness the right to vote.

LD 1631

Resolve, Authorizing Richard Paradise to Sue the State

ONTP

<u>Sponsor(s)</u> MACKINNON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1631 proposed to authorize Richard Paradise to bring a civil suit action against the State for damages resulting from an automobile accident that occurred on December 22, 1979 in Jackman.

LD 1644

An Act to Clarify Laws Governing Simulcasting

CARRIED OVER

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1644, which has been carried over to the Second Regular Session, proposes to amend the limitations on off-track betting facilities to clarify that, by racing the number of days prescribed in the Maine Revised Statutes, Title 8, section 275-N, commercial tracks are entitled to engage in simulcasting during their live race meets.

LD 1655

An Act to Clarify the Laws Regarding Fund Raising During the Legislative Session

PUBLIC 273

<u>Sponsor(s)</u> LAWRENCE ROWE		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-68 RAND
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LD 1655 proposed to clarify that the prohibitions against solicitation of campaign contributions do not prohibit elected officials or their agents to whom the prohibitions apply from attending a fund-raising event held by a political party and do not prohibit the advertisement of the expected presence of any such person at such an event as long as the person has no official involvement in soliciting attendance and that all the proceeds from the event are paid to the political party or a nonprofit charitable organization.

Senate Amendment "A" (S-68) removed the emergency preamble and the emergency clause.

Senate Amendment "B" (S-99) proposed to remove that portion of the bill that would allow the advertisement of the expected presence of the Governor, a member of the Legislature or any constitutional officer or the staff or agent of any of those persons at fund-raising events held by a political party. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 273 provides that the prohibitions against solicitation of campaign contributions do not prohibit elected officials or their agents from attending a fundraising event held by a political party.

LD 1657

An Act to Clarify the Laws Relating to Off-track Betting Facilities

PUBLIC 421

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KIEFFER	OTP-AM MAJ	S-312
CLARK	ONTP MIN	

LD 1657 proposed to amend the statute for licensing off-track betting facilities to clarify that a person other than the owner of the restaurant, lounge or hotel at which the facility is to be located may be the licensed operator of the facility. This bill also proposed to expand the eligibility for reduced payments to licensees of off-track betting facilities.

Committee Amendment "A" (S-312) proposed to amend the bill. It changed the time period that makes licensed off-track betting facilities eligible for reduced payments to racing licensees. The amendment also restructured the liquor license issued to off-track betting facilities to require the Class A lounge and the Class A restaurant be separate from each other under the license.

Enacted law summary

Public Law 1999, chapter 421 changes the time period that makes licensed off-track betting facilities eligible for reduced payments to racing licensees from 1997 to 2000. This law also restructures the liquor license issued to off-track betting facilities to require a Class A lounge and a Class A restaurant be separate from each other under the license.

LD 1715

An Act to Allow Charitable Nonprofit Organizations to Conduct Limited Video Gaming CARRIED OVER

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

LD 1715, which has been 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, Sections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19). These sections of the tax code refer to charitable organizations, civic leagues, fraternal benefit societies, domestic fraternal societies and associations and veterans organizations. Organizations that currently have licenses for electronic video machines but do not qualify under one of those code sections may apply for an initial license while they seek the required federal tax status under this bill. The organization applying for the license must own or lease the premises on which the terminals will be placed and must use the premises for its charitable or nonprofit purpose with this proposal.

This bill is also proposing that video gaming terminal manufacturers, distributors, wholesalers and operators must be licensed by the Chief of the State Police, following background investigations of the applicants and their major business partners. Local approval is required for a license to operate video gaming terminals.

The license would specify the number of terminals allowed on the premises, and the maximum number of terminals allowed is five per licensee. Terminals would be licensed by the Chief of the State Police and must be connected to a

computer system operated by the Director of the Bureau of Alcoholic Beverages and Lottery Operations. This computer system would provide continuous on-line monitoring of video gaming terminal activity. Persons under 21 years of age are not allowed to use the machines. Only members of the organization and their guests would be allowed to play, except that the organization may obtain a license to offer the machines for public use once every six months for a period of three consecutive days. The maximum dollar amount for each play would be \$2 and the maximum payout is \$1,000. Each game on each machine must return at least 90% of wagers to players, calculated on an annual basis with this proposal.

A single distributor would not be permitted to own more than 300 machines or 15% of the total number of machines in the State, whichever is less. A person may not hold more than one type of license; for example, a distributor may not also be a licensee or a manufacturer.

Net terminal income, which is income after payback to players, would be divided as follows: 33 1/3% to the State for payment into the Video Gaming Fund for administrative expenses, municipal revenue sharing and General Fund revenue; 33 1/3% to the distributor; and 33 1/3% to the licensee.

With this bill, licenses are issued for one year. Applicants for an initial license would pay the actual costs of processing the application and performing the background investigation.

LD 1728 Resolve, Authorizing Certain Members of the Sullivan Family to Bring CARRIED OVER
Suit Against the State

<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1728, which has been carried over to the Second Regular Session, proposes to authorize John Sullivan, Demain Sullivan, Kristen Sullivan and Sean Sullivan to bring a civil suit against the State for damages resulting from an automobile accident, which occurred on July 2, 1998 on Route 131 in Waldo.

LD 1743 An Act to Preserve Live Harness Racing in the State CARRIED OVER

<u>Sponsor(s)</u> TESSIER DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1743, which has been carried over to the Second Regular Session, proposes to allow commercial tracks to accept over-the-telephone wagers on races conducted at that track, but only from individuals with prefunded accounts established at the track.

LD 1749

An Act to Require the Secretary of State to Establish a Central Voter List for the State

ONTP

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

LD 1749 proposed to require the Secretary of State to maintain a central voting list for the State and to update the list at least once a year by requesting the voting list from the registrar of every municipality in the State. This bill would have also required a registrar to furnish the voting list for the registrar's municipality to the Secretary of State upon request from the Secretary of State.

LD 1751

An Act to Require Voters to Sign Their Names Prior to Voting

ONTP

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

LD 1751 proposed to require a voter to sign his or her name before voting and would have required an election clerk to verify the identity of the voter by checking the signature of the voter against the signature on file for that voter in the municipality's general register.

LD 1752

An Act to Require Certain Proof of Identity to be Presented When Registering to Vote

ONTP

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

LD 1752 proposed to require a person to show a driver's license or state identification card when appearing in person to register to vote.

LD 1765

Resolve, Requiring the Director of Alcoholic Beverages and Lottery Operations to Investigate the Requirements for Maine to Join the PowerBall Lottery

ONTP

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

LD 1765 proposed to require the Director of Alcoholic Beverages and Lottery Operations to investigate the requirements for Maine to join the PowerBall lottery, including contacting the Multi-State Lottery Association and obtain all of the necessary information that will allow Maine to join the PowerBall lottery. The director would have been required to report back to the Legislature by January 1, 2000 with the findings of the investigation and proposed legislation to implement the PowerBall lottery in the State.

LD 1766

An Act to Provide Equity for Eviction Notification

PUBLIC 287

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	OTP-AM	H-311

LD 1766 proposed to provide the same termination notice period for rented mobile homes as for other residential buildings.

Committee Amendment "A" (H-311) proposed to replace the bill. This amendment clarified that the laws governing the termination of a tenancy in a mobile home park apply only to tenants of space in the park and not to tenants who are renting a mobile home owned by the owner or operator of the park. Termination of these tenancies are governed by the terms of the lease, or, if there is no lease, in accordance with the law governing tenancies at will.

Enacted law summary

Public Law 1999, chapter 287 clarifies that laws governing the termination of a tenancy in a mobile home park apply only to tenants of space in the park and not to tenants who rent a mobile home owned by the owner or operator of the park.

LD 1775

Resolve, to Develop a Disaster Relief Food Assistance Program

**DIED IN
CONCURRENCE**

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

LD 1775 proposed to direct the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to establish a disaster relief food assistance program to be effective August 1, 1999. It also proposed to appropriate \$50,000,000 for the purpose of having the department purchase items necessary for carrying out this resolve.

LD 1788

An Act to Clarify 7-day Evictions in Tenancies at Will

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MADORE	OTP-AM	S-127

LD 1788 proposed to clarify that the seven-day notice for nonpayment evictions applies only to tenancies at will and not to leasehold tenancies.

Committee Amendment "A" (S-127) modified two additional provisions of law relating to tenancies at will to clarify that they apply only to tenancies at will.

Enacted law summary

Public Law 1999, chapter 248 clarifies that the seven-day notice for nonpayment evictions, ground for termination notice, and writ of possession only apply to tenancies at will and not leasehold tenancies.

LD 1796

An Act to Improve the Absentee Voting Process

CARRIED OVER

<u>Sponsor(s)</u> DAGGETT TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1796, which has been carried over to the Second Regular Session, proposes to allow any voter to vote by absentee ballot at any election, and would remove the current provision stating reasons for permitting a person to vote by absentee ballot. This bill also would clarify the procedures for requesting and issuing an absentee ballot. The bill further is proposing to refine the procedure for a candidate or a candidate's representative to inspect absentee ballot applications and envelopes on election day before the ballots are processed.

This bill was submitted on behalf of the Secretary of State.

LD 1801

An Act to Enable Small Wineries to Do Business in Maine

ONTP

<u>Sponsor(s)</u> KONTOS TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1801 proposed to lower the fee for a certificate of approval for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine per year or less from \$600 to \$100.

LD 1816

An Act to Revise the Harness Racing Laws Regarding Off-track Betting

ONTP

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1816 proposed to establish a 20-mile radius market area for off-track betting facilities.

LD 1817

An Act to Facilitate the Recruiting of Ballot Clerks

ONTP

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1817 proposed to require an employer to allow an employee to take time off to serve as an election worker without using personal, vacation or sick time. The employer would have had to pay to an employee who takes such time off a sum that, when added to the remuneration provided by the municipality, would equal the employee's normal wages for an eight-hour work day.

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

LD 1832 proposed to prohibit a state agency or independent agency employee from taking a position or expressing personal opinion in testimony before a committee of the Legislature.

Committee Amendment "A" (H-415), which was not adopted, proposed to clarify the original bill by restricting anyone officially representing a state agency from taking a position or expressing a personal opinion on an issue when testifying before a legislative committee. That person would have been permitted to provide written information and respond to committee requests either orally or in writing under this amendment.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE CAREY	OTP-AM	H-703 S-367 DAGGETT

LD 1837 proposed to amend the harness racing laws regarding exclusive bargaining agent elections and allows greater voter participation in the election. The bill proposed to establish a compulsory binding arbitration process to resolve disputes between exclusive bargaining agents and commercial racetracks. It would have provided for auditing procedures enabling the exclusive bargaining agents and the Harness Racing Commission to have the purse trust accounts audited. The bill also proposed to amend the definition of a commercial racetrack and makes the definition retroactive to January 1, 1999.

Committee Amendment "A" (H-703) proposed to delete all language in the original bill that would amend the laws pertaining to the relationship between the exclusive bargaining agent and a harness racing track and the distribution of the handle from harness racing events. It clarified the definition of "commercial track" retroactively. The amendment changed the way an eligible voter is determined in the process of selecting the exclusive bargaining agent. It also extended, by one year, the repeal of the laws pertaining to the relationship between the exclusive bargaining agent and a harness racing track. Finally, the amendment proposed to establish a dispute resolution process, which begins with voluntary mediation and requires a racetrack and the exclusive bargaining agent to submit to binding arbitration if no resolution is reached using a mediator.

House Amendment "A" to Committee Amendment "A" (H-706), which was not adopted, proposed to remove all requirements for a harness racing track and the exclusive bargaining agent for the track to submit to binding arbitration.

Senate Amendment "A" to Committee Amendment "A" (S-367) proposed to remove the requirement for binding arbitration and created a more detailed mediation process for the racetrack and the exclusive bargaining agent.

Enacted law summary

Public Law 1999, chapter 482 clarifies the definition of commercial track in the harness racing industry, retroactively, and changes the way an "eligible voter" is determined in the process of selecting an exclusive bargaining agent to work with the tracks. It also extends, by one year, the repeal of the laws pertaining to the relationship between the exclusive

bargaining agent and the harness racing track. Finally, Public Law 1999, chapter 482 establishes a detailed mediation process for the racetrack and the exclusive bargaining agent.

LD 1848 **An Act to Require the Display of the Prisoner of War - Missing in Action Flag** **PUBLIC 302**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHIZMAR BERUBE	OTP-AM	H-369 S-231 MURRAY

LD 1848 proposed to require the Prisoner Of War - Missing In Action flag to be flown above the State House, on a municipal flag pole whenever the flag of the United States is flown and at each reserve and National Guard facility. It also proposed to designate the third Friday in September as Prisoner of War - Missing in Action Recognition Day.

Committee Amendment "A" (H-369) proposed to delete a requirement in the bill that the Prisoner Of War - Missing In Action flag be flown on all municipal flag poles and at Armed Forces reserve facilities. It also added language that makes the display of the Prisoner Of War - Missing In Action flag at municipal offices optional. This amendment added a fiscal note to the bill.

Senate Amendment "A" (S-231) proposed, on behalf of the Committee on Bills in the Second Reading, to avoid a conflict with Public Law 1999, chapter 19, which enacted a substantively different provision using an identical statute section number.

Enacted law summary

Public Law 1999, chapter 302 requires the Prisoner Of War - Missing In Action flag to be flown above the State House and at Armed Forces reserve facilities. The display of the Prisoner Of War - Missing In Action flag is optional at municipal offices under this law.

LD 1856 **An Act Concerning the Distribution of Beer and Wine** **ONTP**

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

LD 1856 proposed to require that all beer and wine brands or labels distributed by a licensed beer and wine wholesaler to be made available to all retail licensees within that distributor's delivery area. If the brand or label is available to the wholesaler on allocation, then all retail licensees would have been able to purchase the product on a percentage basis under this bill.

LD 1869 **An Act to Establish the Emergency Management Preparedness and Assistance Trust Fund** **ONTP**

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

LD 1869 proposed to establish the Emergency Management Preparedness and Assistance Trust Fund to be administered by the Maine Emergency Management Agency to provide disaster assistance to local governmental units and others to match federal disaster assistance funds, to provide disaster assistance to local governments when federal funds are not available and to further the support of state disaster assistance capabilities.

LD 1894

An Act to Amend the Statutes Regarding Maine Veterans

PUBLIC 288

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MAYO	OTP-AM	S-150

LD 1894 proposed to clarify that the Maine Veterans' Homes can provide nonnursing facility care and services to eligible Maine veterans, if approved by appropriate federal and state authorities.

The bill also proposed to require that stipend funds received from the federal Veterans' Administration and retained by the Maine Veterans' Homes are to be used primarily for the payment of debt service on the debt payable by the Maine Veterans' Homes.

The bill also proposed to require veterans being discharged from hospitals and nursing facilities and requiring continuing care to receive sufficient notice of the availability statewide of the facilities and services of the Maine Veterans' Homes.

Committee Amendment "A" (S-150) proposed to remove the requirement that hospitals and nursing facilities inform certain patients of the availability of veterans' services.

Enacted law summary

Public Law 1999, chapter 288 provides that the Maine Veterans' Homes can provide nonnursing facility care and services to eligible Maine veterans, if approved by federal and state authorities. This law also requires that stipend received from the federal Veterans' Administration and retained by the Maine Veterans' Homes are to be used primarily for the payment of debt service on the debt payable by the Maine Veterans' Homes.

LD 1901 An Act to Prohibit the Scalping of Entertainment Tickets CARRIED OVER

<u>Sponsor(s)</u> SULLIVAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1901, which has been carried over to the Second Regular Session, proposes to make it unlawful to resell a ticket to a sporting event or other public entertainment at a public facility at an inflated price, a practice commonly known as "ticket scalping."

LD 1903 Resolve, to Study the Needs of Maine Veterans and Their Families ONTP

<u>Sponsor(s)</u> GERRY RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1903 proposed to establish the Commission to Study the Needs of Maine Veterans and Their Families. It would have required a report to the Legislature by January 1, 2000.

LD 1918 An Act to Change Certain Laws Affecting the State Legislature ONTP

<u>Sponsor(s)</u> MACK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1918 proposed to change current law to permit the Governor, a member of the Legislature or any constitutional officer or their staffs to accept campaign contributions up until the second day of January after the Legislature convenes instead of the date on which the Legislature convenes. This bill would have also specified that only lobbyists or lobbyist associates that are registered in this State are prohibited from contributing to campaigns during the time when the Legislature is meeting.

LD 1932 An Act to Create the Beano and Games of Chance Commission CARRIED OVER

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1932, which has been carried over to the Second Regular Session, proposes to create the Beano and Games of Chance Commission. It is proposing to replace the Chief of the State Police as the administrator of the beano and

games of chance laws with the commission. The Chief of the State Police remains the enforcement body with regard to beano and games of chance.

The Beano and Games of Chance Commission would consist of five members appointed by the Governor and subject to approval by the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs.

LD 1938 **An Act to Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict** **PUBLIC 462**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM	S-291 S-330 DAGGETT

LD 1938 proposed to expand the description of the Persian Gulf War period in various provisions of law to coincide with the federally recognized war period. It proposed to give Persian Gulf War veterans the same preferences in employment, rights to burial in the Veterans' Memorial Cemetery and property tax exemptions as veterans of other wars.

Committee Amendment "A" (S-291) proposed to add a mandate preamble and a fiscal note to the bill.

Senate Amendment "A" (S-330) proposed to extend to Vietnam veterans who served in the Republic of Vietnam during the federally recognized period the same preferences in employment, rights to burial in the Veterans' Memorial Cemetery and property tax exemptions that veterans of other wars receive.

Enacted law summary

Public Law 1999, chapter 462 expands the description of the Persian Gulf War to coincide with the federally recognized war period. It gives those who served in the Persian Gulf War or those who served in the Republic of Vietnam during the Vietnam War the same preferences in employment, rights to burial in the Veterans' Memorial Cemetery and property tax exemptions that veterans of other wars receive.

LD 1945 **Resolve, Authorizing the Family of Adam Wilson to Sue the Town of Rockport** **ONTP**

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

LD 1945 proposed to authorize Theresa, Kenneth and Adam Wilson, of Warren, to sue the Town of Rockport for damages resulting from an accident on Route 73 in Thomaston, Maine.

Committee Amendment "A" (H-348), which was not adopted, is the minority report of the Joint Standing Committee on Legal and Veterans Affairs, and proposed to do the following:

1. Add a mandate preamble;
2. Reference the standards that must be applied by the court in determining any liability or damages;
3. Increase the amount of recovery authorized from \$500,000 to \$750,000;

- 4. Remove section 2 of the resolve as it is redundant; and
- 5. Add a fiscal note to the resolve.

LD 1997 **An Act to Amend the Election Laws to Prohibit Signing Nomination Papers for More than the Number of Seats Available** **ONTP**

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

LD 1997 proposed to amend current law regarding elections to town offices by restoring the provision, deleted in 1995, that a voter may sign only as many nomination papers for each office as there are vacancies to be filled. The bill also proposed to extend this limitation to nomination papers for state and county offices.

LD 2008 **An Act to Amend the Maine Clean Election Act** **ONTP**

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

LD 2008 proposed to amend the Maine Clean Election Act to eliminate the requirement that a candidate raise a certain amount of money in order to get public financing. The bill would have required that in order to be certified as a Maine Clean Election Act Candidate, the candidate must collect twice the number of signatures required for a candidate by petition.

LD 2020 **Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL KIEFFER		

LD 2020, which has been carried over to the Second Regular Session, proposes to direct the Department of Public Safety, Bureau of Liquor Enforcement to license an agency liquor store in the City of Caribou no later than 60 days after the effective date of this resolve.

LD 2032 **An Act to Clarify Maine's Campaign Finance Laws** **CARRIED OVER**

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

LD 2032, which has been carried over to the Second Regular Session, proposes to exempt a candidate for Governor from the limitations on contributions if an opponent or spouse of an opponent lends or contributes an aggregate of at least \$25,000 to the opponent's gubernatorial campaign.

LD 2061

An Act to Enhance Harness Racing in the State

INDEF PP

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

LD 2061 proposed to authorize the operation of video lottery terminals at existing regulated pari-mutuel facilities and establish the State's share of net terminal income at 40%.

This bill was not referenced to a committee.

LD 2133

Resolve, Directing the Commission on Governmental Ethics and Election Practices to Simplify the Reporting Form for Candidates CARRIED OVER

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

LD 2133, which has been carried over to the Second Regular Session, proposes to direct the Commission on Governmental Ethics and Election Practices to revert to the format used in the reporting form for candidates in 1996, except that a check-off box may be added to identify the nature of certain types of expenditures and revenues.

LD 2134

An Act to Improve Maine's Ballot Access Law

ONTP

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

LD 2134 proposed to remove the provision in current law for the establishment of a political party that requires a candidate for Governor or President from the proposed party to get 5% of the total vote cast in the last preceding gubernatorial or presidential election. It proposed to replace this provision with the requirement that provides a list of registered voters, enrolled or provisionally enrolled in the proposed party, equal at least 1/2 of 1% of the total number of Maine residents (about 6,000 voters) in order to establish the party. The bill would have also allowed for provisional enrollment in parties seeking full party status. Under this proposal, an enrollee would have been provisional until such time as the party attains full party status.

LD 2141

An Act to Remove the Limit on the Amount of Complimentary Wine that a Wine Retailer may Receive Annually CARRIED OVER

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

LD 2141, which has been carried over to the Second Regular Session, proposes to remove the limit on the amount of wine samples that certain retailers licensed to sell wine may receive from a small brewery, farm winery or wholesaler.

LD 2148

An Act to Improve Harness Racing in the State

CARRIED OVER

Sponsor(s)
TESSIER

Committee Report

Amendments Adopted

LD 2148, which has been carried over to the Second Regular Session, proposes to authorize the operation at existing regulated pari-mutuel facilities of video lottery terminals and would establish the State's share of net terminal income at 40%.

LD 2153

An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office

CARRIED OVER

Sponsor(s)
MCALEVEY

Committee Report

Amendments Adopted

LD 2153, which has been carried over to the Second Regular Session, proposes to require a state Legislator who is running for a federal office to file a report with the Commission on Governmental Ethics and Election Practices. This bill also would change the law to exempt solicitations or contributions made during a legislative session for the purposes of supporting a campaign for federal office.

LD 2162

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote

CARRIED OVER

Sponsor(s)
BRENNAN
DAGGETT

Committee Report

Amendments Adopted

LD 2162, which has been carried over to the Second Regular Session, proposes upon approval at referendum, to remove the current restriction that prohibits persons with a mental illness from voting.

LD 2183

An Act to Clarify Provisions of the Laws Administered by the Commission on Governmental Ethics and Election Practices

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

LD 2183, which has been carried over to the Second Regular Session, proposes to clarify numerous issues affecting the efficiency and performance of the Commission on Governmental Ethics and Election Practices. It would more clearly outline for Legislators the standards of conduct and conflict of interest provisions, financial disclosure requirements, advisory opinions and conflict of interest complaint procedures. The bill proposes to make consistent with other provisions of law those items that are considered a gift to Legislators. Penalty provisions of \$10 per day for failure to file a financial disclosure report are proposed. A four-year statute of limitations for complaints on legislative conduct is proposed.

The duties and responsibilities of the treasurer for a political action committee are clarified. The bill allows a deputy treasurer to be appointed as having the same authority as the treasurer. Procedures and requirements for dissolving political action committees also are outlined.

A limitation on the use of campaign contributions for personal use is proposed and those things that are considered personal use are described.

The bill grants the commission greater flexibility in determining penalties for violations concerning campaign finance reports if bona fide efforts were made to file the report.

This bill was submitted on behalf of the Commission on Governmental Ethics.

LD 2195 An Act to Allow a Specialty Wine Store to Provide Free Wine Samples CARRIED OVER

<u>Sponsor(s)</u> MACK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2195, which has been carried over to the Second Regular Session, proposes to allow a specialty wine store to give wine samples. The bill is proposing to require the store to have a designated area for the sampling of the wine and also to establish conditions under which the wine sampling may take place. Finally, the bill is proposing to allow an unlimited number of taste testings per month and require a retail licensee to charge for the wine tasting.

LD 2200 An Act to Permit Persons Out-of-state to Ship Malt Liquor and Wine to Maine Residents CARRIED OVER

<u>Sponsor(s)</u> LAWRENCE WHEELER G		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2200, which has been carried over to the Second Regular Session, proposes to allow a person outside of this State to ship to a household in Maine up to 2.4 gallons of malt liquor and 2.4 gallons of wine per month.

LD 2224 An Act to Clarify the Definitions of "Contribution" and "Expenditure" under the Campaign Finance Laws PUBLIC 432

<u>Sponsor(s)</u> ROWE LAWRENCE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-676
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LD 2224 proposed to clarify what the definition of "contribution" does not include for the purposes of the law regarding campaign reports and finances. This bill also proposed to clarify what the definition of "expenditure" does not include for the purposes of the law regarding campaign reports and finances. Under the bill neither contributions nor expenditures would include documents created or maintained by a political party for the general purposes of party building, certain compensation paid by a political party to an employee, campaign training sessions provided to three or more candidates or the use of office equipment that involves no additional cost to the provider.

Joint Standing Committee on Marine Resources

LD 16

An Act to Close Elver Fishing on the West Side of the Orland River

**PUBLIC 18
EMERGENCY**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-62
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LD 16 proposed to ban elver fishing on the west bank of the Narramissic River in Orland.

Committee Amendment "A" (H-62) proposed to change the title of the bill and to clarify that elver fishing within the west side of the Orland River in Orland is prohibited.

Enacted law summary

Public Law 1999, chapter 18 clarifies that elver fishing within the west side of the Orland River in Orland is prohibited.

Chapter 18 was enacted as an emergency measure effective March 19, 1999.

LD 129

An Act to Prohibit the Harvesting of Elvers

CARRIED OVER

<u>Sponsor(s)</u> HARRIMAN HONEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 129 proposes to prohibit the harvesting of elvers by making it illegal to take, possess or sell eel that is less than 6 inches in length.

LD 142

An Act to Eliminate the Student Lobster License

ONTP

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 142 proposed to eliminate the student lobster and crab fishing license.

LD 145

An Act to Withdraw from the Atlantic States Marine Fisheries Commission and the Atlantic States Marine Fisheries Compact

ONTP

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 145 proposed to withdraw the State from participation in the Atlantic States Marine Fisheries Compact and the Atlantic States Marine Fisheries Commission.

Committee Amendment "A" (H-29), the minority report of the Joint Standing Committee on Marine Resources, proposed to remove the emergency preamble and emergency clause from the bill. It proposed to add a reference to the section of law that relates to renunciation of the Atlantic States Marine Fisheries Compact. It also proposed to add an appropriation section to the bill to reflect the elimination of the annual dues requirement after withdrawal from the Atlantic States Marine Fisheries Commission. This amendment was not adopted.

LD 160 **An Act to Establish a Sliding Scale for That Portion of the Lobster License Fee Paid to the Lobster Promotion Council** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 160 proposed to establish a sliding scale for the surcharge assessed on lobster and crab fishing licenses for deposit in the Lobster Promotion Fund. The amount of the surcharge would be based on the number of lobster trap tags purchased by the license holder.

LD 173 **An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers** **CARRIED OVER**

<u>Sponsor(s)</u> RUHLIN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 173 proposes to prohibit the use of fyke nets to fish for or take elvers.

LD 203 **An Act to Clarify That a Person Who Fishes for Lobster May Fish in More than One Zone** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 203 proposed to clarify that a person who fishes for lobsters may not be limited to fishing in only one lobster management zone.

LD 238 **An Act to Require Criehaven Lobster Fishing Boats to Have Propeller Cages** **ONTP**

<u>Sponsor(s)</u> PINGREE		<u>Committee Report</u> ONTP MAJ OTP MIN		<u>Amendments Adopted</u>
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LD 238 proposed to require that lobster boats operated between June 1st and October 31st in Criehaven waters be equipped with protective propeller cages to prevent the cutting and damaging of warps, ropes and lines associated with lobster traps.

LD 248 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Fund the Governor's Marine Studies Fellowship Program** **ONTP**

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

LD 248 proposed to appropriate funds to the Governor's Marine Studies Fellowship Program to provide support for undergraduate and graduate students enrolled in state-chartered colleges and universities to work with researchers in academic institutions, marine industries and marine industry associations.

The provisions of the bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401).

LD 298 **An Act to Allow Town and Municipal Governments to Add Periwinkles to Their Clam Ordinances** **ONTP**

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

LD 298 proposed to permit a municipality to regulate the possession of periwinkles through the municipality's shellfish conservation ordinance. The bill also proposed to include unorganized townships in the definition of "municipality" and to permit unorganized townships to adopt regional shellfish management programs.

LD 315 **An Act to Amend the Laws Governing the Marine Resources Advisory Council** **ONTP**

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

LD 315 proposed to expand the Marine Resources Advisory Council from 15 to 17 members by making the chair of the Recreational Marine Advisory Council an ex officio member and by adding a member to represent the charter boat industry.

LD 316 **An Act to Alter Eligibility for New Lobster and Crab Fishing Licenses during the Current Moratorium** **ONTP**

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

LD 316 proposed to amend the current moratorium on the issuance of new Class I, Class II or Class III lobster and crab fishing licenses except to those persons who were licensed in the previous calendar year to allow the Commissioner of Marine Resources to grant a Class I, Class II or Class III lobster and crab fishing license to a person who was licensed at any time since January 1, 1996.

LD 327

Resolve, to Study Limited Effort in the Scallop Fishery

RESOLVE 16

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT PINKHAM	OTP-AM	S-48 H-216 ETNIER

LD 327 proposed to change the scallop season to December 1st to April 15th from the current season of November 1st to April 15th and to require a minimum 3 1/4-inch ring diameter for scallop drags from December 1, 1999 to April 15, 2001 and a 3 1/2-inch ring diameter after December 1, 2001. The bill proposed to limit scallop drag width to 5 feet, 6 inches from December 1st to December 31st and 10 feet, 6 inches from January 1st to April 15th.

Committee Amendment "A" (S-48) proposed to replace the bill with a resolve and change the title. The amendment proposed to require the Commissioner of Marine Resources to study limited effort in the scallop fishery and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by January 1, 2000. In developing the findings and recommendations, the commissioner would be required to consult with representatives of the scallop fishing industry and other interested parties. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding limited effort in the scallop fishery.

House Amendment "A" to Committee Amendment "A" (H-216) proposed to change the reporting date from January 1, 2000 to December 31, 1999.

Enacted law summary

Resolve 1999, chapter 16 requires the Commissioner of Marine Resources to study limited effort in the scallop fishery and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. In developing the findings and recommendations, the commissioner shall consult with representatives of the scallop fishing industry and other interested parties. The law authorizes the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding limited effort in the scallop fishery.

LD 387

An Act to Exempt Persons 70 Years of Age and Older From Paying the Fee for Commercial Shellfish Licenses

INDEF PP

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

LD 387 proposed to exempt persons 70 years of age and over from the \$63 fee for a commercial shellfish license.

Committee Amendment "A" (H-90) proposed to establish an effective date of May 1, 2000 for the legislation. This amendment was adopted in both the House and the Senate, but the bill and the amendment were later indefinitely postponed.

LD 388

An Act to Prohibit the Dragging for Mussels in Portions of Hancock County and Washington County for Certain Times of the Year

ONTP

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

LD 388 proposed to prohibit a person from dragging for mussels from April 1st to October 31st in certain waters in Hancock County and Washington County. It proposed to exempt from this prohibition people who possess aquaculture leases to grow or harvest mussels in those waters.

LD 408

An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program

PUBLIC 281

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM CASSIDY	OTP-AM	H-308

LD 408 proposed to provide four additional cases under which the Commissioner of Marine Resources may grant a waiver from the lobster apprenticeship program. A waiver could be granted when a person documents: a medical reason for not renewing a lobster and crab fishing license in the previous calendar year; that services in the United States Armed Forces prevented that person from participating in the lobster fishery; that the person held a lobster and crab fishing license for at least two consecutive years in the last 10 years; or that at least 50% of that person's income came from harvesting lobsters in one of the previous five years.

The bill also proposed to require the Marine Resources Advisory Council to review waiver requests and recommend approval or denial to the Commissioner of Marine Resources.

Committee Amendment "A" (H-308) proposed to repeal on December 31, 1999 the waiver provision that allows the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component or the program length component of the lobster apprenticeship program if a person documents to the commissioner that the person obtained practical lobster fishing experience as a sternman.

Enacted law summary

Public Law 1999, chapter 281 repeals on December 31, 1999 the waiver provision that allows the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component or the program length component of the lobster apprenticeship program if a person documents to the commissioner that the person obtained practical lobster fishing experience as a sternman.

LD 447

An Act to Reinstate the Provision Allowing a Reduction in the Retail Seafood License Fee for Licenses Issued After September 30th

ONTP

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

<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-159
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LD 720 proposed to prohibit the taking of soft shell clams while using an artificial breathing device. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-159) proposed to prohibit the use of an artificial breathing device that allows a person to breathe underwater when fishing for or taking soft shell clams but to exempt the holder of an aquaculture lease from the prohibition when fishing for or taking soft shell clams cultivated on the leased area.

Enacted law summary

Public Law 1999, chapter 112 prohibits the use of an artificial breathing device that allows a person to breathe underwater when fishing for or taking soft shell clams but exempts the holder of an aquaculture lease from the prohibition when fishing for or taking soft shell clams cultivated on the leased area.

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-116
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LD 723 proposed to establish in the Department of Marine Resources a dedicated fund intended to be used for projects and programs for development of marine recreation fisheries opportunities. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-116) proposed to require the Commissioner of Marine Resources to report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in and all expenditures made from the Marine Recreation Fishing Conservation and Management Fund in the previous fiscal year.

The amendment proposed to establish the Marine Recreational Fishing Advisory Council to advise the commissioner on activities that relate to marine recreational fishing and to make recommendations to the commissioner concerning expenditures from the Marine Recreation Fishing Conservation and Management Fund. The amendment also proposed to replace the current member of the Marine Resources Advisory Council who represents recreational marine fishing interests with the chair of the Marine Recreational Fishing Advisory Council. The amendment proposed to add an allocation section to the bill.

Enacted law summary

Public Law 1999, chapter 85 establishes in the Department of Marine Resources a dedicated fund intended to be used for projects and programs for development of marine recreation fisheries opportunities and requires the Commissioner of Marine Resources to report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in and all expenditures made from the Marine Recreation Fishing Conservation and Management Fund in the previous fiscal year.

The law establishes the Marine Recreational Fishing Advisory Council to advise the commissioner on activities that relate to marine recreational fishing and to make recommendations to the commissioner concerning expenditures from

the Marine Recreation Fishing Conservation and Management Fund. The law also replaces the current member of the Marine Resources Advisory Council who represents recreational marine fishing interests with the chair of the Marine Recreational Fishing Advisory Council.

LD 757

An Act Concerning Recreational Clam Harvesting Licenses

PUBLIC 255

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-164
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LD 757 proposed to clarify that municipalities that implement municipal shellfish management programs that include noncommercial licenses must issue them using the same procedures that are applied to the issuance of commercial licenses. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-164) proposed to require municipalities that implement shellfish conservation programs and that issue recreational shellfish licenses to residents to make available to nonresidents a number of recreational licenses equal to 10% of the number of licenses issued to residents.

The amendment proposed to specify that a certified municipal shellfish conservation warden may arrest violators of the municipality's shellfish ordinances if the warden is authorized by the municipality to make arrests and is trained at the Maine Criminal Justice Academy. The amendment also proposed to specify that a certificate of the clerk of a municipality is admissible as evidence in all courts as proof of the municipal records relating to a shellfish conservation ordinance.

The amendment proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 1999, chapter 255 requires municipalities that implement shellfish conservation programs and that issue recreational shellfish licenses to residents to make available to nonresidents a number of recreational licenses equal to 10% of the number of licenses issued to residents.

The law specifies that a certified municipal shellfish conservation warden may arrest violators of the municipality's shellfish ordinances if the warden is authorized by the municipality to make arrests and trained at the Maine Criminal Justice Academy. The law also specifies that a certificate of the clerk of a municipality is admissible as evidence in all courts as proof of the municipal records relating to a shellfish conservation ordinance.

LD 801

An Act to Strengthen Marine Fisheries Conservation Protection

PUBLIC 52

<u>Sponsor(s)</u> GOLDTHWAIT HONEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 801 proposed to add the crime of molesting lobster gear to the list of crimes that can not be resolved by an agreement between the aggrieved party and the defendant that allows the defendant to avoid adjudication and possible conviction. This bill was submitted on behalf of the Department of Marine Resources.

Enacted law summary

Public Law 1999, chapter 52 adds the crime of molesting lobster gear to the list of crimes that can not be resolved by a settlement agreement between the aggrieved party and the defendant that allows the defendant to avoid adjudication and possible conviction.

LD 802

An Act to Make Technical Changes in the Marine Resources Laws

PUBLIC 26

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

LD 802 proposed to make the following changes to the marine resource laws. It proposed to add "spouse" to the definition of family member, it proposed to move the provisions regarding sea urchin zone changes to a more applicable statutory section and it proposed to place an exception for lobster meat processed under a lobster tail permit in the section of law that specifies the size and condition of lobster meat in order to make those sections consistent. This bill was submitted on behalf of the Department of Marine Resources.

Enacted law summary

Public Law 1999, chapter 26 makes several technical changes to the marine resources laws, including adding "spouse" to the definition of family member, moving the provisions regarding sea urchin zone changes to a more applicable statutory section and placing an exception for lobster meat processed under a lobster tail permit in the section of law that specifies the size and condition of lobster meat in order to make those sections consistent.

LD 803

An Act to Increase the Penalties for Violation of Lobster Conservation Laws

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-33

LD 803 proposed to increase the monetary fines for conviction for violation of certain lobster conservation laws. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-33) proposed to increase several of the fines for violation of certain lobster conservation laws beyond the increases proposed in the bill. The amendment proposed a fine of \$2,000 for possession of lobsters that are less than the minimum size or more than the maximum size, if the number of lobsters involved in the violation cannot be determined. It proposed a fine of \$100 per lobster for possession of lobsters caught by any method other than conventional lobster traps. It proposed a fine of \$100 per lobster for possession of egg-bearing lobsters and \$50 per lobster for possession of v-notched lobsters. It proposed a fine of \$500 for each violation of the law against removing extruded eggs from female lobsters plus a fine of \$150 per lobster involved.

Enacted law summary

Public Law 1999, chapter 82 increases several of the monetary fines for violation of certain lobster conservation laws, including possession of lobsters that are less than the minimum size or more than the maximum size, possession of

lobsters caught by any method other than conventional lobster traps, possession of egg-bearing lobsters, possession of v-notched lobsters and removal of extruded eggs from female lobsters.

LD 804 **An Act to Prohibit the Appointment of Lobbyists to the New England Fishery Management Council** **ONTP**

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

LD 804 proposed to prohibit the Governor from nominating a lobbyist for appointment to the New England Fishery Management Council if that lobbyist is or has been during the previous 24 months employed by an entity whose interests could be affected by the decisions of the council.

LD 805 **An Act to Close Certain Areas to the Harvesting of Herring** **ONTP**

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

LD 805 proposed to require the Commissioner of Marine Resources to identify the location of all coastal waters that serve as spawning areas for herring. It also proposed to close those areas to the harvest of herring from August 15th to September 28th.

LD 816 **An Act to Change the Size of Rings on Scallop Drags** **ONTP**

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

LD 816 proposed to change the size of the rings on scallop drags that may be used to fish for or take scallops from 3 1/4" to 3 1/2" starting November 1, 1999.

LD 819 **An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery** **P & S 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	OTP-AM	H-44

LD 819 proposed to appropriate \$15,000 to the Department of Marine Resources in each of fiscal years 1999-00 and 2000-01 for the establishment of a grant to the Maine Aquaculture Innovation Center to support the hatching and raising of seed clams at the Beals Island Regional Shellfish Hatchery.

Committee Amendment "A" (H-44) proposed to specify that the \$15,000 appropriation would be used to support outreach activities at the Beals Island Regional Shellfish Hatchery rather than the hatching and raising of seed clams.

Enacted law summary

Private and Special Law 1999, chapter 47 appropriates \$15,000 to the Department of Marine Resources in each of fiscal years 1999-00 and 2000-01 for the establishment of a grant to support outreach activities at the Beals Island Regional Shellfish Hatchery.

LD 843 An Act to Regulate Anchors Used in Elver Fishing ONTP

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

LD 843 proposed to require that a person attach a tag to each anchor used on elver fyke nets. The tag would have to include the person's name and elver fishing license number. The bill also proposed to require that elver fyke net anchors be removed from rivers, streams and brooks when the elver fyke net is removed.

LD 849 An Act Regarding Lobster Trap Escape Vent Dimensions ONTP

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

LD 849 proposed to change the lower dimensions for lobster trap escape vents to 1 7/8 inches. It also proposed to repeal the authority of the Commissioner of Marine Resources to adjust by rule lobster trap escape vent dimensions.

LD 871 An Act to Amend the Process for Granting Aquaculture Leases CARRIED OVER

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

LD 871 proposes to require the Department of Marine Resources, in considering the issuance of aquaculture leases in areas in which pollution has created conditions that adversely affect traditional fisheries, to make an assessment of any pollution abatement activities that may be occurring and when the area may be suitable again for traditional fisheries. If the department finds that a polluted area will be sufficiently cleansed to support fishing uses within a year of the application, it would be required to make this finding clear in all notices of the hearing on the lease. The department could not issue a lease for a polluted area if the area would be suitable for fishing uses within one year of the application and the department finds that the aquaculture project would unreasonably interfere with future fishing uses of the area.

LD 886

Resolve, to Study Lobster Hatcheries

**RESOLVE 21
EMERGENCY**

Sponsor(s)
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
H-248

LD 886 proposed to create the Lobster Hatchery Fund, which would be used by the Commissioner of Marine Resources to establish a lobster hatchery in each lobster management zone. The fund would be capitalized by an annual \$25 surcharge on each commercial lobster license.

Committee Amendment "A" (H-248) proposed to replace the bill with a resolve, change the title and add an emergency preamble and an emergency clause. The amendment proposed to establish the Committee to Study the Establishment of Lobster Hatcheries, composed of 10 members, and to direct the committee to examine the feasibility and cost of establishing lobster hatcheries and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

Enacted law summary

Resolve 1999, chapter 21 establishes the Committee to Study the Establishment of Lobster Hatcheries, composed of 10 members, and directs the committee to examine the feasibility and cost of establishing lobster hatcheries and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The law also authorizes the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

This resolve was enacted as an emergency measure effective May 11, 1999.

LD 901

An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements

PUBLIC 94

Sponsor(s)
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
H-115

LD 901 proposed to shorten the open scallop season by one month. It proposed to require scallop rings to measure 3 1/2 inches in diameter. Current law requires a 3 1/2 inch ring size beginning on November 1, 2001. It also proposed to prohibit scallop fishing on Sundays. In addition, the bill proposed to provide for a uniform open season along the entire Maine coast by repealing the commissioner's authority to adjust the season by rule.

The bill also proposed to adjust the dates of limits on the size of scallop drags by prohibiting use of a drag with a width greater than 5 1/2 feet from December 1st to December 31st and prohibiting use of a drag with a width greater than 10 1/2 feet from January 1st to April 15th.

Committee Amendment "A" (H-115) proposed to shorten the open scallop season by one month. It proposed to require scallop rings to measure 3 1/2 inches in diameter beginning on December 1, 2000. The amendment also proposed to eliminate the smaller size limit on scallop drags for the opening month of the season and instead maintain the size limit of 10 feet, 6 inches for the entire open scallop season.

House Amendment "A" to Committee Amendment "A" (H-127) proposed to maintain the current open season of November 1st to April 15th for persons taking scallops under a noncommercial scallop license. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 94 shortens the open scallop season by one month by changing the opening day from November 1st to December 1st. It requires scallop rings to measure 3 1/2 inches in diameter beginning on December 1, 2000. Current law requires a 3 1/2 inch ring size beginning on November 1, 2001. The law also eliminates the smaller size limit on scallop drags for the opening month of the season and instead maintains the size limit of 10 feet, 6 inches for the entire open scallop season.

LD 905 An Act Concerning the 1999 Elver Fishery

**PUBLIC 7
EMERGENCY**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-13
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LD 905 proposed to make the following changes to the elver fishing laws:

1. To clarify the definition of an elver dip net;
2. To provide that in 2001 the Department of Marine Resources may not issue an elver fishing license once the season has begun;
3. To specify that the open season for elver fishing is April 1st to May 31st;
4. To specify that the cod end of a fyke net must have a rigid opening during the time when the net is not allowed to be in fishable condition;
5. To specify that it is unlawful to build or use an artificial platform for elver fishing;
6. To establish a separation zone with regard to the placement of fyke nets; and
7. To establish that it is a rebuttable assumption that an individual is molesting the net of another if that individual is not the person to whom the net tag on the net was issued.

This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-13) proposed to do the following:

1. To limit entry into the elver fishery to conserve the resource by specifying that elver fishing licenses may be issued only to people who held elver fishing licenses during the 1996, 1997 and 1998 elver fishing seasons and therefore have shown a long-term interest and investment in the elver fishery;
2. To specify that the open season for elver fishing is March 22nd to May 31st and to clarify that the Department of Marine Resources may not issue an elver fishing license during the open season for elver fishing;
3. To establish a minimum age of 15 years old for elver fishing;
4. To limit the eligibility of nonresidents to purchase elver fishing licenses to those nonresidents from states that allow Maine residents to purchase elver fishing licenses;

5. To strike the requirement in the bill that the cod end of an elver fyke net must be closed during the closed period for elver fishing but to maintain the requirement that the cod end must contain a rigid device with an opening not less than three inches in diameter during the closed period and specify that the opening must not exceed six inches in length;
6. To limit the amount of gear that a person may utilize to a maximum combined total of two elver dip nets, elver fyke nets and Sheldon eel traps. A person may not utilize more than the average number of elver dip nets, elver fyke nets and Sheldon eel traps that person used during the past three elver fishing seasons;
7. To prohibit a person from building or using an artificial platform to fish for elvers and to require a person to immediately release any bycatch caught in an elver fyke net;
8. To clarify placement requirements for elver fyke nets, to authorize a marine patrol officer to open the cod end of a net that is located in violation of those requirements, and to give the Commissioner of Marine Resources authority to adopt rules relating to the placement of elver fishing gear if necessary because of the configuration of a river, stream, brook or other watercourse;
9. To prohibit the tending of another person's gear except with written permission from a marine patrol officer and for the purpose of releasing captured elvers if the person issued a tag for the gear is unable to tend the gear because of a disability or medical condition. It proposed to require that gear be removed from the water if the license holder is unable to tend the gear for more than two weeks;
10. To authorize the Commissioner of Marine Resources not to renew the elver dealer's license of a dealer who does not meet reporting requirements;
11. To require the Commissioner of Marine Resources to submit a report by November 1, 1999 to the Joint Standing Committee on Marine Resources with findings on the 1999 elver harvest and recommendations regarding the 2000 elver fishing season. It proposed to authorize the committee to report out legislation concerning elver fishing during the Second Regular Session of the 119th Legislature; and
12. To require the Commissioner of Marine Resources to revoke the 1999 elver fishing license of any person who has purchased a license but does not meet the new eligibility requirements and to refund all license and gear fees paid by that person. It also proposed to require the commissioner to refund any gear fees paid by a person for gear that person is no longer authorized to utilize.

Enacted law summary

Public Law 1999, chapter 7 does the following.

1. It limits entry into the elver fishery to conserve the resource by specifying that elver fishing licenses may be issued only to people who held elver fishing licenses during the 1996, 1997 and 1998 elver fishing seasons and therefore have shown a long-term interest and investment in the elver fishery.
2. It changes the open season for elver fishing to the period from March 22nd to May 31st and clarifies that the Department of Marine Resources may not issue an elver fishing license during the open season for elver fishing.
3. It establishes a minimum age of 15 years old for elver fishing.
4. It limits the eligibility of nonresidents to purchase elver fishing licenses to those nonresidents from states that allow Maine residents to purchase elver fishing licenses.

5. It requires that the cod end of an elver fyke net contain a rigid device with an opening not less than three inches in diameter during the closed period for elver fishing and specifies that the opening must not exceed six inches in length.
6. It limits the amount of gear that a person may utilize to a maximum combined total of two elver dip nets, elver fyke nets and Sheldon eel traps. A person may not utilize more than the average number of elver dip nets, elver fyke nets and Sheldon eel traps that person used during the past three elver fishing seasons.
7. It prohibits a person from building or using an artificial platform to fish for elvers and requires a person to immediately release any bycatch caught in an elver fyke net.
8. It clarifies placement requirements for elver fyke nets and authorizes a marine patrol officer to open the cod end of a net that is located in violation of those requirements. It also gives the Commissioner of Marine Resources authority to adopt rules relating to the placement of elver fishing gear if necessary because of the configuration of a river, stream, brook or other watercourse.
9. It prohibits the tending of another person's gear except with written permission from a marine patrol officer and for the purpose of releasing captured elvers if the person issued a tag for the gear is unable to tend the gear because of a disability or medical condition. It requires that gear be removed from the water if the license holder is unable to tend the gear for more than two weeks.
10. It authorizes the Commissioner of Marine Resources not to renew the elver dealer's license of a dealer who does not meet reporting requirements.
11. It requires the Commissioner of Marine Resources to submit a report by November 1, 1999 to the Joint Standing Committee on Marine Resources with findings on the 1999 elver harvest and recommendations regarding the 2000 elver fishing season. It authorizes the committee to report out legislation concerning elver fishing during the Second Regular Session of the 119th Legislature.
12. It requires the Commissioner of Marine Resources to revoke the 1999 elver fishing license of any person who has purchased a license but does not meet the new eligibility requirements and to refund all license and gear fees paid by that person. It also requires the commissioner to refund any gear fees paid by a person for gear that person is no longer authorized to utilize.

Chapter 7 was enacted as an emergency measure effective March 11, 1999.

LD 906

An Act to Improve Elver Fishery Management

CARRIED OVER

Sponsor(s)
GOLDTHWAIT

Committee Report

Amendments Adopted

LD 906 proposes to amend the elver fishing laws in several ways. It proposes to limit people to holding an elver fyke net license or a dip net license, but not both, and to allow only people who held an elver fyke net license during 1996, 1997 and 1998 to be issued an elver fyke net license beginning in 2000. The bill proposes to allow elver fishing only with a dip net beginning with the 2003 season. The bill also proposes to establish a cap on the number of dip net licenses that may be sold in any year beginning with the 2003 season and a mechanism for bringing new people into the fishery as licenses become available through attrition. It proposes to establish a new fee schedule for licenses and for elver fishing gear and to establish the open and closed seasons for the elver fishery for the years 2000, 2001, 2002 and 2003. The bill also proposes to limit the number of eels that an individual may take for personal purposes. This bill was submitted on behalf of the Department of Marine Resources.

LD 962

An Act to Regulate the Dragging of Scallops on the Medomak River

ONTP

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 962 proposed to prohibit the dragging for scallops on the Medomak River from April 1st to December 31st of each year.

LD 974

An Act to Amend the Laws Regarding Elver Fishing

ONTP

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 974 proposed to establish limits on the purchase of elver fishing licenses. It proposed to prohibit a person from purchasing an elver fishing license unless that person held a license to harvest elvers in 1996, 1997 and 1998. The eligibility requirements would apply to a person who had already purchased a license for the 1999 elver fishing season.

The bill also proposed to set a \$100 fee for each elver fyke net, Sheldon eel trap or dip net that is utilized in addition to the one net or trap that is authorized with the purchase of an elver fishing license.

The bill proposed to allow the Commissioner of Marine Resources to establish days that are closed to elver fishing. It proposed to require the commissioner to use the lunar tide schedule when the commissioner determines those days.

The bill proposed to limit the number of elver fyke nets and Sheldon eel traps that a person may use to the average number of elver fyke nets or Sheldon eel traps that person utilized during the past three elver fishing seasons in which that person participated. It proposed to prohibit a person from using a dip net to harvest elvers, unless that person utilized a dip net in one of the last three elver fishing seasons for which that person held a license, or that person forfeits one elver fyke net or Sheldon eel trap for each dip net used from the average number of elver fyke nets or Sheldon eel traps that person utilized during the past three elver fishing seasons in which that person participated.

The bill proposed to establish two elver fishing zones in the State. Zone 1 would include all coastal waters west of a line that runs approximately down the middle of the Penobscot Bay. The elver fishing season in Zone 1 would be from noon on March 15th to May 31st. Zone 2 would include all coastal waters east of the line. The elver fishing season in Zone 2 would be from noon on April 1st to June 15th. A person would be permitted to fish in either zone during the open season.

The bill also proposed to establish a variety of limitations on the placement of elver gear and the use of elver gear.

The bill proposed to require the Commissioner of Marine Resources to report by August 1, 1999 to the Joint Standing Committee on Marine Resources on the harvest of elvers during the 1999 season and on any recommendations regarding the number of licenses and gear restrictions for the 2000 elver fishing season. The commissioner would be required to convene a meeting with representatives of the elver fishing industry by September 1, 1999 to review the findings of the reports.

LD 1003

An Act to Allow for Navigation in Areas of Elver Fishing

ONTP

<u>Sponsor(s)</u> COWGER HARRIMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1003 proposed to prohibit a person from setting an elver fyke net or Sheldon eel trap in the middle portion of a river, brook, stream or other watercourse that can be navigated by a vessel. The bill also proposed to require a person who sets an elver fyke net or Sheldon eel trap to mark the locations of the net or trap and all associated lines and anchors so that the locations are clearly visible to the operator of a vessel.

LD 1079

An Act to Establish a Framework for Management of Emerging Fisheries

PUBLIC 297

<u>Sponsor(s)</u> GOLDTHWAIT HONEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-264
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LD 1079 proposed to establish authority in the Department of Marine Resources to require an endorsement in conjunction with a commercial fishing license in the event a new or emerging fishery is begun as a means of initiating management to avoid development of the fishery beyond a sustainable level. It proposed to require that the commissioner report the circumstance to the joint standing committee of the Legislature having jurisdiction over marine resources matters. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-264) proposed to authorize the Commissioner of Marine Resources to investigate conditions affecting marine resources and require an endorsement on a commercial fishing license for a harvester to participate in an emerging fishery that is under increasing pressure that could impact its sustainability. The amendment proposed to authorize the commissioner to control the number of individuals engaged in an emerging fishery by limiting the number of endorsements issued for a specific marine organism. The amendment proposed to require the commissioner to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the status of an emerging fishery within 24 months of the issuance of the first endorsement for that fishery.

Enacted law summary

Public Law 1999, chapter 297 authorizes the Commissioner of Marine Resources to investigate conditions affecting marine resources and require an endorsement on a commercial fishing license for a harvester to participate in an emerging fishery that is under increasing pressure that could impact its sustainability. The law authorizes the commissioner to control the number of individuals engaged in an emerging fishery by limiting the number of endorsements issued for a specific marine organism. The law requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the status of an emerging fishery within 24 months of the issuance of the first endorsement for that fishery.

LD 1111

An Act to Clarify the Lobster V-Notch Law

ONTP

<u>Sponsor(s)</u> LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1111 proposed to allow a person to possess a v-notch lobster if the notch cut measures 1/8 inch or less into the flipper.

LD 1113 An Act to Prohibit Elver Fyke Nets on Certain Rivers ONTP

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1113 proposed to prohibit the use of elver fyke nets on certain portions of the Pennamaquan, Machias, East Machias, Dennys, Narraguagus, Union, Penobscot, Ducktrap, Kennebec, Androscoggin, Saco and York Rivers.

LD 1115 An Act to Ensure Safety in the Sale of Shellfish DIED BETWEEN BODIES

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1115 proposed to limit shellfish harvesters who are not also certified shellfish dealers to selling shellfish they have harvested only to certified dealers or to the final consumer. This bill was submitted on behalf of the Department of Marine Resources.

LD 1116 An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture PUBLIC 156 EMERGENCY

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-124 GOLDTHWAIT
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LD 1116 proposed to expand the exemption for the possession of an organism grown on aquaculture lease sites that is less than the minimum or more than maximum size allowed from finfish only to any marine organism approved for growing on a lease site. The bill also proposed to provide that a special license may authorize the holder to sell, ship or transport a marine organism that is less than the minimum legal size if the organism is grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement. This bill was submitted on behalf of the Department of Marine Resources.

Senate Amendment "A" (S-124) proposed to add an emergency preamble and emergency clause to the bill and to repeal the repeal date for the Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council.

Enacted law summary

Public Law 1999, chapter 156 expands the exemption for the possession of an organism grown on aquaculture lease sites that is less than the minimum or more than maximum size allowed from finfish only to any marine organism approved for growing on a lease site. The law also provides that a special license may authorize the holder to sell, ship or transport a marine organism that is less than the minimum legal size if the organism is grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement. The law also repeals the repeal date for the

Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council.

Chapter 156 was enacted as an emergency measure effective May 12, 1999.

LD 1139 **An Act to Amend the Law for Children of Lobster License Holders** **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1139 proposed to amend the apprentice program for new entrants into Maine's lobster fishery by authorizing the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component or the program length for a person who is the child of a lobster and crab fishing license holder and who has obtained practical lobster fishing experience as an unlicensed crew member assisting that license holder.

LD 1154 **An Act to Make November 1st the Opening Day of the Scallop Season throughout the State** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1154 proposed to provide for a uniform open season for scallop fishing along the entire coast of Maine.

LD 1171 **An Act to Provide for Management of the Harvest of Seaweed** **PUBLIC 501**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-114
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LD 1171 proposed to increase seaweed permit fees and to establish the Seaweed Management Fund to be used to research and manage seaweed resources and to enforce laws and rules related to seaweed. The bill also proposed to authorize the Commissioner of Marine Resources to adopt rules regulating the harvest of seaweed.

Committee Amendment "A" (S-114) proposed to adjust the seaweed permit fees proposed in the bill by setting a lower fee for the resident seaweed permit and higher fees for the nonresident seaweed permit and the supplemental seaweed permit and establishing a nonresident supplemental seaweed permit. The amendment proposed to strike shipping and selling from the list of activities that may be undertaken with a supplemental seaweed permit. It also proposed to specify that the Commissioner of Marine Resources shall use the Seaweed Management Fund in accordance with an annual plan for expenditures.

The amendment proposed to clarify that the commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis.

The amendment proposed to require the Commissioner of Marine Resources to submit a report by December 31, 1999 to the Joint Standing Committee on Marine Resources regarding seaweed permits and the Seaweed Management Fund. It also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation regarding seaweed permits and the Seaweed Management Fund to the Second Regular Session of the 119th Legislature.

Enacted law summary

Public Law 1999, chapter 501 increases seaweed permit fees and establishes a new nonresident supplemental seaweed permit. The law also establishes the Seaweed Management Fund to be used to research and manage seaweed resources and to enforce laws and rules related to seaweed. The law authorizes the Commissioner of Marine Resources to adopt rules regulating the harvest of seaweed on a species-specific basis. It also requires the Commissioner of Marine Resources to submit a report by December 31, 1999 regarding seaweed permits and the Seaweed Management Fund and authorizes the Joint Standing Committee on Marine Resources to report out legislation regarding seaweed permits and the Seaweed Management Fund to the Second Regular Session of the 119th Legislature.

LD 1173

An Act Regarding Elver Fishing

ONTP

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1173 proposed to require the Commissioner of Marine Resources to classify elver fishing rivers, brooks and streams as Class I, Class II or Class III elver waters, based on the flow volume of the watercourse. Elver harvesting on Class I and Class II rivers would be limited to dip nets. Municipalities would be able to petition the commissioner to close elver fishing on Class I waters. Elvers could be harvested on Class III waters with elver fyke nets, Sheldon eel traps and dip nets and harvesting on Class III waters would alternate banks each year. The bill proposed to establish separate elver fishing licenses for Class I, Class II and Class III waters.

The bill also proposed to require the Commissioner of Marine Resources to determine the number of dip net licenses that could be issued annually under the licenses for Class I, Class II and Class III waters. If the number of dip net license applications for a license category exceeded the number of license openings for that category, the commissioner would be required to hold a lottery to determine who would obtain a license in that category. A person issued a dip net license could utilize only one dip net.

The bill proposed to require the Commissioner of Marine Resources to establish elver fyke net sites in Class III waters. If more than one person chose a particular site, their names would be entered into a general lottery for elver fyke net sites. A person issued a Class III license could use only two elver fyke nets, two Sheldon eel traps or one elver fyke net and one Sheldon eel trap.

LD 1288

**An Act to Establish a Lobster License for 30-year Residents of the State
Who are 65 Years of Age or Older**

ONTP

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1288 proposed to establish a lobster and crab fishing license for residents 65 years of age or older who, at the time of application, had been full-time residents of the State for each of the previous 30 years. The holder of a 30-year resident license would be authorized to fish up to 150 lobster traps.

Sponsor(s)
HARRIMAN
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
S-145

LD 1316 proposed to prohibit the Commissioner of Marine Resources from issuing an aquaculture lease within municipal boundaries of a municipality with a shellfish conservation program without the written consent of the municipal officers. It also proposed that a criterion that must be met before the commissioner may grant a lease is that the proposed project not unreasonably interfere with potentially viable fisheries.

Committee Amendment "A" (S-145) proposed to prohibit the Commissioner of Marine Resources from leasing an area in the intertidal zone for aquaculture within a municipality with a shellfish conservation program without the consent of the municipal officers.

The amendment proposed to add to the criteria for an aquaculture lease to be granted that the proposed project will not unreasonably interfere with public access to a redeemable shellfish resource for the purpose of harvesting, provided the resource is commercially significant and subject to a pollution abatement plan that is reasonably expected to result in the opening of the area to the taking of shellfish within three years.

The amendment also proposed to specify that a municipality with a shellfish conservation program may approve an application to lease areas in the intertidal zone if the lease application is written on a form supplied by the Commissioner of Marine Resources.

Enacted law summary

Public Law 1999, chapter 267 prohibits the Commissioner of Marine Resources from leasing an area in the intertidal zone for aquaculture within a municipality with a shellfish conservation program without the consent of the municipal officers.

The law adds to the criteria for an aquaculture lease to be granted that the proposed project will not unreasonably interfere with public access to a redeemable shellfish resource for the purpose of harvesting, provided the resource is commercially significant and subject to a pollution abatement plan that is reasonably expected to result in the opening of the area to the taking of shellfish within three years.

The law also specifies that a municipality with a shellfish conservation program may approve an application to lease areas in the intertidal zone if the lease application is written on a form supplied by the Commissioner of Marine Resources.

Sponsor(s)
GOLDTHWAIT

Committee Report
OTP-AM

Amendments Adopted
H-336 ETNIER
S-113

LD 1327 proposed to make the language in the statutes regarding the allowable number of lobster traps that may be fished consistent with the rules adopted by the Commissioner of Marine Resources for the lobster management zones following approval at referendum. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-113) proposed to clarify that the maximum number of traps that may be fished by a Class I, Class II or Class III lobster and crab fishing license holder or tended from a boat is 1,000 before March 1, 2000 and 800 effective March 1, 2000, unless a lower trap limit has been established for a lobster management zone.

House Amendment "A" (H-336) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 187 clarifies that the maximum number of traps that may be fished by a Class I, Class II or Class III lobster and crab fishing license holder or tended from a boat is 1,000 before March 1, 2000 and 800 effective March 1, 2000, unless a lower trap limit has been established for a lobster management zone.

Chapter 187 was enacted as an emergency measure effective May 17, 1999.

LD 1345

An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses

PUBLIC 490

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-249

LD 1345 proposed to specify that to be eligible for a student lobster and crab fishing license, an individual must pass an examination given by the Department of Marine Resources. It proposed to specify that in order to enter the lobster apprenticeship program, an individual must have either an apprentice license or a student license. It proposed to repeal on December 31, 2001 the provision authorizing the commissioner to waive part of the practical lobster fishing experience requirement for an applicant for the lobster apprenticeship program based on that person's experience as a holder of a student license. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-249) proposed to allow an applicant for an apprentice lobster and crab fishing license to designate up to 3 sponsors and to require an applicant for a student license to designate a sponsor. The amendment proposed to specify that a person issued a student license is enrolled in the apprenticeship program.

The amendment proposed to strike from the bill the requirement that a student pass a basic examination in order to be eligible for a student license and instead require the Department of Marine Resources to develop an educational brochure to provide student license holders with a general overview of the laws related to fishing for lobsters.

Enacted law summary

Public Law 1999, chapter 490 allows an applicant for an apprentice lobster and crab fishing license to designate up to 3 sponsors. The law also requires an applicant for a student license to designate a sponsor and specifies that a person issued a student license is enrolled in the apprenticeship program. The law requires the Department of Marine Resources to develop an educational brochure to provide student license holders with a general overview of the laws related to fishing for lobsters. The law specifies that in order to enter the lobster apprenticeship program, an individual must have either an apprentice license or a student license and repeals on December 31, 2001 the provision authorizing the commissioner to waive part of the practical lobster fishing experience requirement for an applicant for the lobster apprenticeship program based on that person's experience as a holder of a student license.

LD 1399

An Act to Simplify the Licensing of Seafood Dealers in the State

ONTP

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

LD 1399 proposed to consolidate into one license all wholesale and retail seafood activities. It proposed to repeal the requirement that separate permits be obtained for processing lobster meat, lobster tails and lobster tail parts. It proposed to retain the current limitations on how lobster meat, lobster tails and lobster tail parts may be processed, but to consolidate those provisions from three sections of law into one section.

LD 1417

An Act to Create a Senior Lobster and Crab Fishing License

DIED BETWEEN BODIES

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

LD 1417 proposed to establish a senior lobster and crab fishing license for persons 65 years of age or older who have been residents of this State for five years prior to applying for the license. A person issued a senior license would not be authorized to use more than 150 lobster traps. The license fee would be \$118.

Committee Amendment "A" (H-128), the minority report of the Joint Standing Committee on Marine Resources, proposed to specify that a person issued a senior lobster and crab fishing license may fish for, take, possess, ship, transport and sell lobsters and crabs only while assisting that person's child or grandchild who is the holder of a student license. A senior lobster and crab fishing license would not authorize the holder to tend traps other than those submerged by the holder of a student license. The amendment also proposed to specify that only the holder of a Class I, Class II, Class III or senior lobster and crab fishing license may assist a student license holder. This amendment was not adopted.

LD 1485

An Act Regarding Aquaculture Leases in Salt Pond in Hancock County

ONTP

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

LD 1485 proposed to establish aquaculture lease standards for Salt Pond in Hancock County. The bill proposed to limit aquaculture leases to not more than 8% of the surface area of Salt Pond, to require a performance bond of \$20,000 and an annual lease fee of \$2000 for each aquaculture lease in Salt Pond and to prohibit leases for new or foreign species of fish unless those fish are quarantined for one year prior to introduction and the commissioner certifies that the fish meet all applicable state fish health rules.

LD 1495

Resolve, to Regulate the Use, Operation and Type of Watercraft on Coastal Waters

ONTP

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

LD 1495 proposed to establish a process whereby municipalities could request legislative action to regulate surface water uses on coastal waters abutting that municipality. The resolve also proposed to authorize the Department of Conservation, Bureau of Parks and Lands, the Department of Inland Fisheries and Wildlife and the Maine Land Use Regulation Commission to work together on recommendations for coastal waters that abut land controlled by the Federal Government or the State Government.

LD 1502

Resolve, to Study the Changes in Lobster Morbidity and Mortality

**RESOLVE 70
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP	S-395 MICHAUD

LD 1502 proposed to direct the Commissioner of Marine Resources to solicit a request for proposal to provide for investigators to study the increase in lobster morbidity and mortality. The bill proposed to appropriate \$100,000 for the investigators to perform their study.

Senate Amendment "A" (S-395) proposed to reduce the General Fund appropriation to the Department of Marine Resources to \$70,000.

Enacted law summary

Resolve 1999, chapter 70 directs the Commissioner of Marine Resources to solicit a request for proposal to provide for investigators to study the increase in lobster morbidity and mortality. The resolve appropriates \$70,000 for the investigators to perform their study.

Chapter 70 was enacted as an emergency measure effective June 11, 1999.

LD 1526

Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery

**RESOLVE 69
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-307

LD 1526 proposed to establish the Task Force to Study Limited Entry in the Shrimp Fishery. The task force would consist of 7 members, including 2 who harvest shrimp with drags, 2 who harvest shrimp with traps, a person from the University of Maine System with expertise in marine biology, a Legislator and a representative of the Department of Marine Resources with expertise in the shrimp fishery. The bill proposed to require the task force to report its findings and recommendations by February 1, 2000.

Committee Amendment "A" (H-307) proposed to add an emergency preamble and clause to the resolve. The amendment proposed to change the membership of the Task Force to Study Limited Entry in the Shrimp Fishery to consist of 7 members of the shrimp industry and one employee of the Department of Marine Resources. The amendment

proposed to require the task force to convene its first meeting by June 1, 1999 and to report its findings and conclusions to the Joint Standing Committee on Marine Resources by November 15, 1999.

The amendment proposed to specify that members of the task force serve without compensation and to authorize the Commissioner of Marine Resources to accept and administer any outside funds contributed to support the work of the task force. The amendment proposed to appropriate \$3,000 to the department to fund the costs associated with staffing the task force.

Enacted law summary

Resolve 1999, chapter 69 establishes the Task Force to Study Limited Entry in the Shrimp Fishery for the purpose of studying whether access to the Gulf of Maine shrimp fishery should be limited for the purpose of conserving the shrimp resource. The task force, consisting of 7 members of the shrimp industry and one employee of the Department of Marine Resources, is required to submit its findings and conclusions by November 15, 1999. The law appropriates \$3,000 to the Department of Marine Resources to fund the costs associated with staffing the task force.

Chapter 69 was enacted as an emergency measure effective June 11, 1999.

LD 1581

An Act to Revise the Laws Regarding Shellfish

ONTP

<u>Sponsor(s)</u> COWGER KILKELLY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1581 proposed to prohibit municipal shellfish ordinances from establishing shellfish licenses based on residency.

LD 1624

An Act to Amend the Lobster Trap Escape Vent Laws

**PUBLIC 142
EMERGENCY**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-247
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LD 1624 proposed to amend the location of the escape vent on lobster traps to allow the rectangular vent to be placed on the top of the trap over the head of the parlor section.

Committee Amendment "A" (H-247) proposed to clarify that the rectangular escape vent on a lobster trap may be placed on the top of the trap if it is placed over the head of an end parlor section.

Enacted law summary

Public Law 1999, chapter 142 clarifies that the rectangular escape vent on a lobster trap may be placed on the top of the trap if it is placed over the head of an end parlor section.

Chapter 142 was enacted as an emergency measure effective May 7, 1999.

LD 1628

An Act to Change the Provisions of the Lobster License Apprentice Program

ONTP

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

LD 1628 proposed to allow the Commissioner of Marine Resources to waive one year of the lobster apprentice program for each three years the applicant has of practical lobster fishing experience as a holder of a Class I lobster and crab fishing license.

LD 1634

An Act to Allow Certain Aquaculture Activities by Rule

CARRIED OVER

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

LD 1634 proposes to allow the Commissioner of Marine Resources to approve by rule certain limited-purpose aquaculture lease applications for commercial research and development or scientific research.

LD 1827

An Act to Establish the North Atlantic Cold Water Observatory

CARRIED OVER

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

LD 1827 proposes to establish the North Atlantic Cold Water Observatory to research the conditions of the North Atlantic Ocean, including its fisheries and climate.

LD 1829

An Act to Establish a License for the Marine Shrimp Fishery

PUBLIC 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-153

LD 1829 proposed to establish a commercial shrimp permit for the commercial shrimp fishery and to require a person to hold both a commercial fishing license and a commercial shrimp permit in order to fish for shrimp. It proposed to establish the Shrimp Management Fund into which proceeds from the sale of a commercial shrimp permit would be deposited. The bill also proposed to require a person to hold a wholesale seafood license with a shrimp permit in order to buy, sell, ship or transport shrimp

The bill proposed to provide that if reporting in the fishery is required, failure to provide reports would be cause for nonrenewal of a shrimp permit or a wholesale seafood license with a shrimp permit. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-153) proposed to establish a commercial shrimp license for the commercial shrimp fishery. It proposed to specify that a member of the Passamaquoddy Tribe is not required to hold a state commercial shrimp license if the member holds a tribal license to conduct the activities authorized under the state license.

The amendment proposed to specify that the Shrimp Management Fund must be used for research and assessment related to management of the shrimp fishery. It also proposed to strike from the bill the requirement that 50% of the fee for the wholesale seafood license with a shrimp permit be deposited in the Shrimp Management Fund. The amendment proposed to clarify that rules adopted by the Commissioner of Marine Resources related to submission of data by license holders are routine technical rules.

The amendment proposed to specify that the sections of the bill establishing a wholesale seafood license with a shrimp permit would take effect on April 1, 2000 and that a wholesale seafood license with a shrimp permit would expire on March 31st of each year. The amendment also proposed to specify that the section of the bill establishing a commercial shrimp license would take effect on January 1, 2000.

The amendment also proposed to allocate funds for costs related to the management of the shrimp fishery.

Enacted law summary

Public Law 1999, chapter 491 establishes a commercial shrimp license for the commercial shrimp fishery. It also establishes the Shrimp Management Fund into which proceeds from the sale of a commercial shrimp license must be deposited and requires that the Commissioner of Marine Resources use the fund for research and assessment related to management of the shrimp fishery. Chapter 491 also requires a person to hold a wholesale seafood license with a shrimp permit in order to buy, sell, ship or transport shrimp.

LD 1836

An Act Concerning the Sea Urchin Fishery

PUBLIC 244

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-306

LD 1836 proposed to make the following changes to the laws regarding the sea urchin fishery:

1. It proposed to eliminate the personnel restriction regarding the use of the sea urchin research fund;
2. It proposed to provide that failure to report required data may result in ineligibility to renew licenses;
3. It proposed to add possession of sea urchins on a boat during a closed day as an unauthorized activity;
4. It proposed to direct the Commissioner of Marine Resources to suspend the sea urchin license of a license holder upon conviction of violating the sea urchin fishing season;
5. It proposed to direct the Commissioner of Marine Resources to suspend a sea urchin license upon conviction of violating the zone harvesting laws;
6. It proposed to place conditions on changing zones so that the number of license holders changing from Zone 1 to Zone 2 would equal the number of license holders changing from Zone 2 to Zone 1;
7. It proposed to change the membership of the Sea Urchin Zone Council from including a processor and a buyer from Zone 1 and a processor and a buyer from Zone 2 to including two individuals in Zone 1 who have either a processor's or buyer's permit and two individuals in Zone 2 who have either a processor's or buyer's permit; and
8. It proposed to specify that the zone council may seek advice from knowledgeable scientists with regard to research needs.

This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-306) proposed to clarify that if a sea urchin buyer or processor fails to maintain a log book or report required data, the Commissioner of Marine Resources may deny an application for renewal of that person's wholesale seafood license with a sea urchin buyer's permit or wholesale seafood license with a sea urchin processor's permit.

The amendment also proposed to add an allocation section to the bill to allocate funds to support the activities of the Sea Urchin Zone Council.

Enacted law summary

Public Law 1999, chapter 244 makes the following changes to the laws regarding the sea urchin fishery: it directs the Commissioner of Marine Resources to suspend the sea urchin fishing license of a license holder convicted of violating the sea urchin fishing season or the zone harvesting laws; it adds possession of sea urchins on a boat during a closed day as an unlawful activity; it provides that failure to report required data may result in ineligibility to renew a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit; it eliminates the personnel restriction regarding the use of the sea urchin research fund; it places conditions on changing zones so that the number of license holders changing from Zone 1 to Zone 2 equals the number of license holders changing from Zone 2 to Zone 1; it changes the membership of the Sea Urchin Zone Council; and it specifies that the zone council may seek advice from knowledgeable scientists with regard to research needs.

LD 1982

An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-580
	OTP-AM B	
	ONTP C	

LD 1982 proposed to implement one of the recommendations of the Lobster Advisory Council regarding reduced fishing effort in the lobster fishery. It proposed to establish a freeze on the issuance of lobster trap tags by prohibiting the Commissioner of Marine Resources from issuing a number of lobster trap tags each year to a lobster and crab fishing license holder that is greater than the number of trap tags the license holder had purchased as of November 20, 1998 for the 1998 license year. The bill proposed to establish an appeals process for individuals who are denied trap tags because of the freeze. The bill proposed to repeal the trap tag freeze on December 31, 2001.

Committee Amendment "B" (H-580), the minority report of the Joint Standing Committee on Marine Resources, proposed to specify that a person who has held a student lobster and crab fishing license for 3 consecutive years and who is at least 18 years of age or a high school graduate is eligible for a Class I, Class II or Class III lobster and crab fishing license. The amendment proposed to repeal that provision on December 31, 2001.

The amendment proposed to establish limits on the purchase of lobster trap tags based on the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year. The amendment proposed to limit those who purchased 200 or fewer trap tags to 300 trap tags in the initial license year, building up to the trap limit for the zone in which they fish at a rate of 100 trap tags per year. It limits those who purchased more than 200 trap tags to a buildup of 100 trap tags per year, up to the trap limit for the zone in which they fish.

The amendment proposed to establish an initial limit of 300 trap tags for a license holder who is issued a Class I, Class II or Class III license for the first time after meeting the requirements of the apprentice program and to allow that

license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The amendment proposed to establish an initial limit for a license holder who is issued a Class I, Class II or Class III license on appeal of either the number of trap tags purchased by the person in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998 and to allow that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The amendment also proposed to establish an appeals process for certain individuals who are denied trap tags because of the limits. The amendment proposed to repeal the trap tag limit provisions on December 31, 2001.

The amendment proposed to require the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

Committee Amendment "A" (H-579), the majority report of the Joint Standing Committee on Marine Resources, contained the same provisions as the minority report, except that it proposed to establish a freeze on the purchase of lobster trap tags at the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year, with 3 exceptions. A license holder who is issued a license for the first time after meeting the requirements of the apprentice program or who is issued a license after having held a student license for 3 consecutive years would be limited to a number of trap tags that is not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps. A license holder who is issued a license on appeal would be limited to either the number of trap tags purchased by the person in 1996, 1997 or 1998 or a number of trap tags that is not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps if the person did not hold a license in 1996, 1997 or 1998.

This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 397 specifies that a person who has held a student lobster and crab fishing license for 3 consecutive years and who is at least 18 years of age or a high school graduate is eligible for a Class I, Class II or Class III lobster and crab fishing license. The law repeals that provision on December 31, 2001.

The law establishes limits on the purchase of lobster trap tags based on the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year. The law limits those who purchased 200 or fewer trap tags to 300 trap tags in the initial license year, building up to the trap limit for the zone in which they fish at a rate of 100 trap tags per year. It limits those who purchased more than 200 trap tags to a buildup of 100 trap tags per year, up to the trap limit for the zone in which they fish.

The law establishes an initial limit of 300 trap tags for a license holder who is issued a Class I, Class II or Class III license for the first time after meeting the requirements of the apprentice program and allows that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes. It establishes an initial limit for a license holder who is issued a Class I, Class II or Class III license on appeal of either the number of trap tags purchased by the person in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998 and allows that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The law also establishes an appeals process for certain individuals who are denied trap tags because of the limits. It repeals the trap tag limit provisions on December 31, 2001.

The law requires the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it authorizes the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

LD 1992

An Act to Limit Entry into the Lobster Fishery by Zone

PUBLIC 508

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-629

LD 1992 proposed to authorize a lobster management policy council to propose limits on new zone entrants to a lobster management zone and to authorize the Commissioner of Marine Resources to adopt rules establishing those limits. The limits would be based on an exit ratio of licenses that were not renewed to new zone entrants.

The bill proposed to require the commissioner to maintain a waiting list of people who have requested to fish a majority of their traps in a limited-entry zone and to authorize people as new zone entrants in chronological order in accordance with the exit ratio.

The bill proposed to establish for new zone entrants who have met the requirements of the apprentice program a trap tag limit of the average number of trap tags in the zone. Those license holders could increase their trap tags by 10% each year.

The bill also proposed to require the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource.

Committee Amendment "A" (H-629) proposed to clarify the process by which rules establishing limited entry for a lobster management zone may be proposed and adopted and to authorize the Commissioner of Marine Resources to establish by rule procedures to implement limited entry by zone.

The amendment proposed to authorize a person to request up to 2 limited-entry zones that the person wishes to declare as that person's declared lobster zone and to specify that the person would be taken off the waiting list of the 2nd zone if authorized to declare one of the zones as that person's declared lobster zone. The amendment proposed to require a person to declare a zone within 30 days after receiving notification by certified mail that the person is authorized to do so. If the person failed to declare a zone within that 30-day period, that person would be taken off the waiting list.

The amendment proposed to strike the section of the bill that would have established a trap tag limit for new zone entrants who have met the requirements of the apprentice program.

The amendment also proposed to strike the requirement that the Lobster Advisory Council report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource.

Enacted law summary

Public Law 1999, chapter 508 authorizes a lobster management policy council to propose limits on new zone entrants to the lobster management zone and authorizes the Commissioner of Marine Resources to adopt rules establishing limits on new zone entrants upon receipt of a proposal from a lobster management policy council. The limits would be based on an exit ratio between the number of licenses that were not renewed and the number of new zone entrants. The law requires the commissioner to maintain a waiting list of people who have requested to fish a majority of their traps in a

limited-entry zone and to authorize people as new zone entrants in chronological order in accordance with the exit ratio for that zone.

LD 1993

An Act to Establish an Appeals Process for Lobster Fishing License Denial

**PUBLIC 330
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-396
	OTP-AM MIN	

LD 1993 proposed to implement one of the recommendations of the Lobster Advisory Council regarding limited entry into the lobster fishery. It proposed to establish a Lobster License Appeals Board composed of 3 members appointed by the Commissioner of Marine Resources to review appeals from individuals who are denied a lobster and crab fishing license because they do not meet the eligibility requirements for a license. The board would make recommendations to the commissioner regarding the approval or denial of an appeal, and the commissioner would make the final decision on an appeal.

Committee Amendment "A" (H-396), the majority report of the Joint Standing Committee on Marine Resources, proposed to add an emergency preamble and an emergency clause to the bill. The amendment proposed to establish an appeals process for people who were denied a Class I, Class II or Class III lobster and crab fishing license because they did not possess a license in the previous calendar year. The amendment proposed to authorize the Commissioner of Marine Resources to issue a license on appeal if the person met certain criteria, including having held a lobster and crab fishing license for five consecutive years within the previous 15 years and not having possessed one in the previous year because of an illness or medical condition; service in the United States Armed Forces or United States Coast Guard; or a license suspension.

The amendment proposed to repeal the provision that made a person eligible for a Class I, Class II or Class III lobster and crab fishing license if the person did not possess a license in the previous calendar year because the commissioner had suspended the person's license for the previous calendar year. Instead, the amendment proposed to authorize the person to appeal a license denial under those circumstances.

The amendment proposed to require the Department of Marine Resources to develop a proposed appeals process to be used when a license is denied under any limited-entry fishery and to submit a report to the Joint Standing Committee on Marine Resources by January 15, 2000. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding a license appeals process.

Committee Amendment "B" (H-397), the minority report of the Joint Standing Committee on Marine Resources, contained the same provisions as the majority report and also proposed to authorize the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component of the apprentice program on appeal if the person documented that the person obtained practical lobster fishing experience as a holder of a Class I, Class II or Class III lobster and crab fishing license. The commissioner could waive up to half the experience requirement for each three years of experience documented. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 330 establishes an appeals process for people who are denied a Class I, Class II or Class III lobster and crab fishing license because they did not possess a license in the previous calendar year. The law authorizes the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having held a lobster and crab fishing license for five consecutive years within the previous 15 years and not having possessed

one in the previous year because of an illness or medical condition; service in the United States Armed Forces or United States Coast Guard; or a license suspension.

The law repeals the provision that made a person eligible for a Class I, Class II or Class III lobster and crab fishing license if the person did not possess a license in the previous calendar year because the commissioner had suspended the person's license for the previous calendar year. Instead, the law authorizes the person to appeal a license denial under those circumstances.

The law requires the Department of Marine Resources to develop a proposed appeals process to be used when a license is denied under any limited-entry fishery and to submit a report to the Joint Standing Committee on Marine Resources by January 15, 2000. The law authorizes the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding a license appeals process.

Chapter 330 was enacted as an emergency measure effective May 25, 1999.

LD 2062 **An Act to Require Fishing Boats Rather than Individuals to Be Licensed for Salt Water Commercial Ventures** **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2062 proposed to require that boats, instead of individuals, be licensed for harvesting marine organisms. It proposed to allow any person to fish for a marine organism from a boat that is licensed for the harvesting of that marine organism. It proposed to require the owner of the boat to be on board the boat when it is used for fishing, with exemptions to that requirement under certain circumstances. The owner would be liable for the activities of any person who fished from the owner's boat. The bill proposed to make a variety of technical changes to the marine resources laws to reflect the changing of certain license requirements from licensing individuals to licensing boats.

The bill also proposed to repeal limited-entry provisions in the lobster and sea urchin fisheries.

LD 2198 **An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses** **PUBLIC 309**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-517
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LD 2198 proposed to authorize the use of money in the Lobster Management Fund, the Eel and Elver Management Fund and the Sea Urchin Research Fund to fund costs associated with determining eligibility to participate in the lobster fishery, the elver fishery and the sea urchin fishery.

Committee Amendment "A" (H-517) proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 309 authorizes the use of money in the Lobster Management Fund, the Eel and Elver Management Fund and the Sea Urchin Research Fund to fund costs associated with determining eligibility to participate in the lobster fishery, the elver fishery and the sea urchin fishery.

LD 2236

**An Act to Amend the Laws Relating to the Location of Lobster Trap
Escape Vents**

**PUBLIC 274
EMERGENCY**

Presented by
GOLDTHWAIT
ETNIER

Committee Report
OTP

Amendments Adopted

LD 2236 proposed to amend the laws relating to the location of escape vents on lobster traps to allow circular vents to be placed on the top of the trap over the head of an end parlor section. This bill was reported out of committee pursuant to Joint Rule 205.

Enacted law summary

Public Law 1999, chapter 274 amends the laws relating to the location of escape vents on lobster traps to allow circular vents to be placed on the top of the trap over the head of an end parlor section. Chapter 274 was enacted as an emergency measure effective May 20, 1999.

SP 613

**JOINT ORDER Relative to Establishing the Commission to
Review Municipal Shellfish Conservation Programs**

ONTP

Sponsor(s)
LAWRENCE
WHEELER G
LEMONT

Committee Report
ONTP

Amendments Adopted

SP 613 proposed to establish the Commission to Review Municipal Shellfish Conservation Programs. The joint order proposed to require the 9 member commission to study the distribution of municipal shellfish licenses between residents and nonresidents of a municipality and to report its findings and any proposed legislation to the Joint Standing Committee on Marine Resources.

Joint Standing Committee on Natural Resources

LD 21 **An Act to Eliminate the Use of MTBE in Maine** **CARRIED OVER**

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

LD 21 proposes to prohibit the sale of gasoline or fuel products that are treated with MTBE. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 100 **An Act to Expedite the Permitting Process within the Department of Environmental Protection** **ONTP**

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

LD 100 proposed to require that when a presubmission meeting is held for a project that requires multiple permits from the Department of Environmental Protection, the Commissioner of Environmental Protection would provide the applicant with a list of the information necessary for all the required permit applications to be accepted as complete for processing.

LD 141 **An Act to Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program** **ONTP**

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

LD 141 proposed to make a violation of the diesel-powered motor vehicle emission opacity testing program a traffic infraction resulting in a \$100 fine. The bill proposed to require the court to suspend the fine if the defendant could certify to the court that the required repairs were made prior to the hearing date.

LD 301 **An Act to Amend the Open-burning Laws** **ONTP**

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

LD 301 proposed to prohibit the out-of-door burning of wooden boxes or other wood material, paper and cardboard and the burning of demolition debris at solid waste disposal facilities.

The bill also proposed to eliminate as criteria for issuing any permit or permission for allowable burning the public health risk from toxic chemicals in the smoke plume and the practicality of locating the incinerator at least 300 feet from any abutting property boundary and at least 150 feet from any residential dwelling.

LD 342 **An Act to Amend the Laws Regarding the Fee Paid When Purchasing a New Tire or Battery** **ONTP**

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 342 proposed to require that the revenues obtained from the recycling assistance fee imposed on the retail sale of new tires and new lead-acid batteries must be used to pay off any publicly approved bond issues that have the purpose of cleaning up tire stockpiles. In addition, this bill proposed to repeal the recycling assistance fee for new tires and new lead-acid batteries upon the complete payment of all bond issues pertaining to the cleanup of tire stockpiles.

LD 498 **An Act Relating to Transfer of Ownership of Dams** **PUBLIC 71
EMERGENCY**

<u>Sponsor(s)</u> COLWELL TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-106
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LD 498 proposed to require prospective dam owners under the dam abandonment statutes to provide a plan to the Maine Emergency Management Agency that provides proof of sufficient liability insurance and compliance with Maine Emergency Management Agency regulations. This bill also proposed to provide that if the ownership of a dam is assumed by a municipality, 75% of the operational funding must be provided by the State through the Local Government Fund under the state-municipal revenue sharing program.

Committee Amendment "A" (H-106) proposed to replace the original bill. It proposed to require new owners of a dam classified as a high or significant hazard dam to provide the Director of the Maine Emergency Management Agency with the name and address of the new owner or owners 45 days prior to any change of ownership of the dam, along with a copy of the new owner's plan to operate the dam. This amendment also proposed to require the director to conduct a hazard examination and an on-site structural stability inspection of each high or significant hazard dam in the State at least once every 6 years or within 30 days of receiving notice of the change of ownership of the dam, unless the dam has been inspected within four years preceding the date of transfer. Finally, the amendment proposed to make dam owners responsible for any additional inspection fees incurred by the Maine Emergency Management Agency in connection with an inspection relating to a transfer of ownership.

Enacted law summary

Public Law 1999, chapter 71 requires a new owner or owners of a dam classified as a high or significant hazard dam to provide the Director of the Maine Emergency Management Agency with the name and address of the new owner or owners 45 days prior to any change of ownership of the dam, along with a copy of the new owner's plan to operate the dam. This law also requires the director of the Maine Emergency Management Agency to conduct a hazard examination and an on-site structural stability inspection of each high or significant hazard dam in the State at least once every 6 years or within 30 days of receiving notice of the change of ownership of the dam, unless the dam has been inspected within four years preceding the date of transfer. Finally, the law makes dam owners responsible for any

additional inspection fees incurred by the Maine Emergency Management Agency in connection with an inspection relating to a transfer of ownership.

Chapter 71 was enacted as an emergency measure effective April 16, 1999.

LD 593

An Act to Promote the Recycling of Fish Scales as Agricultural Fertilizer

**PUBLIC 283
EMERGENCY**

Sponsor(s)
KILKELLY
PIEH

Committee Report
OTP-AM

Amendments Adopted
S-183

LD 593 proposed to extend to fish scales the same exemption from Maine's solid waste laws accorded to waste resulting from agricultural activities, as long as these fish scales are returned to the soils as fertilizers.

Committee Amendment "A" (S-183) proposed to replace the bill, add an emergency preamble and an emergency clause. It proposed to allow a person to use fish scales as a crop nutrient supplement without a license as long as the type of scales and the process for extracting, handling and spreading the scales have received initial review and approval by the Department of Environmental Protection, that the farm using fish scales has developed and implemented a nutrient management plan and that the person supplying the fish scales provides the department with the name of the person receiving the scales, the location where the scales will be used and the quantity of the fish scales shipped within seven days of shipping the scales.

Enacted law summary

Public Law 1999, chapter 283 allows a person to use fish scales as a crop nutrient supplement without a license as long as the type of scales and the process for extracting, handling and spreading the scales have received initial review and approval by the Department of Environmental Protection, that the farm using fish scales has developed and implemented a nutrient management plan and that the person supplying the fish scales provides the department with the name of the person receiving the scales, the location where the scales will be used and the quantity of the fish scales shipped within seven days of shipping the scales.

Chapter 283 was enacted as an emergency measure effective May 21, 1999.

LD 638

**An Act to Amend the Closure and Remediation Cost-sharing Program
Concerning Landfills**

ONTP

Sponsor(s)
CASSIDY

Committee Report
ONTP

Amendments Adopted

LD 638 proposed to allow public entities to be eligible for reimbursement or cost-sharing grants for costs incurred in the closure or remediation of a solid waste landfill if the public entity accepted responsibility for the closure of a landfill.

LD 665

An Act to Protect the Environment by Phasing Out the Use of Old Transformers that are Potential Sources of PCB Pollution

PUBLIC 193

Sponsor(s)
NUTTING J
COWGER

Committee Report
OTP-AM

Amendments Adopted
S-125

LD 665 proposed to require a public utility that owns a transformer manufactured before 1965 that contains polychlorinated biphenyls, PCBs, to replace the transformer or remove the PCBs from the transformer. It proposed to establish as a goal that this requirement be met within four years.

Committee Amendment "A" (S-125) proposed to establish voluntary goals for the removal of pole-mounted and pad-mounted transformers owned by public utilities that contain polychlorinated biphenyls in concentrations at or above 50 parts per million. The goal for the date of removal of such transformers located within 100 feet of surface waters or schools would be October 1, 2005 and the goal for the date of removal of other such transformers would be October 1, 2011.

The amendment proposed to require a public utility that owns transformers subject to the goals to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on its progress toward removing those transformers and a plan for removing those transformers located in underground vaults.

The amendment proposed to require the Department of Environmental Protection to gather information on sources of polychlorinated biphenyls that may be released into the environment and submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with its findings and recommendations related to polychlorinated biphenyls in the environment.

Enacted law summary

Public Law 1999, chapter 193 establishes voluntary goals for the removal of pole-mounted and pad-mounted transformers owned by public utilities that contain polychlorinated biphenyls in concentrations at or above 50 parts per million. The goal for the date of removal of such transformers located within 100 feet of surface waters or schools is October 1, 2005 and the goal for the date of removal of other such transformers is October 1, 2011.

The law requires a public utility that owns transformers subject to the goals to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on its progress toward removing those transformers and a plan for removing those transformers located in underground vaults.

The law requires the Department of Environmental Protection to gather information on sources of polychlorinated biphenyls that may be released into the environment and submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with its findings and recommendations related to polychlorinated biphenyls in the environment.

LD 692

An Act to Clarify the Reporting of Discharges of Hazardous Matter

ONTP

Sponsor(s)
DAIGLE

Committee Report
ONTP

Amendments Adopted

LD 692 proposed to require that a party or person who is responsible for causing a discharge of hazardous matter report the discharge immediately to the Department of Public Safety only if the discharge posed a potential threat to human

Committee Amendment "A" (S-317) proposed to amend the bill as follows.

1. It proposed to provide for a definition of "sludge" for the Maine Hazardous Waste, Septage and Solid Waste Management Act.
2. It proposed to provide that, effective January 1, 2000, all rules adopted relating to the agronomic utilization of sludge are major substantive rules.
3. It proposed to require the Department of Environmental Protection to notify the affected municipality within 14 working days from its receipt of an application for a sludge land application site or storage facility.
4. It proposed to require the department to provide a municipality with copies of all test results performed on the sludge material that will be spread in that municipality.
5. It proposed to require the department to consult with the municipal officers within 10 days of receiving any request by the generator to change the terms or conditions of any permit or license.
6. It proposed to allow the municipality to petition the Commissioner of Environmental Protection to review a generating facility's testing protocol for sludge.
7. It proposed to permit the Commissioner of Environmental Protection to order the applicant to conduct an additional test at the applicant's cost, and to require a copy of the additional test results to be provided to the municipality.
8. It proposed to prohibit sludge land application sites within 75 feet of any river, perennial stream or great pond, and a storage site or storage facility that is off the site of generation of the sludge and that is within 250 feet of any river, perennial stream or great pond.
9. It proposed to allow a person who owns property that abuts a sludge land application site or storage facility to restrict the sludge application or sludge storage site to no less than 50 feet from the abutting property boundary.

Enacted law summary

Public Law 1999, chapter 393 does the following:

1. It provides for a definition of "sludge" for the Maine Hazardous Waste, Septage and Solid Waste Management Act.
2. It provides that, effective January 1, 2000, all rules adopted relating to the agronomic utilization of sludge are major substantive rules.
3. It requires the Department of Environmental Protection to notify the affected municipality within 14 working days from its receipt of an application for a sludge land application site or storage facility.
4. It requires the department to provide a municipality with copies of all test results performed on the sludge material that will be spread in that municipality.
5. It requires the department to consult with the municipal officers within 10 days of receiving any request by the generator to change the terms or conditions of any permit or license.
6. It allows the municipality to petition the Commissioner of Environmental Protection to review a generating facility's testing protocol for sludge.
7. It permits the Commissioner of Environmental Protection to order the applicant to conduct an additional test at the applicant's cost. A copy of the additional test results must be provided to the municipality.

- 8. It prohibits sludge land application sites within 75 feet of any river, perennial stream or great pond, and a storage site or storage facility that is off the site of generation of the sludge and that is within 250 feet of any river, perennial stream or great pond.
- 9. It allows a person who owns property that abuts a sludge land application site or storage facility to restrict the sludge application or sludge storage site to no less than 50 feet from the abutting property boundary.

LD 921 **An Act to Opt Out of the Requirement to Use Reformulated Gas** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 921 proposed to require the Governor to petition the federal government to end the requirement for sale of reformulated gas in certain counties in the State.

LD 940 **An Act to Permit Property Owners to Put Sand on and Rake Their Beaches** **ONTP**

<u>Sponsor(s)</u> MACK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 940 proposed to allow property owners who own land on the water to rake their beaches without the need to get permits under the natural resources protection laws. The bill also proposed to allow property owners on Sebago Lake to add sand, gravel and rocks to their beaches for 1 1/2 years without the need to get permits. The bill proposed to repeal this exception to the permit requirement 18 months from the effective date.

LD 953 **An Act to Reclassify Certain Waters of the State** **PUBLIC 277**

<u>Sponsor(s)</u> NUTTING J CAMERON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-220
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LD 953 proposed to implement a list of recommendations made by the Board of Environmental Protection for the reclassification of surface waters pursuant to the guidance provided in the Maine Revised Statutes, Title 38, section 464, subsection 2. The proposed reclassifications are based on actual water quality data, water quality model projections after completion of treatment facilities or other management changes to these waters, and from public comments received at a series of statewide public hearings conducted by the board to acquire information on present and potential use.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (S-220) proposed to do the following:

- 1. To reclassify the South Branch Carrabassett River from Class A to Class AA, but to specify that the existing use of permitted water withdrawal from that river segment provides significant social and economic benefits and may be maintained;

2. To reclassify Crooked Stream, a tributary of the Machias River, from Class A to Class AA;
3. To reclassify Shorey Brook, a tributary of the Narraguagus River, from Class A to Class AA;
4. To reclassify Salmon Stream, a tributary of the Penobscot River, from Class B to Class A, rather than Class AA as proposed in the bill;
5. To reclassify Buff Brook, a tributary of the Saco River, from Class B to Class A, rather than Class AA as proposed in the bill;
6. To classify 2,000 feet of the St. George River, beginning at the outlet of Little Pond, as Class A. That segment of the river was reclassified from Class C to Class AA in 1990 as a result of a significant procedural error that occurred during the reclassification process in 1989 and 1990;
7. To reclassify the segment of the Salmon Falls River from the Route 9 bridge to tidewater from Class B to Class C;
8. To make the reclassification of a small area of Somes Sound from Class SB to Class SA contingent upon the Commissioner of Environmental Protection certifying that there is a practicable alternative to the two existing licensed overboard discharges to those waters; and
9. To correct a technical error in the bill.

Enacted law summary

Public Law 1999, chapter 277 makes changes in the classification of several surface waters of the State based on the State's water quality classification system.

LD 1007

An Act to Repeal the Authorization of Lucerne-in-Maine Village Corporation to Construct Dams and Fishways

P & S 3

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

LD 1007 proposed to repeal the authority given to the Lucerne-in-Maine Village Corporation to construct, operate and maintain a dam and a fishway at the outlet of Phillips Lake in the town of Dedham.

Enacted law summary

Private and Special Law 1999, chapter 3 repeals the authority given to the Lucerne-in-Maine Village Corporation to construct, operate and maintain a dam and a fishway at the outlet of Phillips Lake in the town of Dedham.

LD 1049

An Act to Repeal the Enhanced Inspection Requirements for Motor Vehicles Registered in Cumberland County

ONTP

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

LD 1049 proposed to repeal the enhanced inspection requirements for motor vehicles registered in Cumberland County, instead requiring those vehicles to meet the same inspection standards as vehicles registered in other counties in the State.

The bill also proposed to require the Chief of the State Police to provide reimbursement of the cost of any equipment purchased by an inspection station in Cumberland County to allow the station to provide an enhanced inspection.

LD 1080 An Act to Direct State Capital Investments to Locally Designated Growth Areas CARRIED OVER

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

LD 1080 proposes to define state growth-related capital investments and to direct them to locally designated growth areas as identified in local comprehensive plans or to areas with public sewer systems with the capacity to handle the development. Exceptions would be made for state investments required to remedy threats to public health and safety; to purchase lands for parks, open space and conservation; to assist natural resource-based industries and other activities that are typically located away from other development; to expand highways that meet national, state or regionwide needs; and for tourist and cultural facilities that rely on specific historic, natural or cultural resources. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1082 An Act to Reauthorize and Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program PUBLIC 356 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ETNIER	OTP-AM	H-546 CAMERON S-184

LD 1082 proposed to reauthorize the diesel-powered motor vehicle emission opacity testing program scheduled for repeal on June 30, 1999. The bill also proposed to change the size of diesel-powered motor vehicles that are subject to program requirements and establish provisions governing penalties for failure to comply with opacity testing standards.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (S-184) proposed to do the following.

1. It proposed to expand the Diesel-powered Motor Vehicle Emission Opacity Testing Program to noncommercial vehicles.
2. It proposed to give owners or operators of vehicles that violate operating standards for the first offense 30 days to make repairs to bring vehicles into compliance.
3. It proposed to increase the fine for the initial violation to \$250.
4. It proposed to expand the rule-making authority of the department to include procedures for enforcement of the opacity testing program.
5. It proposed to change the effective date of the penalty provisions to January 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-546) presented on behalf of the Committee on Bills in the Second Reading, proposed to correctly indicate language being stricken from current law.

Enacted law summary

Public Law 1999, chapter 356 does the following:

1. It expands the Diesel-powered Motor Vehicle Emission Opacity Testing Program to noncommercial vehicles.
2. It gives owners or operators of vehicles that violate operating standards for the first offense 30 days to make repairs to bring vehicles into compliance.
3. It sets a \$250 fine for the initial violation, and a \$500 fine for subsequent violations.
4. It expands the rule-making authority of the department to include procedures for enforcement of the opacity testing program.

Chapter 356 was enacted as an emergency measure effective May 28, 1999. The effective date of the penalty provisions is January 1, 2000.

LD 1114 An Act to Permit Telescopes and Other Scientific Instruments to be Shielded from the Weather ONTP

<u>Sponsor(s)</u> DAVIDSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1114 proposed to allow a municipality to adopt an ordinance under its shoreland zoning ordinances that permits the construction of a protective enclosure, such as a dome or cupola, as an addition to a legally existing structure if the addition extends the existing structure's height no more than 12 additional feet and has a maximum floor space of 100 square feet. The addition would have to be used exclusively to house and protect a telescope or other scientific instrument from adverse weather conditions.

LD 1160 An Act to Amend Certain Laws Administered by the Department of Environmental Protection, Bureau of Land and Water Quality PUBLIC 243

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-278
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LD 1160 proposed to make a series of changes to the laws administered by the Department of Environmental Protection's Bureau of Land and Water Quality, as further described in the Enacted Law Summary.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (H-278) proposed to make the following changes to the bill.

1. It proposed to strike an unnecessary cross-reference change from the bill.
2. It proposed to maintain the increases in the state share of costs for certain pollution abatement construction projects serving seasonal dwellings, but to strike the increase for seasonal dwellings whose owners have an annual income

above \$20,000. It also proposed to limit the increase in the state share of overboard discharge replacement projects that result in the removal of a seasonal residential overboard discharge to projects that the Commissioner of Marine Resources certifies as likely to result in the opening of a shellfish harvesting area.

3. It proposed to strike an inconsistent term from several places in the mandatory shoreland zoning laws.
4. It proposed to provide an exception to the existing prohibition on direct discharges of pollutants to Class AA, Class GPA and Class SA waters for storm water discharges in compliance with state and local requirements.
5. It proposed to amend the language authorizing an extension of the review period for cranberry cultivation permits and agricultural irrigation pond permits to authorize an extension only with the consent of the applicant. It also proposed to amend the language authorizing an extension of the review period for freshwater wetland permits to authorize an extension if a project requires more than one permit from the Department of Environmental Protection.
6. It proposed to further clarify provisions governing the municipal review of developments under the site location of development laws.
7. It proposed to extend the authority of the Joint Standing Committee on Natural Resources to report out legislation regarding buffer strips and substandard subsurface disposal systems to the Second Regular Session of the 119th Legislature.

Enacted law summary

Public Law 1999, chapter 243 makes the following changes to the laws administered by the Department of Environmental Protection, Bureau of Land and Water Quality:

1. It allows the department to compound and assess adjustments to the fees that go into the Maine Environmental Protection Fund at intervals greater than one year and it increases the cap on special license and permit application fees from \$40,000 to \$75,000;
2. It increases the state share of certain pollution abatement construction projects serving seasonal dwellings and increases the state share of overboard discharge replacement projects that result in the removal of a seasonal residential overboard discharge and that the Commissioner of Marine Resources certifies as likely to result in the opening of a shellfish harvesting area;
3. It amends the mandatory shoreland zoning laws by replacing the word "shoreline" with the phrase "the normal high-water line or upland edge of a wetland" in the alternative expansion requirement and makes other references in those laws consistent with that term;
4. It provides an exception to the existing prohibition on direct discharges of pollutants to Class AA, Class GPA and Class SA waters for storm water discharges in compliance with state and local requirements;
5. It amends the natural resources protection laws by clarifying the definition of "permanent structure", authorizing an extension of the review period for certain permits issued under the natural resources protection laws in certain circumstances, and adding an additional eligibility criterion to the agricultural irrigation pond general permit provisions in the natural resources protection laws to provide that an agricultural irrigation pond may not be located in a river, stream or brook if it is determined by the Department of Environmental Protection at the site assessment that there is a practicable alternative water supply that would be less damaging to the environment;
6. It amends provisions concerning the establishment of water levels to provide that once a water level has been set on a lake or pond by the Commissioner of Environmental Protection, the commissioner does not have to hold another hearing to establish a new water level in response to a public petition unless there has been a substantial change in conditions since the original water level decision was made;

7. It clarifies provisions governing the municipal review of developments under the site location of development laws; and
8. It extends the authority of the Joint Standing Committee on Natural Resources to report out legislation regarding buffer strips and substandard subsurface disposal systems to the Second Regular Session of the 119th Legislature.

LD 1170

An Act Concerning the Review of State Solid Waste Management Policies

**PUBLIC 527
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MARTIN	OTP-AM	H-550 MARTIN S-185 S-464 TREAT

LD 1170 proposed to expand the scope of the review policy that the State Planning Office must conduct when a state solid waste management and recycling plan is submitted for review.

Committee Amendment "A" (S-185) proposed to require the solid waste management task force to meet as determined appropriate by the State Planning Office, but at least once every 5 years, to review the state solid waste management policy and review the continued development and expansion of beneficial reuse and recycling. This amendment also proposed to require that membership in the task force include 5 Legislators from the Joint Standing Committee on Natural Resources, 2 Senators and 3 Representatives.

House Amendment "A" (H-550) proposed to change a date in the emergency preamble to the last business day of the year.

Senate Amendment "A" to Committee Amendment "A" (S-464) proposed to remove language that requires that membership on the solid waste management task force include Legislators from the joint standing committee of the Legislature having jurisdiction over natural resources matters. It proposed to require the task force to consult with members of the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Enacted law summary

Public Law 1999, chapter 527 requires the solid waste management task force to meet as determined appropriate by the State Planning Office but at least once every 5 years to review the state solid waste management policy and review the continued development and expansion of beneficial reuse and recycling. It requires the task force to consult with members of the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Chapter 527 was enacted as an emergency measure effective June 17, 1999.

LD 1209

An Act Regarding Property Owners Whose Land Abuts a Solid or Special Waste Landfill

CARRIED OVER

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

LD 1209 proposes to provide that persons who owned property abutting a landfill prior to the development of the landfill are entitled to receive 5% of the tipping fees as compensation for interference with the use and enjoyment of the

property. This bill also proposes that these abutters are also entitled to have the licensee of the landfill or the State pay for semiannual water testing. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1212 **Resolve, to Replace Reformulated Gasoline and Require an Alternative Reid Vapor Pressure/Low-sulfur Substitute for the State** **ONTP**

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

LD 1212 proposed to require the Board of Environmental Protection to adopt rules requiring the use of low-sulfur fuel with a Reid vapor pressure measure of not greater than 7.8 pounds per square inch between May 1st and September 15th in the entire State. The bill proposed to specify that the fuel may not contain MTBE.

LD 1256 **Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection** **RESOLVE 85 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-169 S-446 MICHAUD

LD 1256 proposed to establish an 11-member task force to study whether the Board of Environmental Protection operates as an independent body or as a part of the executive branch of government and whether the administrative and technical staff dedicated exclusively to the Board of Environmental Protection is needed. It proposed that the task force report its findings to the Joint Standing Committee on Natural Resources by January 15, 2000.

Committee Amendment "A" (H-169) proposed to change the membership of the Task Force to Study the Operation of and Support for the Board of Environmental Protection to consist of a subcommittee of no more than 6 members of the Joint Standing Committee on Natural Resources. It proposed to clarify the duties, staffing and compensation of the task force, and to authorize the task force to hold 5 meetings, including one public hearing. The amendment also proposed to add an appropriation section to fund the costs of the task force.

Senate Amendment "A" to Committee Amendment "A" (S-446) proposed to add an emergency preamble and an emergency clause to the bill. The amendment proposed to provide that the first named Senate member and the first named House member serve as cochairs of the task force and to change the reporting date to December 1, 1999.

Enacted law summary

Resolve 1999, chapter 85 establishes the Task Force to Study the Operation of and Support for the Board of Environmental Protection to review the structure and operation of the Board of Environmental Protection. The task force, composed of a 6-member subcommittee of the Joint Standing Committee on Natural Resources, is to report its findings to the Joint Standing Committee on Natural Resources by December 1, 1999.

Chapter 85 was enacted as an emergency measure effective June 17, 1999.

LD 1298

An Act to Amend the Certification Process of Code Enforcement Officers

ONTP

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

LD 1298 proposed to provide that a person may not be certified or recertified as a code enforcement officer or may have a certification revoked, if that person has been convicted of murder or any Class A, Class B or Class C crime or has been convicted of any crime in the State of Maine or another jurisdiction for which the maximum term of imprisonment prescribed by law exceeds one year.

LD 1306

An Act to Require Legislative Review of Motor Vehicle Fuel Standards

**PUBLIC 107
EMERGENCY**

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

LD 1306 provides that any rules relating to motor vehicle fuel standards are subject to legislative review as major substantive rules pursuant to the Maine Administrative Procedure Act.

Enacted law summary

Public Law 1999, chapter 107 makes rules relating to motor vehicle fuel standards major substantive rules pursuant to the Maine Administrative Procedures Act. Chapter 107 was enacted as an emergency measure effective April 30, 1999.

LD 1311

An Act to Repeal the Emissions Testing Program in Cumberland County CARRIED OVER

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

LD 1311 proposes to repeal the enhanced inspection requirements for motor vehicles registered in Cumberland County, instead requiring those vehicles to meet the same inspection standards as vehicles registered in other counties in the State. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1355

An Act to Prohibit a Municipality from Being Penalized by the State for Lacking a Comprehensive Plan

ONTP

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

LD 1355 proposed to repeal the section of the growth management law that gives certain grant and state aid preference to municipalities that have implemented a comprehensive plan under the growth management law.

LD 1356

An Act to Allow Authorized Removal of a Beaver Dam Without a Permit

PUBLIC 148

Sponsor(s)
SHERMAN

Committee Report
OTP-AM

Amendments Adopted
H-212

LD 1356 proposed to allow a game warden to authorize the removal of a beaver dam without needing a permit under the natural resources protection laws if the beaver dam, in the opinion of the warden, has caused or may cause damage to private property, including woods or existing private roads.

Committee Amendment "A" (H-212) proposed to remove the section from the bill that gives a game warden authority to approve the removal of a beaver dam, because game wardens have that authority under existing law. The amendment also proposed to clarify that a person who removes a beaver dam as authorized by a game warden would be exempt from the requirement to get a permit under the natural resources protection laws only if the removal meets certain standards.

Enacted law summary

Public Law 1999, chapter 148 authorizes the removal of a beaver dam without a permit under the natural resources protection laws if the removal is authorized by a game warden and if the removal meets certain standards.

LD 1394

An Act to Limit the Idling Time for Diesel Motor Vehicles

ONTP

Sponsor(s)
POWERS

Committee Report
ONTP

Amendments Adopted

LD 1394 proposed to prohibit a person from idling a diesel bus or truck for more than five minutes, except under certain conditions.

LD 1395

Resolve, Establishing a Commission to Study the Future Use and Reclamation of Number One Pond in Sanford

ONTP

Sponsor(s)
TUTTLE
MACKINNON

Committee Report
ONTP

Amendments Adopted

LD 1395 proposed to establish an 11-member commission to study the environmental condition of Number One Pond in Sanford and adjacent public areas and to recommend steps necessary to clean up and restore the environment of the pond and surrounding lands.

LD 1454

An Act to Promote Ethanol Production as Alternative Fuel

PUBLIC 474

Sponsor(s)
KNEELAND
KIEFFER

Committee Report
OTP-AM

Amendments Adopted
H-632

LD 1454 proposed to establish the Agriculturally Derived Fuel Fund to promote the production and use of methanol and ethanol from agricultural biomass. The bill proposed to give the Finance Authority of Maine control of the fund. It also proposed to establish the Agricultural Products Utilization Commission as an advisory commission to the authority.

Committee Amendment "A" (H-632) proposed to add the Commissioner of Environmental Protection and a member appointed by that commissioner to the commission. The amendment also proposed to require annual reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, food and rural resources matters.

Enacted law summary

Public Law 1999, chapter 474 establishes the Agriculturally Derived Fuel Fund to promote the production and use of methanol and ethanol from agricultural biomass. The Finance Authority of Maine is given control of the fund. It also establishes the Agricultural Products Utilization Commission as an advisory commission to the authority, and also requires the Commission to report to FAME on fuel and groundwater issues. It requires the Commission to provide annual reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over agriculture, food and rural resources matters.

LD 1455

An Act Regarding the Spreading of Sludge

ONTP

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

LD 1455 proposed to amend the laws relating to sludge and other wastes in several ways. It proposed to require the Board of Environmental Protection to enforce rules necessary to govern waste management. It proposed to explicitly prohibit the Department of Environmental Protection from issuing a license for the land application of sludge that contained biomedical waste. It proposed to define the term "nuisance" for the purposes of the law relating to the licensing of waste facilities. It proposed to prohibit the department from issuing a license for a sludge land application site or storage facility that is within 1,000 feet of any abutting property boundary. Finally, it proposed to define the term "reasonable" for the purposes of the law authorizing municipalities to establish standards for solid waste facilities.

LD 1457

An Act to Decrease Restrictions on the Sale of Land

CARRIED OVER

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

LD 1457 proposes to permit a landowner to divide a tract or parcel of land into 3 lots within any 5-year period without creating a subdivision as that term is defined in the planning and land use regulation laws if the landowner has owned the parcel to be divided for a period of at least 5 years before the first dividing occurs and both dividings create, at the time of each dividing, a lot no larger than 140% of the minimum size lot on which a structure may be built pursuant to the applicable municipal ordinance. The bill proposes to make the change retroactive to a date 5 years prior to the effective date of the Act. This bill was carried over to the Second Regular Session of the 119th Legislature.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOSTER FERGUSON	OTP-AM MAJ ONTP MIN	H-481

LD 1458 proposed to allow selective harvesting of up to 40% of the trees four inches or more in diameter over a 10-year period in resource protection zones around certain forested wetlands and in resource protection zones with slopes greater than 20%. The harvesting would have to leave a well-distributed stand of trees and other natural vegetation and could take place only when the ground is frozen.

Committee Amendment "A" (H-481), the majority report of the committee, proposed to give a municipality the option to allow timber harvesting in a resource protection zone abutting a great pond within a strip of land extending 75 feet inland from the normal high-water line, provided the harvesting is conducted only when the ground is frozen, there is no resultant soil disturbance, there is no entry into the strip by tracked or wheeled vehicles, no trees less than six inches in diameter are cut and no more than 30% of the trees six inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period. The trees to be harvested would have to be marked by a licensed professional forester prior to a harvesting permit being issued by a municipality.

The amendment also proposed to increase the maximum penalty for a violation of shoreland zoning ordinances if the violation occurs in a resource protection zone.

Enacted law summary

Public Law 1999, chapter 370 gives a municipality the option to allow timber harvesting in a resource protection zone abutting a great pond within a strip of land extending 75 feet inland from the normal high-water line, provided the harvesting is conducted only when the ground is frozen, there is no resultant soil disturbance, there is no entry into the strip by tracked or wheeled vehicles, no trees less than six inches in diameter are cut and no more than 30% of the trees six inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period. The trees to be harvested must be marked by a licensed professional forester prior to a harvesting permit being issued by a municipality.

The law also increases the maximum penalty for a violation of shoreland zoning ordinances if the violation occurs in a resource protection zone.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA DUPLESSIE		

LD 1506 proposes to direct the Department of Environmental Protection and the Department of Human Services to identify jointly all on-site peat sewage disposal systems installed since October 1, 1988 that have failed or are currently malfunctioning due to improper installation. The bill proposes to require the Department of Environmental Protection to reimburse the homeowners from within its existing budgeted resources for all costs associated with repairing or replacing the malfunctioning system.

The bill also proposes to require the Department of Human Services, Division of Health Engineering to provisionally adopt major substantive rules by January 31, 2000 that upgrade on-site peat sewage treatment systems from

experimental status to general use status and that establish clear guidelines for installing such systems. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1516

An Act Concerning Disposal of Solid Waste from Decommissioning Activities

**PUBLIC 366
EMERGENCY**

<u>Sponsor(s)</u> TREAT SHIAH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-285
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LD 1516 proposed to establish a permit requirement for disposal in this State of decommissioning materials from a nuclear power plant. The bill also proposed to require advance notice to any municipality in which decommissioning materials are proposed to be disposed of.

Committee Amendment "A" (S-285) proposed to replace the bill by requiring that municipalities be given advance notice of the amount, type and delivery schedule of decommissioning waste from closed nuclear power plants before it is disposed of within their boundaries. The amendment also proposed to extend the tenure of the Advisory Commission on Radioactive Waste and Decommissioning for another year. The amendment proposed to specify that reimbursements to the Department of Environmental Protection for decommissioning costs may not exceed \$50,000 per year. It also adds an emergency preamble, and an emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 366 requires that municipalities be given advance notice of the amount, type and delivery schedule of decommissioning waste from closed nuclear power plants before it is disposed of within their boundaries. The law also extends the tenure of the Advisory Commission on Radioactive Waste and Decommissioning for another year. The law specifies that reimbursements to the Department of Environmental Protection for decommissioning costs may not exceed \$50,000 per year.

Chapter 366 was enacted as an emergency measure effective June 1, 1999.

LD 1517

An Act Concerning Transportation of Radioactive Waste

ONTP

<u>Sponsor(s)</u> TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1517 proposed to require that a person shipping high-level radioactive waste out of the State have a permit issued by the Department of Environmental Protection.

LD 1519

An Act to Encourage Environmental Management Systems

CARRIED OVER

<u>Sponsor(s)</u> DAIGLE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1519 proposes to establish a state policy to encourage facilities to develop and implement environmental management systems that conform to international standards. The bill proposes to require the Commissioner of

Environmental Protection to implement an incentives program to encourage facilities to implement environmental management systems by offering regulatory relief to facilities that implement certified environmental management systems. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1520

An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste

**PUBLIC 340
EMERGENCY**

<u>Sponsor(s)</u> DAIGLE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-482
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LD 1520 proposed to require the Board of Environmental Protection to adopt rules for the management of certain hazardous wastes, including batteries, pesticides and thermostats, that are managed under the federal universal waste rules. The bill proposed to require that the rules incorporate the management standards established in the federal rules regarding universal waste.

Committee Amendment "A" (H-482) proposed to replace the bill by specifically requiring the Board of Environmental Protection, by January 1, 2000, to adopt the United States Environmental Protection Agency universal waste rules regarding batteries and to further require the Board of Environmental Protection to adopt rules regarding other universal wastes, excluding pesticides.

Enacted law summary

Public Law 1999, chapter 340 requires the Board of Environmental Protection, by January 1, 2000, to adopt the United States Environmental Protection Agency universal waste rules regarding batteries and further requires the Board of Environmental Protection to adopt rules regarding other universal wastes, excluding pesticides.

Chapter 340 was enacted as an emergency measure effective May 26, 1999.

LD 1536

Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Dioxin Emissions and Discharges

ONTP

<u>Sponsor(s)</u> BULL TREAT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1536 proposed to require the Land and Water Resources Council to develop a long-range strategy to evaluate and reduce levels of dioxin contamination in Maine's environment. The council would be required to submit its recommendations as part of its annual report beginning in January, 2000. The resolve also proposed to give the Joint Standing Committee on Natural Resources authority to report out legislation regarding the reduction of dioxin emissions and discharges to the Second Regular Session of the 119th Legislature.

<u>Sponsor(s)</u> MCKEE NUTTING J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1537, a concept draft, proposed to increase local road assistance funds to towns for use in special erosion control projects on town roads located in lake watershed areas. These additional funds would be provided to towns on a project-by-project basis and only upon application by the town. The bill also proposed to consider direct impacts from state aid and federal aid highways in projects funded through existing highway lake protection programs.

<u>Sponsor(s)</u> COWGER TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-425 H-540 MARTIN S-456 MICHAUD
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LD 1550 proposed to establish the Public Water Supply Protection Task Force, consisting of 17 members, to review existing protections for public water supplies and to identify steps to improve protection of public water supply wells and intakes. The bill proposed to require the task force to submit its report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Natural Resources by January 15, 2000.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-425) proposed to add an emergency preamble and emergency clause to the resolve. The amendment proposed to specify that the cochairs of the Public Water Supply Protection Task Force would be appointed by the President of the Senate and the Speaker of the House. It proposed to add as a duty of the task force the identification of steps to improve protection of public water supply wells and intakes from surface water uses posing threats to drinking water quality. The amendment proposed to specify that the task force shall submit its report to the Joint Standing Committee on Natural Resources.

The amendment also proposed to make a technical change in the fiscal year in the appropriation.

House Amendment "A" (H-540) proposed to change the reporting date to January 14, 2000.

Senate Amendment "A" to Committee Amendment "A" (S-456) proposed to add 2 members who are Legislators to the Public Water Supply Protection Task Force. It proposed to require the task force to evaluate fuel handling problems that lead to groundwater contamination from fuel and fuel additives, including MTBE. It proposed that the Office of Policy and Legal Analysis provide additional staffing assistance to the task force at the request of the chairs.

Enacted law summary

Resolve 1999, chapter 80 establishes the Public Water Supply Protection Task Force, consisting of 19 members, to review existing protections for public water supplies, to evaluate fuel handling problems that lead to groundwater contamination from fuel and fuel additives and to identify steps to improve protection of public water supply wells and intakes. The task force shall submit its report to the Joint Standing Committee on Natural Resources by January 14, 2000.

LD 1562

An Act to Establish the Environmental Leadership Program

CARRIED OVER

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

LD 1562 proposes to establish the voluntary Environmental Leadership Program under which a person may receive incentives for improving environmental quality if a facility owned by the person meets certain criteria. The incentives would include financial, procedural, license and public recognition incentives. The bill proposes to require the Board of Environmental Protection to adopt rules necessary to implement the program by July 1, 2000.

The bill also proposes to establish the Environmental Leadership Fund under which a person who owns a facility may receive a loan at below-market rates for pollution prevention, toxic use reduction, resource use reduction, resource recovery, energy efficiency or development of innovative environmental technologies. The fund would be authorized to receive dollars from any public or private source. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 1601

Resolve, to Direct the Department of Environmental Protection and the Department of Economic and Community Development to Devise a Proposal for Long-term Funding of the Removal of Tire Dumps

RESOLVE 48

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL SHIAH	OTP-AM	H-539 MARTIN S-186

LD 1601 proposed to require the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to devise a system for entering into long-term contracts with tire abatement and site remediation contractors.

Committee Amendment "A" (S-186) proposed to remove the requirement that the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development devise a system for entering into long-term contracts with tire abatement and site remediation contractors and further proposed that the commissioners review alternative funding issues for dealing with waste tires. The amendment also adds a fiscal note to the resolve.

House Amendment "A" (H-539) proposed to change the reporting date.

Enacted law summary

Resolve 1999, chapter 48 requires the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development to devise a system for entering into contracts with tire abatement and site remediation contractors and further requires that the commissioners review alternative funding issues for dealing with waste tires. The Commissioners are to report to the Joint Standing Committee on Natural Resources by January 14, 2000.

<u>Sponsor(s)</u> COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-519
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LD 1625 proposed to do the following:

1. Establishes a penalty for late payment of oil import fees;
2. Requires operators of underground motor fuel storage facilities to report inventory discrepancies exceeding 200 gallons. Under current law, discrepancies of 200 gallons or more do not need to be reported if they do not exceed 1% of the 30-day throughput for the facility;
3. Establishes a lien to facilitate recovery of costs incurred by the department in the abandonment of an underground oil storage facility;
4. Eliminates obsolete language from the provision requiring legislative review of all rules related to aboveground and underground oil storage facilities;
5. Requires underground piping at aboveground oil storage facilities to meet the same requirements that apply to underground piping at underground oil storage facilities;
6. Changes the definition of "lead inspection" to be consistent with other terminology used in the lead abatement laws;
7. Changes the definition of "waste oil" to include synthetic oil that has become contaminated or otherwise is unsuited for its original purpose. This change is needed to ensure proper handling of all contaminated oils, regardless of whether the oil is petroleum based or produced by synthesis;
8. Makes municipalities ineligible for reimbursement of landfill closure and remediation costs associated with a landfill licensed after the cost-share program was established, or for remediation costs related to threats posed by the landfill to structures built after December 31, 1999;
9. Provides for notice of the existence of a closed solid waste landfill in real estate transactions involving the landfill property; and
10. Corrects an error in the wording of the rule-making authority for hazardous matter.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (H-519) proposed to do the following.

1. It allows the Department of Environmental Protection to waive penalties for late payment of oil import fees for good cause shown;
2. It allows a municipality to receive a maximum 50% reimbursement of the remediation cost related to threats posed by municipal landfills for structures constructed after December 31, 1999, provided that the municipality has taken reasonable steps to abate the threats; and
3. It provides that sellers of property must give notice to buyers when selling land upon which a closed or abandoned municipal solid waste landfill is located.

Enacted law summary

Public Law 1999, chapter 334 does the following:

1. It establishes a penalty for the late payment of oil import fees. The Department of Environmental Protection may waive the penalties for late payment of oil import fees for good cause shown;
2. It requires operators of underground motor fuel storage facilities to report inventory discrepancies exceeding 200 gallons. Under current law, discrepancies of 200 gallons or more do not need to be reported if they do not exceed 1% of the 30-day throughput for the facility;
3. It establishes a lien to facilitate recovery of costs incurred by the department in the abandonment of an underground oil storage facility;
4. It eliminates obsolete language from the provision requiring legislative review of all rules related to aboveground and underground oil storage facilities;
5. It requires underground piping at aboveground oil storage facilities to meet the same requirements that apply to underground piping at underground oil storage facilities;
6. It changes the definition of "lead inspection" to be consistent with other terminology used in the lead abatement laws;
7. It changes the definition of "waste oil" to include synthetic oil that has become contaminated or otherwise is unsuited for its original purpose. This change is needed to ensure proper handling of all contaminated oils, regardless of whether the oil is petroleum based or produced by synthesis;
8. It provides that the municipality is entitled to receive a maximum 50% reimbursement of the remediation cost related to threats posed by municipal landfills for structures constructed after December 31, 1999, provided that the municipality has taken reasonable steps to abate the threats;
9. It provides that sellers of property must give notice to buyers when selling land upon which a closed or abandoned municipal solid waste landfill is located; and
10. It corrects an error in the wording of the rule-making authority for hazardous matter.

LD 1626

An Act to Assist in the Cleanup of the Town of Wells Maine Waste Oil Site

PUBLIC 505

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON	OTP-AM MAJ	H-730
KONTOS	OTP-AM MIN	H-738 DAIGLE

LD 1626 proposed to create a stream of revenue to retire the costs of investigation and remediation at 4 waste motor oil sites in Wells, Plymouth, Ellsworth and Casco. It proposed to retire the cost of any early pay-ins by various businesses at the Wells site. It proposed to authorize the Finance Authority of Maine is to issue revenue obligation securities in amounts sufficient to cover a large percentage of the clean-up costs. It proposed to retire these revenue obligation securities with funds derived from a premium on motor oil imposed at the wholesale level.

It proposed that the State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, would be eligible to participate in the Waste Motor Oil

Disposal Site Remediation Program. It proposed that the revenue obligation securities would also cover the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981, and that had waste motor oil deposited at one or more of the 4 sites. The United States Government and its instrumentalities would not be eligible to participate in the program.

It proposed to create the Waste Motor Oil Revenue Board to oversee the process and make determinations as to eligibility for participation in the program.

Committee Amendment "A" (H-730) proposed to replace the bill and create the Wells Waste Oil Cleanup Fund under the jurisdiction and control of the Finance Authority of Maine.

House Amendment "A" to Committee Amendment "A" (H-738) proposed to add a new Part that establishes the Select Commission to Study State Participation in Funding Cleanup and Remediation of Uncontrolled Hazardous Substance Sites.

Enacted law summary

Public Law 1999, chapter 505 creates the Wells Waste Oil Cleanup Fund under the jurisdiction and control of the Finance Authority of Maine. The fund provides low or zero interest loans and loan guarantees of up to \$50,000 to eligible Maine residents and businesses who have been identified as responsible parties at the Portland-Bangor Waste Oil Services Site in Wells and who have demonstrated financial need. The fund also provides for assistance to municipalities identified as responsible parties at the Wells site. In addition, the Finance Authority of Maine may issue deferred loans, which may be converted to a grant. The loan program is funded through a one-time \$4,000,000 transfer from the Underground Oil Storage Replacement Fund. Any remaining balance of the fund reverts to the Ground Water Oil Clean-up Fund after the Department of Environmental Protection determines that the Wells waste oil site has been finally cleaned up.

The law also provides for payments of up to \$2,000 for each Maine responsible party that makes a claim for this payment, with additional reimbursements to Maine responsible parties up to maximum of the person's share of the total response costs multiplied by the total orphan share percentage at the Wells site. This direct payment program is funded by a \$3,100,000 transfer from the Maine Rainy Day Fund.

The law requires the Fund Insurance Review Board and the Finance Authority of Maine to review and make necessary adjustments from the Underground Oil Storage Replacement Fund to the Ground Water Oil Clean-up Fund. The law requires the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources on the appropriate balance of the Ground Water Oil Clean-up Fund, and the status of the cleanup and remediation of the Portland-Bangor Waste Oil Services Site in Wells. Finally, the law establishes the Select Commission to Study State Participation in Funding Cleanup and Remediation of Uncontrolled Hazardous Substance Sites.

LD 1643

An Act to Remove Certain Wetland Sites Requirements for Proposed Developments within the Jurisdiction of the Maine Land Use Regulation Commission

ONTP

Sponsor(s)
GOODWIN

Committee Report
ONTP

Amendments Adopted

LD 1643 proposed to prohibit the Maine Land Use Regulation Commission from requiring that applicants for permits conduct a wetlands delineation on undisturbed land surrounding a proposed development unless a portion of the land to be disturbed by the development is a wetland. The bill also proposed to make unenforceable existing Maine Land Use Regulation Commission rules that conflict with the provisions of the bill.

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

LD 1669 proposed to amend the laws relating to toxics use and hazardous waste reduction in the following ways.

1. It proposed to add to the State's toxics use reduction and hazardous waste management policy the objectives of continuous improvement in pollution prevention and open, public accountability.
2. It proposed to revise the toxics use, toxics release and hazardous waste reduction goals by establishing statewide goals of a 10% reduction by January 1, 2002, a 20% reduction by January 1, 2004 and a 30% reduction by January 1, 2006. It proposed to require the Commissioner of Environmental Protection to submit an annual report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress toward meeting the statewide goals for toxics use, toxics release and hazardous waste reduction and the adequacy of the reduction goals set by facilities.
3. It proposed to require the Commissioner of Environmental Protection to adopt rules to establish guidelines for measuring the progress of new facilities toward minimizing toxics use, toxics release and hazardous waste generation.
4. It proposed to clarify which facilities would be required to prepare pollution prevention plans, plan summaries and annual progress reports and which facilities would be exempt from planning, reporting and fee requirements.
5. It proposed to require facilities to prepare pollution prevention plans by September 1, 2000 and every three years thereafter. In addition to the current plan requirements, a plan would have to include a financial analysis of the costs and benefits of reducing the amount of toxics used, toxics released and hazardous waste generated and the facility's goals for reducing the amount of extremely hazardous substances used, toxics released and hazardous waste generated. It also proposed to require facilities to submit summaries of their pollution prevention plans and annual pollution prevention progress reports to the Department of Environmental Protection.
6. It proposed to require facilities to involve employees in developing pollution prevention plans and plan updates. It also proposed to require facilities to notify the municipal officers in the municipality in which a facility is located of pollution prevention efforts and to provide the municipal officers with a copy of plan summaries.
7. It proposed to authorize the Commissioner of Environmental Protection to review pollution prevention plans, plan summaries and progress reports and to require the owners or operators of a facility to revise or modify a plan, plan summary or progress report. It proposed to require the commissioner to review a pollution prevention plan in the following situations: if the plan summary indicated significant deficiencies in the facility's pollution prevention efforts; if the facility failed to reach any of its reduction goals by more than 25%; or if the municipal officers or 50 registered voters in the municipality in which the facility is located submitted a petition to review the plan.
8. It proposed to require the Commissioner of Environmental Protection to organize and store in electronic form the information submitted to the department in annual progress reports. It also proposed to require the commissioner to offer technical services over the Internet and to establish a clearinghouse of technical information on toxic use reduction.
9. It proposed to require the Commissioner of Environmental Protection to submit several reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

10. It proposed to authorize the Commissioner of Environmental Protection to designate by rule a class of facilities as subject to planning and reporting requirements if the commissioner made a finding that participation by that class of facilities could reduce threats to public health and the environment. Adding such a class of facilities would require review by the Legislature.
11. It proposed to require the Commissioner of Environmental Protection to establish, by October 1, 2006, new statewide goals for reducing the amount of toxics used, toxics released and hazardous waste generated.
12. It proposed to revise the fees required to be paid to the department by toxics users, toxics releasers and hazardous waste generators.
13. It proposed to clarify the penalties for failure to meet requirements under the toxics use and hazardous waste reduction laws.

LD 1691 An Act to Protect Maine's Lakes and Ponds from Camp Road Runoff ONTP

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

LD 1691 proposed to establish a camp road management grants program in the Department of Environmental Protection to provide matching financial and technical assistance grants to municipalities and nonprofit organizations involved in camp road construction and maintenance. Camp road projects within a shoreland zone would be eligible for matching grants. Grants would be awarded on a competitive basis based upon the degree to which the project design protects the associated water body from nonpoint source pollution associated with the use of the road. The bill proposed to fund the grant program from an annual appropriation of \$125,000 from the General Fund in each year of the biennium.

LD 1692 An Act to Expedite the Contaminated Groundwater Remediation Process ONTP

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

LD 1692 proposed to authorize the Department of Environmental Protection to finance extensions of public water supplies to restore or replace water supplies contaminated by hazardous wastes, waste oil or discharges of oil.

LD 1711 An Act to Clarify the Law Governing Disbursements from the PUBLIC 278
Groundwater Oil Clean-up Fund

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-426

LD 1711 proposed to make several changes to the laws governing disbursements from the Groundwater Oil Clean-up Fund.

This bill was submitted on behalf of the Department of Environmental Protection.

Committee Amendment "A" (H-426) proposed to strike the provisions of the bill that propose to make storage tank owners who apply to the Groundwater Oil Clean-up Fund for coverage of oil clean-up costs subject to conditional deductibles based on the failure of a prior owner to meet regulatory requirements.

Enacted law summary

Public Law 1999, chapter 278 does the following:

1. Makes an applicant to the Groundwater Oil Clean-up Fund ineligible for coverage of oil clean-up costs that the applicant already has recovered or subsequently recovers by court judgment or settlement with other responsible parties.
2. Increases from \$2,000,000 to \$2,250,000 the cap on disbursements from the Groundwater Oil Clean-up Fund for personal services in anticipation of hiring three to four employees to do oil remediation work that currently is being done by private contractors.
3. Authorizes an additional \$1,000,000 in disbursements from the Groundwater Oil Clean-up Fund to help low-income families remove nonconforming underground heating oil tanks and replace them with aboveground tanks that meet regulatory requirements.
4. Makes it clear that the commissioner shall seek reimbursement of all department clean-up costs that are not eligible for coverage by the fund, including costs paid from federal grant money.

LD 1714

An Act to Clarify and Improve the State's Solid Waste Management Laws

PUBLIC 385

Sponsor(s)
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-633

LD 1714 proposed several changes to the State's solid waste management laws.

This bill was submitted on behalf of the Department of Environmental Protection

Committee Amendment "A" (H-633) proposed to correct typographical errors in the bill.

Enacted law summary

Public Law 1999, chapter 385 does the following:

1. Revises the Environmental Protection Fund fee schedule, which establishes statutory maximum fees. The revisions include changes to certain categories of licenses and fees in order to make them consistent with recently adopted solid waste management rules.
2. Revises the law to limit the scope of the nonhazardous waste transporter licensing program to the transportation of septage, used motor vehicle tires and construction or demolition debris.
3. Revises the law to expand the scope of the State Planning Office's technical and financial assistance program to include planning assistance to municipalities and regions for solid waste management in addition to recycling program assistance.

4. Revises the schedule for fees imposed on certain wastes disposed of in landfills. Specifically, the schedule makes fee amounts consistent between commercial and municipal landfills, imposes a consistent \$5 per ton fee on most categories of special waste, reduces the fee on municipal solid waste incinerator ash and front end process residue to \$1 per ton and imposes a consistent \$2 per ton fee on municipal solid waste disposed of at commercial and municipal landfills under very limited circumstances.

LD 1736 **An Act to Amend the Site Location of Development Laws to Include the Location and Safety of Transmission Towers** **ONTP**

<u>Sponsor(s)</u> POWERS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1736 proposed to require the Department of Environmental Protection to consider the visual impact associated with the construction of electric transmission line towers, when reviewing an application for a site location of development permit.

LD 1763 **An Act to Require the Department of Environmental Protection to Mail the Department's Monthly Activity Report to Legislators on the Joint Standing Committees on Natural Resources and Health and Human Services** **ONTP**

<u>Sponsor(s)</u> KASPRZAK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1763 proposed to require the Commissioner of Environmental Protection to mail the monthly activity report for the department to the members of the Joint Standing Committees on Natural Resources and Health and Human Services.

LD 1772 **An Act to Require Tire Manufacturers to Accept Tires for Return** **ONTP**

<u>Sponsor(s)</u> GOODWIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1772 proposed to require a tire manufacturer to accept for return those brands of tires it manufactures. This bill further proposed to eliminate the fee paid by the tire consumer for return of the motor vehicle tires.

LD 1774

An Act to Amend Environmental Penalties to Prohibit Fines on First-time Violators

ONTP

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

LD 1774 proposed to prohibit the levying of fines on first-time violators of environmental laws as long as the violation was not willful and the violator agrees to work with the Department of Environmental Protection to correct any damage that may have occurred.

LD 1794

An Act to Encourage the Implementation of Pollution Prevention in Maine

ONTP

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

LD 1794 proposed to extend Maine's toxics use reduction laws by requiring facilities to establish their own facility-specific goals for toxics release, toxic use and hazardous waste reductions. The bill proposed to establish a recognition program for high performers and to require the Department of Environmental Protection to provide assistance to nonperformers and to require plan-summary submissions from nonperformers. The bill proposed to clarify penalties for failure to submit required reporting documents. The bill also proposed to incorporate pollution prevention into state policy and to require the Commissioner of Administrative and Financial Services to lead the development of an environmental management system for state facilities.

This bill was submitted on behalf of the Department of Environmental Protection.

LD 1808

An Act to Amend the Definition of Lender Under the Uncontrolled Hazardous Substance Sites Law

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CIANCHETTE	OTP-AM	H-423

LD 1808 proposed to expand the definition of lender contained in the Maine Revised Statutes, Title 38 by incorporating a federal definition that would extend the potential applicability of the exemption from liability for lenders contained in Title 38, section 342-B, subsection 2 to entities purchasing mortgage notes on the secondary market.

Committee Amendment "A" (H-423) proposed to make a technical correction to a statutory cross-reference.

Enacted law summary

Public Law 1999, chapter 289 expands the definition of lender contained in Title 38, section 1362, subsection 1-B by incorporating a federal definition that would extend the applicability of the exemption from liability for lenders contained in Title 38, section 342-B, subsection 2 to entities purchasing mortgage notes on the secondary market.

LD 1822

An Act Allowing Kelly Sanborn to Remain in Her Current Residence

ONTP

<u>Sponsor(s)</u> MACK		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1822 proposed to allow Kelly Sanborn and her family to reside in an apartment in Standish with the current septic system.

LD 1823

An Act to Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses

**PUBLIC 375
EMERGENCY**

<u>Sponsor(s)</u> KILKELLY HONEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-286
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LD 1823 proposed to change the eligibility requirements for commercial establishments to receive state grants under the Small Community Grant Program to clean up individual malfunctioning wastewater systems by basing eligibility on federal taxable income rather than gross profit. The bill proposed to limit businesses that qualify for the grants to those with \$25,000 or less in annual taxable income.

Committee Amendment "A" (S-286) proposed to change the eligibility requirements for commercial establishments to receive assistance under the Small Community Grant Program by clarifying the definition of gross profit and allowing commercial establishments with \$100,000 or less in gross profit to be eligible for grants. The amendment proposed to authorize the Commissioner of Environmental Protection to reimburse applicants for eligible projects serving commercial establishments and undertaken in 1999 when funds become available through the sale of bonds. The amendment also proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 375 changes the eligibility requirements for commercial establishments to receive assistance under the Small Community Grant Program by clarifying the definition of gross profit and allowing commercial establishments with \$100,000 or less in gross profit to be eligible for grants. The law authorizes the Commissioner of Environmental Protection to reimburse applicants for eligible projects serving commercial establishments and undertaken in 1999 when funds become available through the sale of bonds.

Chapter 375 was enacted as an emergency measure effective June 1, 1999.

LD 1835

An Act to Amend the Department of Environmental Protection Laws

ONTP

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1835 proposed to amend the Department of Environmental Protection's permit-by-rule notification form by adding language that the department may not enter upon the applicant's land without prior knowledge or consent for each visit. The bill proposed to stipulate that an administrative consent agreement may not require a violator to waive any rights to

hearings or proceedings before the Board of Environmental Protection or contain any requirement to abide by conditions that were not agreed upon. The bill also proposed to amend the definitions of pollutant and river, stream or brook.

LD 1859 **An Act to Require Enhanced Emissions Testing for the Entire State** **ONTP**

<u>Sponsor(s)</u> FOSTER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1859 proposed to apply the provisions of the enhanced inspection, currently only required for motor vehicles registered in Cumberland County, to all motor vehicles registered in the State beginning January 1, 2001.

LD 1924 **An Act to Reduce Mercury in Products** **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1924 proposed to do the following:

1. It proposed to require manufacturers of mercury-added products to disclose the fact that a product offered for sale in this State contains mercury and to label the product accordingly;
2. It proposed to require persons who sell mercury-added lamps for use in large applications such as industrial facilities to clearly inform the purchaser in writing that the lamps contain mercury, a hazardous substance regulated by state and federal law, and that the lamps may not be placed in solid waste. It also proposed to require contractors who remove large quantities of mercury-added lamps to disclose, in writing, the arrangements made for management of the mercury in the removed lamps;
3. It proposed to impose restrictions on the sale and distribution of elemental mercury;
4. It proposed to ban the sale in the State of toys, games or clothing that contain mercury; and
5. It proposed to require the Land and Water Resources Council to submit a report on manufacturer responsibility for collection of mercury-added products from users with recommendations to implement a system for ensuring that disposal of mercury-added products does not contribute to mercury emissions to the environment.

LD 2038 **An Act to Amend the Water Quality Laws to Establish a New Standard for Mercury Discharges** **PUBLIC 500
EMERGENCY**

<u>Sponsor(s)</u> KONTOS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-316
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LD 2038 proposed to make the following changes to the laws governing the discharge of mercury to the waters of the State:

1. It proposed to retain the mass-based effluent limits for any legal entity that on January 1, 1971 was discharging mercury in connection with any industrial process and on or before December 31, 1971 filed with the Board of Environmental Protection a statement indicating the amount so discharged;
2. It proposed to amend existing law governing the discharge of mercury and to regulate the discharge of mercury in accordance with the levels set forth in federal water quality criteria as established by the United States Environmental Protection Agency pursuant to the Clean Water Act; and
3. It proposed to preserve the Board of Environmental Protection's authority to regulate any toxic substance, including mercury, in any amount or concentration, including the complete prohibition of such substance based on sound risk assessment through its rulemaking powers.

Committee Amendment "A" (S-316) proposed to suspend the law that prohibits the discharge of mercury into the waters of the State in any concentration that increases the natural concentration of mercury in the receiving waters until October 1, 2001 and to prohibit anyone from discharging mercury in a concentration greater than the concentration discharged as of the effective date of this Act between the effective date and October 1, 2001. It proposed to retain the discharge limits for any entity that on January 1, 1971 was discharging mercury in connection with an industrial process and filed with the Board of Environmental Protection on or before December 31, 1971 a statement indicating the amount of mercury discharged on that date.

The amendment proposed to require the department to adopt rules that specify procedures to be used in establishing interim discharge limits for facilities. The discharge limits could not be less stringent than the facility's discharge levels as of the effective date of the legislation. The amendment proposed to require the department to work with a stakeholder group to develop model pollution prevention plans for mercury dischargers by December 31, 1999. It also proposed to require the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury discharges and the status of pollution prevention plan implementation by January 14, 2000 and January 15, 2001.

The amendment proposed to require the department to develop proposed statewide criteria for mercury and to submit its recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2001, together with any implementing legislation.

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

Enacted law summary

Public Law 1999, chapter 500 suspends the law that prohibits the discharge of mercury into the waters of the State in any concentration that increases the natural concentration of mercury in the receiving waters until October 1, 2001 and prohibits anyone from discharging mercury in a concentration greater than the concentration discharged as of the effective date of the law between the effective date and October 1, 2001. It retains the discharge limits for any entity that on January 1, 1971 was discharging mercury in connection with an industrial process and filed with the Board of Environmental Protection on or before December 31, 1971 a statement indicating the amount of mercury discharged on that date.

The law requires the department to adopt rules that specify procedures to be used in establishing interim discharge limits for facilities. The discharge limits may not be less stringent than the facility's discharge levels as of the effective date of the law. It requires the department to work with a stakeholder group to develop model pollution prevention plans for mercury dischargers by December 31, 1999. It also requires the department to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of mercury discharges and the status of pollution prevention plan implementation by January 14, 2000 and January 15, 2001.

The law requires the department to develop proposed statewide criteria for mercury and submit its recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2001, together with any implementing legislation.

Chapter 500 was enacted as an emergency measure effective June 11, 1999.

LD 2063

An Act to Maintain Protection of Sand Dunes Under Existing Law

PUBLIC 298

<u>Sponsor(s)</u> COLLINS MACKINNON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-424
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LD 2063 proposed to require any building located within the so-called V-Zone, as designated by the National Flood Insurance Program after January 1, 1999, to have the same restrictions and permit requirements under the natural resources protection laws that existed prior to expansion of the V-Zones.

Committee Amendment "A" (H-424) proposed to prohibit the Department of Environmental Protection from denying a permit under the natural resources protection laws for reconstruction of a structure, including a structure destroyed by an ocean storm, solely because the structure is located in an area designated a V-Zone after January 1, 1999. The amendment would not change the department's standards for reconstruction activities in a V-Zone that was designated as such prior to January 1, 1999.

Enacted law summary

Public Law 1999, chapter 298 prohibits the Department of Environmental Protection from denying a Natural Resources Protection Act permit for reconstruction of a structure, including a structure destroyed by an ocean storm, solely because the structure is located in an area designated a V-Zone after January 1, 1999. The law does not change the department's standards for reconstruction activities in a V-Zone that was designated as such prior to January 1, 1999.

LD 2084

An Act to Reduce the Release of Mercury into the Environment from Consumer Products

CARRIED OVER

<u>Sponsor(s)</u> TREAT SAVAGE W		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2084 proposes to require the Land and Water Resources Council to report annually to the joint standing committee of the Legislature having jurisdiction over natural resource matters on issues related to mercury contamination.

The bill proposes to prohibit the sale of certain products that contain mercury unless they are labeled to inform consumers that mercury is present in the item and that the item may not be disposed of until the mercury is removed and reused, recycled or otherwise managed. Products that would have to be labeled are thermostats and thermometers, switches, medical or scientific instruments, electric relays and other electrical devices and lamps.

The bill proposes to prohibit the disposal of labeled mercury-added products except as part of a collection system after June 1, 2001. It also proposes to require the separation of labeled mercury-added products from other solid waste. It proposes to require municipal and regional association solid waste disposal facilities to develop programs for the collection of mercury-added products by December 1, 2000 and to implement those programs by June 1, 2001. The bill proposes to require the Department of Environmental Protection and the State Planning Office to assist municipalities and regional associations in developing collection programs and informing the public about mercury-added products.

It proposes to require manufacturers of mercury-added products to establish a system for the proper collection, transportation and management of the products and to prohibit them from charging a fee for the collection system. The bill proposes to ban the sale in the State of toys, games and apparel that contain mercury.

The bill proposes to require the Department of Environmental Protection to develop a plan, in consultation with dentists, for reducing mercury pollution from dental procedures. It proposes to require the Board of Environmental Protection to adopt rules to implement mandatory source reduction of mercury from dental procedures. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 2137 An Act to Prohibit Motor Vehicles on Certain Lakes ONTP

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

LD 2137 proposed to prohibit the operation of a motor vehicle on any frozen body of water that is used as a public water supply. The bill proposed to provide for a one-time day pass that may be granted to allow a motor vehicle to be driven on the ice when it is in the best interest of the public.

LD 2151 An Act to Revise the State's Water Quality Standards ONTP

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

LD 2151 proposed to establish a new water quality standard for mercury based on the federal standard.

LD 2158 An Act to Authorize Matinicus Isle Plantation to Implement a Disposal Fee for Motorized Vehicles P & S 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SKOGLUND	OTP-AM	S-259

LD 2158 proposed to authorize Matinicus Isle Plantation to assess a solid waste disposal fee for motorized vehicles on the island, not to exceed \$500 per vehicle.

Committee Amendment "A" (S-259) proposed to add an emergency preamble and emergency clause and expand the definition of motorized vehicles to include motor vehicles, trailers and travel trailers.

Enacted law summary

Private and Special Law 1999, chapter 28 authorizes Matinicus Isle Plantation to assess a solid waste disposal fee for motorized vehicles on the island, including trailers and travel trailers, not to exceed \$500 per vehicle.

LD 2182

An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles

CARRIED OVER

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

LD 2182 proposes to implement the Cleaner Car Rebates Program to promote the purchase of new and used cleaner cars and trucks by offering a rebate to the purchaser of a cleaner vehicle. Under the bill, market incentives would be used to reduce air pollution and to assist automobile manufacturers and dealers in meeting the requirements of the low-emission vehicle program established pursuant to the Maine Revised Statutes, Title 38, section 585-D. This bill was carried over to the Second Regular Session of the 119th Legislature. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 2223

An Act to Encourage Continuous Improvement in Pollution Prevention in Maine

PUBLIC 348

<u>Reported by</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP	

LD 2223 proposed to amend the laws relating to toxics use, toxics release and hazardous waste reduction, as further described in the Enacted Law Summary. This bill was reported out of committee pursuant to Joint Order S. P. 806.

Enacted law summary

Public Law 1999, chapter 348 amends the laws relating to toxics use, toxics release and hazardous waste reduction in several ways, including revising the toxics use, toxics release and hazardous waste reduction goals by establishing statewide goals of a 40% reduction by January 1, 2002, a 50% reduction by January 1, 2004 and a 60% reduction by January 1, 2006 and by requiring facilities to establish 2-year goals for reducing the amount of extremely hazardous substances used, toxics released and hazardous waste generated; requiring the Commissioner of Administrative and Financial Services to lead the development of a pollution prevention system for state facilities by 2005; clarifying which facilities are required to prepare pollution prevention plans and progress reports and which facilities are exempt from planning, reporting and fee requirements; authorizing the Commissioner of Environmental Protection to require the owner or operator of a facility to submit a plan summary if the facility has not made sufficient progress in reducing toxics use, toxics release or hazardous waste generation as evidenced by the facility's progress report; requiring the commissioner to review a pollution prevention plan in certain situations; requiring the commissioner to organize and store in electronic form the information submitted to the department in progress reports; revising the fees required to be paid to the department by toxics users, toxics releasers and hazardous waste generators; and clarifying the penalties for failure to meet requirements under the toxics use and hazardous waste reduction laws. The law also requires the Commissioner of Environmental Protection to submit several reports to the joint standing committee of the Legislature having jurisdiction over natural resources matters and to establish a biennial performance recognition program for high performers. The law also allocates funds to the department for implementing the additional responsibilities.

LD 2228

An Act to Provide for Alternative Treatment of Biomedical Waste

CARRIED OVER

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

LD 2228 proposes to allow the Department of Environmental Protection to permit a type of biomedical waste treatment facility that uses microwave disinfection technology. This bill was carried over to the Second Regular Session of the 119th Legislature.

LD 2238

An Act to Clarify the Solid Waste Laws as They Relate to the Exception to the Ban on New Commercial Landfills

**PUBLIC 525
EMERGENCY**

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

LD 2238 proposed to clarify the definition of "commercial waste facility" under the waste management laws.

Committee Amendment "A" (S-441) proposed to replace the bill by proposing to clarify the definition of "commercial solid waste disposal facility" and clarify the exceptions to the prohibition on commercial solid waste disposal facilities under the existing definition of commercial solid waste disposal facilities. In addition, the amendment proposed to specify that a generator-owned facility may not claim an exemption from the commercial solid waste disposal facility if it is primarily engaged in the business of treating or disposing of solid waste.

Enacted law summary

Public Law 1999, chapter 525 clarifies the definition of "commercial solid waste disposal facility" and clarifies the exceptions to the prohibition on commercial solid waste disposal facilities. Specifically, the law clarifies that a publicly owned solid waste facility is exempt from the prohibition on "commercial solid waste disposal facility" provided that the public entity also controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility. In addition, the law specifies that a generator-owned facility may not claim an exemption from the commercial solid waste disposal facility if it is primarily engaged in the business of treating or disposing of solid waste.

Chapter 525 was enacted as an emergency measure effective June 17, 1999.

LD 2244

An Act to Fund Training Programs for Water Pollution Control Facility Operators

P & S 52

<u>Reported by</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP	

LD 2244 proposed to appropriate \$40,000 per year to the Department of Environmental Protection, Bureau of Land and Water Quality to support training programs for wastewater treatment plant operators. This bill was reported out of committee pursuant to Joint Order S. P. 843.

Enacted law summary

Private and Special Law 1999, chapter 52 appropriates \$40,000 per year to the Department of Environmental Protection, Bureau of Land and Water Quality to support training programs for wastewater treatment plant operators.

SP 827 Joint Order Relative to the Task Force on Patterns of Development INDEF PP

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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SP 827 proposed to establish the Legislative Task Force on Patterns of Development. The joint order proposed to give the 14 member task force the following responsibilities: to review legislation relating to patterns of development carried over by the First Regular Session of the 119th Legislature, to review past work of the Legislature and state agencies relating to sprawl and service center communities and to report to the Legislature with recommendations.

A similar task force is established by Resolve 1999, chapter 63 (LD 304 in the Joint Standing Committee on State and Local Government).

HP 1581 Joint Order Relative to the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG INDEF PP

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u>		<u>Amendments Adopted</u> H-582
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HP 1581 proposed to establish a stakeholders group to explore issues relating to alternative fuels, including alternatives to reformulated gasoline and MTBE.

House Amendment "A" (H-582) proposed to clarify that 2 of the members of the stakeholders group must be representatives of the fuel industry.

HP 1591 Joint Resolution Supporting the Efforts of the Department of Environmental Protection in Protecting the People and Resources of Maine from Oil Spills CARRIED OVER

<u>Sponsor(s)</u> TWOMEY GOLDTHWAIT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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HP 1591 proposes to support ongoing oil tanker safety rules and the oil spill prevention efforts of the Department of Environmental Protection. This Joint Order was carried over to the Second Regular Session of the 119th Legislature. This bill was carried over to the Second Regular Session of the 119th Legislature.

Joint Select Committee on Research and Development

LD 171

An Act to Provide State Funding for the Wells National Estuarine Research Reserve

INDEF PP

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

LD 171 proposed to appropriate \$300,000 to the Department of Conservation in each of fiscal years 1999-00 and 2000-01. These funds would be provided as grants to the Wells National Estuarine Research Reserve to ensure that the reserve has the necessary operating funds to continue with its research and educational programs. This state funding would serve as the match for certain private and federal grants.

Committee Amendment "A" (S-166) proposed to appropriate the \$300,000 in each of fiscal years 1999-00 and 2000-01 to the Wells National Estuarine Research Reserve Management Authority instead of to the Department of Conservation. This amendment also proposed to add a fiscal note to the bill. Committee Amendment "A" was not adopted.

LD 248

An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Fund the Governor's Marine Studies Fellowship Program

ONTP

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

LD 248 proposed to appropriate funds to the Governor's Marine Studies Fellowship Program to provide support for undergraduate and graduate students enrolled in state-chartered colleges and universities to work with researchers in academic institutions, marine industries and marine industry associations.

The provisions of this bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Part TT).

See also LD 2243.

LD 293

An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Capital Improvements to Support Research and Development in the University of Maine System

ONTP

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

LD 293 proposed to appropriate funds for capital construction in the University of Maine System to renovate and construct research facilities for use by university researchers and students, research collaborators and private sector partners.

The provisions of this bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Part VV).

See also LD 2243.

LD 373 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Math and Science Training for Maine Educators** **ONTP**

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

LD 373 proposed to appropriate funds to support the expansion of the Department of Education's partnership with the National Aeronautic and Space Administration (NASA). Through the partnership, the Department of Education would use NASA materials and technology for professional development, curriculum development and teacher and student internships.

The provisions of this bill were subsequently amended and incorporated into a committee bill (LD 2243, P&S 1999, chapter 33) and into the Part 2 budget (Public Law 1999, chapter 401, Part TT).

LD 452 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Increased Opportunities for Maine Students in Math, Science and Engineering** **ONTP**

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

LD 452 proposed to appropriate funds to the University of Maine System to develop, direct and assess accelerated learning programs for high school students. These programs would include course work on campus or delivered through technology, summer academies and mentoring by faculty. The goal of the programs would be to increase opportunities for high school students to learn about and experience success in postsecondary math, science and engineering programs.

LD 492 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Adequate Laboratory Equipment in Maine Schools** **ONTP**

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

LD 492 proposed to appropriate funds to the Foundation for Blood Research for the ScienceWorks for ME equipment donation program. This funding would support expansion of the program to reach more schools with more equipment.

The provisions of this bill were subsequently amended and incorporated into a committee bill (LD 2243, P&S 1999, chapter 33) and into the Part 2 budget (Public Law 1999, chapter 401, Part TT).

LD 643 **An Act to Implement the Recommendation of the Joint Select Committee on Research and Development Relating to Funding the Maine Economic Improvement Fund** **ONTP**

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

LD 643 proposed to appropriate funds to the Maine Economic Improvement Fund, administered by the University of Maine System Board of Trustees, to support applied research and development and product innovation in target areas within the University of Maine System.

The provisions of this bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Part TT).

See also LD 2243.

LD 654 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Professional Development in the Use of Technology** **ONTP**

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

LD 654 proposed to appropriate funds for the development and implementation of professional development and curricular development programs to train K through 12 teachers to effectively use technology in the classroom. The University of Maine System would collaborate with the Department of Education, the Maine Technical College System and the regional education partnerships to provide these programs.

LD 666 **Resolve, to Designate and Fund a State Research Library for Business, Science and Technology** **ONTP**

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

LD 666 proposed to designate the Raymond H. Fogler Library at the University of Maine as the State Research Library for Business, Science and Technology. It also proposed to appropriate funds to the University of Maine System for the

purchase of information resources, equipment and staff support for the State Research Library for Business, Science and Technology.

The provisions of this bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Part UU).

See also LD 2243.

LD 686 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to the Employment Needs of Growing High-technology Companies** **ONTP**

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

LD 686 proposed to appropriate \$1,000,000 per year in the next biennium to the Maine Technical College System for the initial capitalization of new or expanded catalog programs at the technical colleges to serve new and emerging high-technology industries.

See also LD 2243.

LD 698 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Establish a Center for Advanced Law and Management** **ONTP**

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

LD 698 proposed to appropriate funds to create and support a Center for Advanced Law and Management at the University of Southern Maine. The Center would strengthen the competitive advantage of Maine firms and entrepreneurs by creating a forum to address many of the complex issues that impact technology-based businesses.

The provisions of this bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Part TT).

See also LD 2243.

LD 930 **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Research Internship Opportunities for Teachers and Students** **ONTP**

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

LD 930 appropriate funds to the Maine Science and Technology Foundation for the Maine Research Internships for Teachers and Students (MERITS) program. This funding would allow the MERITS program to continue and expand the number of teachers and students able to participate in research internships.

The provisions of this bill were subsequently amended and incorporated into a committee bill (LD 2243, P&S 1999, chapter 33) and into the Part 2 budget (Public Law 1999, chapter 401, Part TT).

LD 1528 An Act to Provide Funds for Applied Research and Development CARRIED OVER
Relevant to the Maine Economy

<u>Sponsor(s)</u> ROSEN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1528 is being carried over to the Second Regular Session of the 119th Legislature. The bill proposes to establish the Applied Research and Development Fund to be used for applied research and development relevant to the Maine economy. The fund would receive annual General Fund appropriations equivalent to one percent of actual General Fund revenue for the previous year.

The bill also proposes to establish an organization responsible for making awards from the fund. A 12-member governing board would be established to oversee the activities of the organization.

LD 2125 An Act to Implement the Recommendations of the Target Industries ONTP
Committee to Promote Research and Development Activities in Maine

<u>Sponsor(s)</u> ROWE LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2125 proposed to establish the Maine Technology Institute as a private nonprofit corporation with a public purpose. The institute would be governed by a board of seven private sector members, the Commissioner of Economic and Community Development, the Chancellor of the University of Maine System, the President of the Maine Science and Technology Foundation, the Director of the State Planning Office and one member of the Legislature appointed by the Speaker and the President who would serve as a nonvoting member.

The bill proposed to appropriate \$15,000,000 in each fiscal year of the biennium to the institute and authorize the institute to disburse the money on a competitive basis to private sector organizations involved in the development or production of new technologies. The institute would be required to report annually to the Legislature on its financial operations and on the use of funds by its grantees. The institute would also be prohibited from spending more than 7% of those funds on its own operations.

The general corporate powers and duties of the institute as a nonprofit corporation with a public purpose were modeled after those established in law for the Maine Science and Technology Foundation and include the right to hire staff and establish salaries, to sue and be sued, to enter into contracts, to incur debt and otherwise generally exercise the powers of other corporations as provided under law.

The bill also proposed to dissolve the institute after seven years, on December 31, 2006, and on that date return to the State all property purchased with General Fund appropriations and transfer to the General Fund all unencumbered appropriations.

The provisions of this bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401, Parts TT and AAA).

See also LD 2243.

LD 2243

An Act to Promote Research and Development Activities in Maine

P&S 33

<u>Sponsor(s)</u> COWGER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-429
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LD 2243 was a committee bill that proposed to appropriate money for research and development. Part A proposed to appropriate \$1,000,000 per year in the next biennium to the Maine Technical College System for the initial capitalization of new or expanded catalog programs at the technical colleges to serve new and emerging high-technology industries.

Part B proposed to appropriate funds to the Maine Economic Improvement Fund, administered by the Board of Trustees of the University of Maine System Board of Trustees, to support applied research and development and product innovation in target areas within the University of Maine System.

Part C proposed to appropriate a total of \$10,000,000 for the biennium to the Department of Economic and Community Development for research and development grants for the Maine Technology Institute. It also would transfer \$200,000 in each fiscal year of the biennium from the Maine Technology Investment Fund for the Maine Technology Institute.

Part D proposed to increase the borrowing authority of the University of Maine System. It would appropriate funds to fund debt service payment on a university bond issue for capital construction in the University of Maine System to renovate and construct research facilities for use by university researchers and students, research collaborators and private sector partners.

Part E proposed to designate the Raymond H. Fogler Library at the University of Maine as the State Research Library for Business, Science and Technology. It also would appropriate funds to the University of Maine System for the purchase of information resources, equipment and staff support for the State Research Library for Business, Science and Technology.

Part F proposed to appropriate funds to the Governor's Marine Studies Fellowship Program to provide support for undergraduate and graduate students enrolled in state-chartered colleges and universities to work with researchers in academic institutions, marine industries and marine industry associations.

Part G proposed to appropriate funds to create and support a Center for Advanced Law and Management at the University of Southern Maine. The center would strengthen the competitive advantage of Maine firms and entrepreneurs by creating a forum to address many of the complex issues that affect technology-based businesses.

Part H proposed to appropriate funds to the Foundation for Blood Research for the ScienceWorks for ME equipment donation program. This funding would support expansion of the program to reach more schools with more equipment.

Part I proposed to appropriate funds to the Maine Science and Technology Foundation for the Maine Research Internships for Teachers and Students (MERITS) program. This funding would allow the MERITS program to continue.

Part J proposed to appropriate funds to support the expansion of the Department of Education's partnership with the National Aeronautic and Space Administration (NASA). Through the partnership, the Department of Education would use NASA materials and technology for professional development, curriculum development and teacher and student internships.

Joint Standing Committee on State and Local Government

LD 12

An Act to Change the Selection Process of the Oxford County Budget Committee

PUBLIC 31

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON BRYANT	OTP-AM	S-11

LD 12 proposed to change the selection process of the Oxford County Budget Committee by repealing the provision that required municipal officer elections for the committee and by having the entire membership appointed by the county commissioners.

Committee Amendment "A" (S-11) replaced the bill. It proposed to amend the current law governing budget advisory committee membership selection by authorizing the Oxford County commissioners to fill by appointment vacant budget committee seats in their respective districts in the event that the annual district caucus fails to produce at least two qualified budget committee members. The amendment also proposed to require a county commissioner to give notice if the commissioner exercises budget advisory committee appointment authority. It also proposed to prohibit a municipality from having more than one representative serving on the budget advisory committee simultaneously. The amendment also would allow budget advisory committee members as of the effective date of the Act to serve out the remainder of their terms of office.

Enacted law summary

Public Law 1999, chapter 31 amends the current law governing the appointment of Oxford County Budget Committee members. It authorizes Oxford County commissioners to fill by appointment vacant budget committee seats in their respective commissioner districts if at least two qualified budget committee members are not elected at the annual district caucus. The law requires a county commissioner to give notice if the commissioner exercises budget advisory committee appointment authority and limits a municipality to having no more than one representative serving the budget advisory committee simultaneously.

LD 13

An Act to Designate the First Saturday of Each October as Firefighter's Recognition Day

PUBLIC 19

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

LD 13 proposed to establish the first Saturday in October as Firefighter's Recognition Day in the State.

Enacted law summary

Public Law 1999, chapter 19 establishes the first Saturday in October as Firefighter's Recognition Day in the State. The observance honors the men and women of the fire service of Maine -- past and present -- whether they be career, municipal or volunteer firefighters. The first Saturday of October immediately precedes the nationally-observed Fire Prevention Week.

LD 17

An Act to Require a Mortgagee to Notify Annually the Municipality in Which Mortgaged Property Is Located

ONTP

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

LD 17 proposed to require a mortgagee to provide annual notice of a mortgage to the municipality in which the property is located or to the State Tax Assessor if the property is located in unorganized territory. It also proposed to require that a mortgagee provide the municipality or State Tax Assessor the name and address of the mortgagor, the location of the property and the name and address of the mortgagee.

LD 22

An Act to Designate Wintergreen as the State Herb

PUBLIC 27

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

LD 22 proposed to establish the herb wintergreen as the official state herb.

Enacted law summary

Public Law 1999, chapter 27 establishes wintergreen as the official state herb.

LD 25

An Act to Repeal Observation of Daylight Savings Time

ONTP

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

LD 25 proposed to repeal the requirement that the State observe Eastern Daylight Time. Federal law allows a state to opt out of Daylight Savings Time provided the entire state does so.

LD 43

An Act to Amend the State Compensation Commission Laws

**PUBLIC 2
EMERGENCY**

Sponsor(s)
LAWRENCE

Committee Report

Amendments Adopted

LD 43 proposed to delay the first reporting deadline for the State Compensation Commission to April 15, 1999 and to clarify that the commission is authorized to submit legislation. The bill also proposed to make a technical change in the requirements of the appointment process.

Enacted law summary

Public Law 1999, chapter 2 delayed the first reporting deadline for the State Compensation Commission to April 15, 1999 and clarified the commission's authorization to submit legislation. The bill also deleted a requirement from 3 MRSA section 2-B, subsection 3 that the appointments to the commission be made by the presiding officers no later than 15 days following September 19, 1997. The new appointment requirement merely requires that the presiding officers notify the Executive Director of the Legislative Council once they have appointed the initial four members of the commission.

Chapter 2 was enacted as an emergency measure effective January 14, 1999.

LD 54

Resolve, to Authorize the Knox County Commissioners to Hold a Referendum Election in November 1999 to Borrow Not More than \$500,000 to Construct the Knox County Communications Center

**RESOLVE 39
EMERGENCY**

Sponsor(s)
SAVAGE C

Committee Report
OTP-AM

Amendments Adopted
H-324

LD 54 proposed to authorize the Knox County commissioners to borrow a sum not to exceed \$600,000 for construction or renovations of a communications center in Knox County.

Committee Amendment "A" (H-324) proposed to replace the original resolve by authorizing the Knox County commissioners to hold a referendum election in November 1999 to borrow a sum not to exceed \$500,000 to construct the Knox County Communications Center. It also proposed to add a mandate preamble to the original resolve.

Enacted law summary

Resolve 1999, chapter 39 authorizes the Knox County commissioners to hold a referendum election in November 1999 to authorize the borrowing of a sum not to exceed \$500,000 to construct the Knox County Communications Center.

Chapter 39 was enacted as an emergency measure effective May 19, 1999.

LD 67

An Act to Require That Municipal Map and Lot Numbers Be on Deeds prior to Recording

ONTP

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

LD 67 proposed to require that the municipal map number and lot number be noted on a deed prior to recording the deed.

LD 68

An Act to Require That a Certified Copy of Municipal Ordinances Be Recorded in the County Registry of Deeds

ONTP

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

LD 68 proposed to require a municipality to file a copy of every ordinance with the county register of deeds and to prohibit enforcement of ordinances that are not properly filed. Current ordinances must be filed within one year and municipalities may not be assessed a filing fee.

LD 86

An Act to Establish a Children's Bureau within the Executive Department to Serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Education and the Department of Corrections

CARRIED OVER

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

LD 86 proposes to establish the Maine Children's Bureau within the Executive Department to serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Corrections and the Department of Education. The bureau would coordinate and provide case management services in cases involving child abuse and neglect and in cases involving children's mental health and educational and juvenile corrections issues for children within the care of the departments. This bill was carried over to the Second Regular Session.

LD 93

An Act Requiring Interim Annual Budgets for Municipalities

ONTP

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

LD 93 proposed to require the continued operation of a municipal government by means of an interim budget in the event that a public vote in that municipality does not result in the adoption of an annual budget. The interim budget could not exceed the previous year’s budget and would be replaced by the annual budget if and when that budget is finally approved by voters of the municipality.

LD 98

An Act to Observe Daylight Savings Time Year-round

ONTP

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

LD 98 proposed to change the standard time in Maine to one hour earlier than Eastern Standard Time. This translates into the observation of Daylight Savings Time year-round. Federal law (15 USC Sec. 260a) prevents states from making any changes in the timing or changeover dates for Daylight Savings Time.

LD 127

An Act to Terminate the Authority of the Governmental Facilities Authority

DIED IN CONCURRENCE

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

LD 127 proposed to terminate the authority of the Maine Governmental Facilities Authority to exercise its powers and duties beyond the effective date of the bill except for those projects for which securities have already been issued.

Committee Amendment "A" (S-146) was the minority report, which was not adopted. It proposed to replace the original bill and to clarify the intent of the original bill that the Maine Governmental Facilities Authority be prohibited from undertaking new projects or financing projects other than those approved by the Legislature prior to January 1, 1999. The amendment also proposed to enable the authority to carry out its responsibilities for current projects and outstanding debt on those projects.

LD 139

An Act Authorizing County Commissioners to Enact Animal Control Ordinances in Unorganized Territories

PUBLIC 106

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE PENDLETON	OTP-AM MAJ ONTP MIN	H-145

LD 139 proposed to authorize county commissioners of each county to adopt animal control and noise ordinances within unorganized territory in their county.

Committee Amendment "A" (H-145) proposed to replace the original bill and to authorize county commissioners of each county to adopt animal control ordinances within the unorganized territory in their county. The amendment proposed to remove reference to noise ordinances from the bill. It also proposed to require a 14-day notice of any meeting at which a proposed animal control ordinance is to be adopted.

Enacted law summary

Public Law 1999, chapter 106 amends the current law regarding the types of services that may be provided by county commissioners to the residents of the unorganized territory. The law authorizes county commissioners of each county to provide animal control services to the unorganized territory in their county by adopting animal control ordinances. Public Law 1999, chapter 106 requires county commissioners to provide 14 days notice of the meeting at which a proposed animal control ordinance is to be enacted.

LD 157 An Act to Allow Review of Examination-related Issues in Executive Session PUBLIC 40

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO ABROMSON	OTP-AM MAJ ONTP MIN	H-25

LD 157 proposed to authorize a body or agency of State Government to deliberate in executive session concerning various aspects of the licensing examination process.

This bill was submitted on behalf of the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-25) proposed to replace section 2 of the original bill and to restrict the exemptions to state law governing executive sessions to discussion or approval of the content of licensing examinations, consultation between a board or an agency and any entity that provides to the board or agency examination services concerning examination content, and review of examinations with the person examined.

Enacted law summary

Public Law 1999, chapter 40 amends the current law governing executive sessions. It authorizes a body or agency of State Government to deliberate in executive session to discuss or approve a number of matters related to licensing examinations. These matters are: the content of examinations, consultation with an examination provider regarding the content of examinations, and review of the results of an examination with the person examined.

LD 164 An Act to Require Notice Prior to the Posting of Roads by Municipalities ONTP

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

LD 164 proposed to allow county commissioners or municipal officers to place restrictions on gross weight, speed, operation and equipment on public ways other than state and state aid highways and bridges. This bill proposed to allow county commissioners or municipal officers to retain their ability to establish such restrictions, but would have required that a public meeting be advertised and held before the restrictions were imposed. The bill also would have shifted the responsibility to the State Police for enforcing restrictions placed on all roads in the State.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO MARVIN	OTP-AM	S-337 S-422 MICHAUD

LD 180 proposed to require by 2001 that all state agencies have available technology that permits the filing of documents by electronic transmission.

Committee Amendment "A" (S-337) proposed to replace the original bill. It proposed to require that all state entities that require the filing of information by businesses or the public to have filing forms available to download from the Internet by June 1, 2000. The amendment also proposed that those state entities be required to submit by December 1, 2000 an inventory of their required form filings and a plan indicating when those form filings would be accepted electronically. The amendment also proposed to clarify that state entities may not charge a fee for electronically filing a claim. The amendment also proposed to add allocations and appropriations sections to the bill.

Senate Amendment "A" (S-344), which was not adopted, proposed to amend Committee Amendment "A" by striking the provisions in the committee amendment that resulted in additional prescription reimbursement costs under the Medicaid program within the Department of Human Services. It also proposed to strike from the committee amendment the General Fund appropriations of \$280,085 and \$302,895 and Federal Expenditures Fund allocations of \$550,165 and \$593,775 to the Department of Human Services in fiscal year 1999-00 and 2000-01, respectively.

Senate Amendment "B" (S-422) proposed to amend Committee Amendment "A" by removing the language that prohibits state agencies, departments, boards, commissions, institutions, authorities and public instrumentalities from charging a processing fee or reducing the reimbursement rate for electronic filing. This amendment also proposed to strike the appropriation and allocation sections in the committee amendment.

Enacted law summary

Public Law 1999, chapter 446 requires every state agency, department, board, commission, institution, authority or public instrumentality that requires filing of information by businesses or the public to have filing forms available for downloading from the Internet by June 1, 2000. The law also requires those state entities to maintain an inventory of the forms available on the Internet and to provide that inventory to the joint standing committee of the legislature with jurisdiction over state government matters, to the Governor and to the Information Services Policy Board by December 1, 2000. Public Law 1999, chapter 446 also requires that each state entity submit a plan indicating when the forms will be accepted electronically by that entity.

LD 198

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Fund Mandates Enacted Solely for an Individual's Safety

ONTP

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

LD 198 proposed to amend the Constitution of Maine to require the State to reimburse Maine citizens for the entire cost of compliance with personal safety mandates.

Committee Amendment "A" (H-70), which was not adopted, was the minority report. It would have required the Governor to include in the budget provisions for the reimbursement to citizens of costs for compliance with personal safety mandates.

LD 228

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Referendum for a People's Veto to Be Held at a Primary or General Election

INDEF PP

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

LD 228 proposed to require a people's veto referendum to be conducted at regular statewide elections.

Committee Amendment "A" (H-71), which was not adopted, proposed to add a fiscal note to the resolution.

<u>Sponsor(s)</u> CAREY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 245 was a concept draft pursuant to Joint Rule 208. The bill proposed to abolish Kennebec County as a legal entity and to reassign the functions, duties and powers of several county officials and entities as follows:

1. Reassign the Register of Deeds to the Maine State Archives, Office of the Secretary of State;
2. Reassign the Register of Probate to the state court system;
3. Reassign the District Attorney to the Office of the Attorney General;
4. Reassign the Kennebec County Sheriff to the Department of Public Safety;
5. Reassign the Kennebec County Jail to the Department of Corrections;
6. Reassign the probate judge to the state court system, to be appointed by the Governor and confirmed by the State Senate to the full-time position of probate judge for the former Kennebec County district; the probate judge may also be directed to preside over Juvenile Court in the former Kennebec County;
7. Eliminate the position of Kennebec County Treasurer;
8. Eliminate the position of Kennebec County Commissioner for each commissioner district;
9. Transfer title to all Kennebec County property, including land, buildings and fixtures, to the State; and
10. Require that the State assume all debts and liabilities of Kennebec County.

Finally, the bill proposed an effective date of January 1, 2000.

<u>Sponsor(s)</u> MADORE DAGGETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-117
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LD 250 proposed to name the State Office Building the Burton M. Cross Building in honor of former Governor Cross, who was the sitting governor when the State Office Building was originally constructed.

Committee Amendment "A" (H-117) proposed to amend the resolve by adding a requirement that the official naming of the building coincide with the reopening of the renovated State Office Building in 2001.

Enacted law summary

Resolve 1999, chapter 33 names the State Office Building after former Governor Burton M. Cross. The Burton M. Cross Building will be officially named in 2001 when the completely renovated State Office Building will be reopened.

LD 253

Resolve, to Cable Televisе the Proceedings of the Legislature

CARRIED OVER

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

LD 253, which was carried over to the Second Regular Session, proposes to direct the Executive Director of the Legislative Council to develop a system to cable televise the proceedings of the Legislature. Under the resolve, such a system must be effective no later than January 1, 2001. The resolve also would require the Executive Director of the Legislative Council to report on the implementation of the resolve by January 1, 2000 to the Joint Standing Committee on State and Local Government.

LD 264

An Act to Establish English as the Official State Language

ONTP

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

LD 264 proposed to establish English as the official state language for all public records and documents and for all public proceedings and executive sessions. The bill proposed several exemptions to the official language requirement including instruction in foreign languages, promotion of international commerce and trade, and protection of public health, public safety or emergency services.

LD 299

An Act to Create a Governance System for Unorganized Towns

CARRIED OVER

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

LD 299, which was carried over to the Second Regular Session, is a concept draft pursuant to Joint Rule 208. This bill proposes to create a governance system for unorganized towns. It would make several changes to the laws governing unorganized towns, the deorganization of municipalities, and the Land Use Regulation Commission as follows.

1. It would establish a council-type government for all unorganized towns in Maine. Membership is to be comprised of one representative per populated unorganized town and voting weighted one person-one vote.
2. This bill would allow property owners in unpopulated towns to select a representative to serve on an advisory board to the governing council.
3. This bill would authorize the unorganized towns to establish their own school governance system.
4. It would require use of the Land Use Regulation Commission's Development Plan for three years with no changes. Further, it would authorize the election of members to a body to oversee land and economic development. It would require LURC to be phased out over three years.
5. It would prohibit land in unorganized towns from being removed from tax rolls regardless of the tax status of the buyer.

6. This bill would authorize the new governance structure for unorganized towns to enter into contracts with counties, municipalities and the state, as well as Native Americans, for various services.
7. It would require county services to the unorganized towns to be phased out over three years.
8. This bill would not affect the sovereignty of unorganized territory owned by Native Americans, but does allow cooperative agreements to be developed among Native Americans and the council of the unorganized towns. It also would require Native Americans to establish zoning and land use plans for their lands in the unorganized towns.
9. It would require that a name and a seat of government be established for the unorganized towns operating through their governance structure.
10. It would grant all rights and privileges of organized municipalities, towns and cities to the unorganized towns operating through their governance structure.
11. This bill would require the unorganized towns, operating through their governance structure, to draft a charter.
12. It would allow islands to petition the governance board to contract services with neighboring communities.
13. This bill would require plantations to develop their own zoning plans.
14. It would allow organized municipalities to deorganize in the future and, with permission of the Legislature, to join the governance system of the unorganized towns.

A subcommittee of the Joint Standing Committee on State and Local Government has been charged with acquiring additional information about the proposals contained in the bill and with directing staff in redrafting the bill. The subcommittee will report back to the State and Local Government Committee during the Second Regular Session of the 119th Legislature.

**LD 304 Resolve, to Establish the Task Force on State Office Building Location, RESOLVE 63
Other State Growth-related Capital Investments and Patterns of EMERGENCY
Development**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MAJ	H-292
CAREY	ONTP MIN	S-458 MICHAUD

LD 304 proposed to create the State Office Building Location Task Force to assess the impact of relocating state offices away from service center communities and away from traditional downtown service centers.

Committee Amendment "A" (H-292) proposed to rename the resolve and the task force created by the resolve and to expand the task force's duties to include growth-related capital investment within and outside areas that have been designated by municipalities for growth and redevelopment. It also proposed to expand task force membership and to allow the task force to establish working groups to help it carry out its duties. The amendment also proposed that the task force consider the concepts contained within other related legislation presented to the 119th Legislature and to assess the impact of growth-related capital investments within and outside of locally designated growth areas. It also proposed to add an appropriation of \$4,175 to cover the costs of the task force.

Senate Amendment "A" to Committee Amendment "A" (S-458) proposed to change the title of the resolve and the name of the task force created by the resolve. The amendment proposed to change the membership of the task force to

include 13 Legislators and to expand the task force's duties to include making findings on growth-related capital investments, fiscal policies, coordination of state and local urban transportation planning and the productive use of farms and woodlands and the preservation of open space. The amendment would authorize the task force to hold up to six meetings, including at least one public hearing. The amendment also would add an appropriation section, an emergency preamble and an emergency clause to the resolve.

Enacted law summary

Resolve 1999, chapter 63 establishes the 13-member Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development. The task force members are to be appointed as follows: five members from the Senate, appointed by the President of the Senate, including one each from the following joint standing committees: Natural Resources, Business and Economic Development, Transportation, Taxation, and Agriculture, Conservation and Forestry; eight members from the House, appointed by the Speaker of the House of Representatives, including at least one each from the following joint standing committees: Natural Resources, Business and Economic Development, Transportation, Taxation, Agriculture, Conservation and Forestry, State and Local Government, and Education and Cultural Affairs. The task force is charged with reviewing legislation relating to patterns of development carried over by the First Regular Session of the 119th Legislature and with making findings on the following issues:

1. Role of state office buildings in the continued viability of downtown service centers within the state and the impact of growth-related capital investments and location decisions by the State;
2. Fiscal policies that may have the effect of pushing rural lands out of productive use;
3. Coordination of state and local urban transportation planning and streamlining of local and state land use rules and regulations;
4. Productive use of farms and woodlands and the preservation of open space around urbanizing areas; and
5. Other such areas as the task force considers appropriate.

The task force also is charged with assessing how other states have responded to these issues and with making recommendations to the Legislature concerning pending legislation and on new legislation. The task force is authorized to hold up to six meetings and at least one public hearing on its recommendations prior to submitting its final report to the Legislature by December 15, 1999.

Chapter 63 was enacted as an emergency measure effective June 10, 1999.

LD 348

An Act Requiring Audits on State Agencies

ONTP

Sponsor(s)
LOVETT

Committee Report
ONTP

Amendments Adopted

LD 348 proposed to require every state agency receiving state funds to undergo an audit over the next six years by outside auditors selected through competitive bidding. Under the bill, the Governor would have determined which agencies were to be audited in which year, with the exception of the Department of Human Services and the Department of Transportation, which were to be audited in the first year of the audit process.

LD 352

An Act to Encourage Qualified Persons to Enter and Remain in Law Enforcement Administration

ONTP

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

LD 352 proposed to establish guidelines for salaries and benefits for all county sheriffs.

LD 359

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 Include a Tax or License Fee

ONTP

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

LD 359 proposed to amend the Constitution of Maine to require approval of two-thirds of each House of the Legislature to enact or increase taxes or license fees except when inadequate funds have been appropriated for debt payment.

Committee Amendment "A" (H-172), which was not adopted, was the minority report of the committee. It proposed to remove all references to license fees from the original resolution.

LD 365

An Act to Amend the Laws Regarding Reporting Requirements for the Maine Health and Higher Educational Facilities Authority

PUBLIC 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND MICHAUD	OTP-AM	H-162

LD 365 proposed to expand the annual reporting requirements of the Maine Health and Higher Educational Facilities Authority to include a specific reporting requirement to the Legislature.

Committee Amendment "A" (H-162) proposed to specify that the reporting requirement be linked to the Maine Health and Higher Education Facilities Authority's fiscal year.

Enacted law summary

Public Law 1999, chapter 122 expands the annual reporting requirements of the Maine Health and Higher Educational Facilities Authority to include a specific reporting requirement to the Legislature. The law also outlines information to be included in the report and specifies that it should be submitted within five months of the close of the Authority's fiscal year.

LD 366

An Act to Extend the Time Limits for Private Road Associations to Organize

ONTP

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

LD 366 proposed to delay the application of a law that governs the repair of private roads. Current law requires that effective July 1, 1999, all residents of a private way may be required to pay for repairs made to the private road if a majority of the residents of the road agree to make those repairs. Public Laws of 1997, chapter 682 did not take effect until July 1, 1999, except for road associations incorporated as of March 1, 1998 that were authorized to utilize the process established under chapter 682.

LD 368

Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach

RESOLVE 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	H-293

LD 368 proposed to name the beach next to the Lincolnville Ferry Terminal “French Beach.” The French family, after whom the beach would be named, were early settlers of Lincolnville.

Committee Amendment "A" (H-293) proposed to add a mandate preamble and a fiscal note to the resolve.

Enacted law summary

Resolve 1999, chapter 24 names the beach next to the Lincolnville Ferry Terminal “French Beach.”

LD 383

An Act to Require Legislative Approval to Lease Land to the Federal Government

NOT PROPERLY BEFORE BODY

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

LD 383 proposed to require the Legislature’s approval by a two-thirds majority to leasing of public land to the Federal Government, which now requires only the consent of the Governor and the Commissioner of Conservation.

Committee Amendment "A" (H-35), which was not adopted, proposed to clarify the bill by stating that the Legislature must approve the leasing of designated lands to the Federal Government by a two-thirds vote. Following a majority committee report of ought to pass as amended, the bill was ruled not properly before the body by the Speaker of the House of Representatives.

LD 391

An Act to Develop a Department of Children

CARRIED OVER

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

LD 391, which was carried over to the Second Regular Session, is a concept draft pursuant to Joint Rule 208. This bill seeks to consolidate all services to children provided by the State in one department.

LD 411

An Act to Amend the Amount of Retainage on Public Building Contracts

ONTP

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

LD 411 would have applied to state construction projects over \$1,000,000 in value and to school construction projects over \$1,000,000 in value and for which state aid is received. The bill proposed to limit the retention of contract payments on those public improvement construction projects to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In those cases, up to 5% of the payment due under the project contract would be withheld until all contract requirements for the line item had been completed. Following completion of a line item, any retained payments would be paid promptly. At the end of a project, the value of punch list and incomplete items would be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. Over the course of the project, the owner would make the determination of how much of the payment due will be retained up to the 5% limit and as to whether satisfactory progress had been made on the project. The bill duplicated the provisions of LD 529.

LD 429

An Act to Require Voter Approval for Bonded Indebtedness of \$2,000,000 or More for Municipalities in Local and Regional Cooperation

ONTP

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

LD 429 proposed to prohibit interlocal cooperations, councils of governments and regional associations from incurring bonded indebtedness of \$2,000,000 or more without ratification by the voters of the affected municipalities through a municipal-level referendum. Current law does not prohibit such borrowing by local and regional cooperatives, although state government, county and municipal governments, and school districts are subject to restrictions on borrowing without prior approval by the voters.

LD 439

An Act to Amend the Laws Governing the Hancock County Budget Process

PUBLIC 83

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM	H-69

LD 439 proposed to eliminate the requirement that the county budget needs to be reviewed by the Hancock County legislative delegation.

Committee Amendment "A" (H-69) proposed to address the original bill's objective of eliminating the requirement that the Hancock County legislative delegation formally review the annual Hancock County budget. The amendment also proposed to reconfirm the statutory requirement that the county commissioners notify the legislative delegation of the informational meeting on the budget estimates and that they provide members of the legislative delegation with a copy of the final budget estimates prior to the informational meeting.

Enacted law summary

Public Law 1999, chapter 83 eliminates from current law the requirement that the Hancock County legislative delegation formally review the annual county budget. Public Law 1999, chapter 83 does, however, retain the requirement that county commissioners provide members of the legislative delegation with a copy of final budget estimates prior to the annual informational meeting on the county budget.

LD 448 An Act Regarding the Maintenance of Private Roads CARRIED OVER

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

LD 448, which was carried over to the Second Regular Session, proposes that members of private road associations not be required to pay for major improvements to the road, such as paving. Under current law, a majority of the members of private road associations may determine what repairs need to be made to the road and may require all its members to pay for those repairs.

LD 469 An Act Concerning the Requirement for Surety Bonds for County PUBLIC 22
Treasurers, Sheriffs and Chief Deputies

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

LD 469 proposed to allow for surety and fidelity insurance coverage provided by a public sector self-funded risk pool organized pursuant to the Maine Revised Statutes, Title 30-A, section 2253, in sums equal to or exceeding those required by law to be substituted for a bond in meeting the statutory bond requirements for county treasurers, sheriffs and chief deputies. It also removes the requirement that the bond be filed with the State Auditor.

Enacted law summary

Public Law 1999, chapter 22 amends current law that requires county treasurers, sheriffs and chief deputies to each provide a bond to the county for faithful discharge of their duties. Public Law 1999, chapter 22 allows a public self-funded risk pool organized under section 2253 of 30-A MRSA to be used to provide surety and fidelity insurance coverage in the place of the bond. The law thus removes duplication of bonding. Public Law 1999, chapter 22 also removes the requirement that a copy of the sheriff's bond be filed with the State Auditor. It also eliminates a requirement that the county clerk report to the State Auditor the findings of the county commissioners annual review of the sufficiency of the sheriff's bond.

LD 482

An Act Concerning County Treasurers

ONTP

Sponsor(s)
FERGUSON

Committee Report
ONTP

Amendments Adopted

LD 482 proposed to abolish the position of elected county treasurer and to require that county commissioners appoint a county treasurer at the completion of the elected treasurer's term of office. It also proposed that county commissioners in each county set professional standards and minimum qualifications for appointed county treasurers. The bill would have required that the standards or qualifications adopted by county commissioners be recommended by a nationally-recognized organization of public sector financial officers.

LD 494

An Act to Facilitate Implementation of Municipal Growth Management Programs

ONTP

Sponsor(s)
NASS

Committee Report
ONTP

Amendments Adopted

LD 494 proposed to amend the definition of "moratorium" to exempt building permit limitation ordinances adopted pursuant to and consistent with a comprehensive plan enacted in accordance with Title 30-A, chapter 187, subchapter I.

LD 497

An Act to Promote the Use of the Secret Ballot at Town Meetings

ONTP

Sponsor(s)
ANDREWS

Committee Report
ONTP MAJ
OTP MIN

Amendments Adopted

LD 497 proposed to extend the required use of a secret ballot for town meeting votes to the election of town officials, approval of local initiatives and adoption of budget articles.

LD 507

An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers

ONTP

Sponsor(s)
LIBBY

Committee Report
ONTP

Amendments Adopted

LD 507 proposed to allow municipalities to advertise public legal notices in local weekly newspapers, of general circulation to satisfy notice requirements. More precisely, sponsors of the bill were proposing that municipalities be allowed to satisfy legal notice requirements by advertising in third class mailed or free distribution newspapers in addition to second class mailed or paid circulation newspapers as is required under current law. Municipalities already may advertise in local weekly newspapers as long as those newspapers are second class mailed or paid circulation papers.

LD 510

An Act to Favor Maine Companies in Awarding Bids

ONTP

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

LD 510 proposed to allow in-state bidders on state contracts an opportunity to match the price of a nonresident bidder if the in-state bidder offers commodities or services that are otherwise equivalent to that offered by the nonresident bidder and the initial price offered by the in-state bidder is within 10% of the price offered by the nonresident bidder.

LD 511

An Act to Increase the Amount Below Which Counties Do Not Need to Solicit Bids for Purchases

PUBLIC 14

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

LD 511 proposed to increase the amount that county commissioners may spend for services, supplies, material and equipment before having to solicit bids.

Enacted law summary

Public Law 1999, chapter 14 amends current law to increase from \$1,000 to \$2,500 the amount that county commissioners may spend for services, supplies, material and equipment before having to solicit bids under a competitive bid process.

LD 525

An Act to Establish Recall Provisions for Elected County and Municipal Officials

ONTP

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

LD 525 proposed to provide voters with the option to petition for the recall of any elected municipal or county official.

Committee Amendment "A" (H-223) was the minority report and was not adopted. It proposed to amend the original bill by adding the requirement that county commissioners or city clerks notify the Secretary of State of any changes in elected officials as a result of a recall election authorized by this bill.

LD 529

An Act Regarding Retainage on Major State and School Construction Projects

CARRIED OVER

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

LD 529, which was carried over to the Second Regular Session, would apply to state construction projects over \$1,000,000 in value and to school construction projects over \$1,000,000 in value and for which state aid is received. On these public improvement construction projects, the bill proposes to limit the retention of contract payments to line items in the project contract and to situations in which unsatisfactory progress has been made by a contractor or subcontractor. In such cases, the bill proposes that up to 5% of the payment due under the project contract may be withheld until all contract requirements for the line item have been completed. The bill also proposes that following completion of a line item, any retained payments must be paid promptly and, at the end of a project, the value of punch list and incomplete items may be retained as well as withholding to cover good faith claims of the owner, including claims for unsatisfactory progress on the project. The bill proposes that over the course of the project, the owner makes the determination of how much of the payment due will be retained up to the 5% limit and as to whether satisfactory progress has been made on the project.

LD 533 An Act to Prohibit the State from Competing with Private Industry CARRIED OVER

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

LD 533 which was carried over to the Second Regular Session proposes to prohibit the State from providing services for fee or undertaking enterprises that compete with private industry, except those services and enterprises that are determined by the Legislature to be necessary for public safety, health and welfare.

A subcommittee of the Joint Standing Committee on State and Local Government has been delegated the task of developing proposed guidelines for state agencies to follow in determining when competition with the private sector is appropriate. The subcommittee must report on its efforts to the State and Local Government Committee in the Second Regular Session of the 119th Legislature.

LD 558 An Act to Clarify the Membership of the Somerset County Budget Committee PUBLIC 49

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

LD 558 proposed to require that of the three members from each commissioner district on the Somerset County Budget Committee one must be a municipal official who is not a municipal officer.

Enacted law summary

Public Law 1999, chapter 49 amends the current law to require that one of the three members elected to the Somerset County Budget Committee from each commissioner district be a municipal official who is not an elected municipal officer.

LD 592

An Act to Establish the Chesuncook Soil Series as the Official State Soil and to Remove Enhanced Protection Status from State Symbols

PUBLIC 70

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART STEVENS	OTP-AM MAJ ONTP MIN	H-165 CAMERON S-29

LD 592 proposed to establish the Chesuncook soil series as the official state soil.

Committee Amendment "A" (S-29) proposed to add a section to the bill to specify that designation as an official state symbol does not confer enhanced protection under environmental or other applicable laws.

House Amendment "A" to Committee Amendment "A" (H-121), which was not adopted, proposed to establish the Caribou soil series as the official state soil and to correct a numbering conflict.

House Amendment "B" to Committee Amendment "A" (H-130), which was not adopted, proposed to establish Sebago mucky peat as the official state dirt and to correct a numbering conflict.

House Amendment "C" to Committee Amendment "A" (H-165) was presented on behalf of the Committee on Bills in the Second Reading to avoid a section numbering conflict with Public Law 1999, chapter 27.

Enacted law summary

Public Law 1999, chapter 70 establishes the Chesuncook soil series as the official state soil. The law specifies that enhanced protection under environmental or other laws is not conferred upon the soil as an official state symbol.

LD 602

An Act to Require Mandatory Training for Harbor Masters

ONTP

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

LD 602 proposed to require, beginning January 1, 2000, that a harbor master complete a harbor master training course certified by a statewide association of harbor masters within one year of appointment as harbor master.

LD 615

RESOLUTION, to Amend 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	OTP-AM MAJ ONTP MIN	

LD 615 proposed to amend the Constitution of Maine to enable the election of two senators from each of Maine's 16 counties. The proposed constitutional amendment would reduce the size of the Senate from no more than 35 members to 32 members. The redrawing of district lines would occur during the regularly scheduled redistricting following the decennial census. The redistricting would be done in 2003.

Committee Amendment "A" (H-408), which was not adopted, would have added a fiscal note to the resolution.

LD 621 **An Act to Allow Towns to Sand and Plow Private Ways** **ONTP**

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

LD 621 proposed to allow a municipality to sand and plow private ways if the voters of that municipality have voted at a public meeting to sand and plow designated private roads.

LD 627 **An Act to Require the Legislature to Examine Executive Orders for Violations of Separation of Powers** **DIED BETWEEN BODIES**

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

LD 627 proposed to establish a mechanism for the Legislature and the Supreme Judicial Court to review the constitutionality of executive orders issued by the Governor. The bill also proposed to require the Governor to document the emergency that gave rise to the executive order and limit the effect of the executive order to the duration of the emergency.

Committee Amendment "A" (H-143), which was adopted by the House, but not by the Senate, proposed to require the Governor to disseminate executive orders to each member of the relevant joint standing committee of the Legislature. The amendment proposed to change title of the bill to reflect this requirement.

LD 648 **An Act Related to Legislator Intervention in Actions Before a State Agency or Authority** **ONTP**

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

LD 648 proposed to make it a conflict of interest for a Legislator to intervene in an action before a state agency or authority whose members are appointed by the legislative committee on which the Legislator serves.

LD 660 **An Act to Include Counties in the Definition of Local Government in the Archives and Records Management Law** **PUBLIC 12**

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

LD 660 proposed to bring the law into compliance with the assumption that counties continue to be covered by current state law governing recordkeeping. When the Municipal Records Board and the County Records Board were both

abolished and their functions assumed by the existing Archives Advisory Board, the word "county" was inadvertently omitted from the definition of "local government." Practice and administrative rules have assumed that counties continued to be covered under the law's requirements.

This bill was submitted on behalf of the Secretary of State.

Enacted law summary

Public Law 1999, chapter 12 amends current law by adding a definition of "local government" to the law concerning the recordkeeping duties of the State Archivist. The definition includes "county" as a unit of local government and thus covers county records under the law's requirements.

**LD 669 An Act to Change Certified Public Accountant Experience Requirements PUBLIC 224
for Employees of the Department of Audit**

<u>Sponsor(s)</u> DAGGETT MADORE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-136
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LD 669 proposed to make the experience requirements for certified public accountants who are employees of the Department of Audit consistent with that of accountants who are employees of the Bureau of Insurance.

Committee Amendment "A" (S-136) proposed to replace the original bill and to remove any reference to the Department of Audit in a provision of law that discounts experience towards becoming a certified public accountant on a two to one basis.

Enacted law summary

Public Law 1999, chapter 224 removes any reference to the Department of Audit in a provision of law that discounts experience of certain state employees towards becoming a certified public accountant. The discount is on a two to one basis.

**LD 683 An Act to Allow the Revocation of Certain Licenses and Automobile ONTP
Registrations for Payment by an Insufficient Funds Check**

<u>Sponsor(s)</u> FOSTER ABROMSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 683 proposed to direct municipalities to notify all persons issuing bad checks for hunting or fishing licenses or automobile registrations that the license or registration will be revoked unless payment is made within 30 days on the insufficient funds.

<u>Sponsor(s)</u> BERUBE AHEARNE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-93
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LD 689 proposed to allow endowment funds of governmental public libraries to be invested on the same basis as funds of nongovernmental libraries. It also proposed to require that the investments be made pursuant to an investment policy that is adopted by the municipal officers and to require periodic financial reporting. Some municipal public libraries are organized as separate nonprofit corporations; others exist as a department of municipal government. Under current law, when the separate, nongovernmental libraries receive bequests or gifts for endowments, they are permitted to make investments in accordance with the Uniform Management of Institutional Funds Act; libraries that are departments of municipal government, however, are limited to the permissible investments for municipalities under the Maine Revised Statutes, Title 30-A, section 5719.

Committee Amendment "A" (S-93) proposed to clarify current law that limits how municipal public library endowment and trust funds may be invested. Specifically, this amendment proposed to replace the original bill and to apply the provisions of the Maine Revised Statutes, Title 13, chapter 97 (The Uniform Management of Institutional Funds Act) to municipal libraries.

Enacted law summary

Public Law 1999, chapter 135 amends the Uniform Management of Institutional Funds Act by specifically applying the provisions of Maine Revised Statutes, Title 13, chapter 97 to municipal public libraries.

<u>Sponsor(s)</u> BROOKS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 709 proposed to amend current law governing legislative leaves of absence. Under current law, all employers with more than five employees are required to grant any employee a leave of absence so that employee can serve as a Legislator for a single two-year legislative term. After that first term of service, the employer is not obligated to provide that leave of absence for successive terms. The only exception to that rule is with regard to school teachers and the school units who employ them. The school units and the municipalities who are the teachers' employers are obligated to provide unlimited leaves of absence for a school teacher who is a Legislator. This bill proposed to establish a uniform rule that applies to all employees in the State by removing the right to unlimited leaves of absence that apply to school teachers.

Committee Amendment "A" (H-144) proposed to retain the current notice requirements for teachers to request a leave of absence for legislative service. The original bill had conflicting requirements. This amendment also proposed to clarify how payment would be provided for the services of the State Board of Arbitration and Conciliation, which hears appeals to the leave-of-absence requirement for employers who believe the leave would constitute an unreasonable hardship. This amendment was not adopted.

LD 711

An Act to Require an Audit and Program Review of the Maine Governmental Facilities Authority

ONTP

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

LD 711 proposed to require the State Auditor to conduct an audit of the Maine Governmental Facilities Authority. It also would require the Joint Standing Committee on State and Local Government to conduct a program review of the authority. The bill also proposed to remove an outdated reference to the Maine Court Facilities Authority, which was subsumed by the Maine Governmental Facilities Authority.

LD 715

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Members of the Senate and the House of Representatives

ONTP

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

LD 715 proposed to amend the Constitution of Maine to increase the term of office of Legislators to four years following the general election in 2002. Under the proposed change, the Legislature would meet every year, but the business in the fourth year would be restricted as it is presently in the second year, the restriction on which would remain unchanged.

LD 752

An Act to Require the Secretary of State to Supply Municipalities with Preprinted, Postage-prepaid Post Cards to be Used When a Voter Moves

ONTP

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

LD 752 proposed to require that the Secretary of State provide municipalities with self-addressed, postage-prepaid post cards on which to report changes in voter registration. The Secretary of State would then notify the voter's prior municipality of registration of the change.

LD 754

An Act to Amend the Laws Establishing a State Poet Laureate

PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	S-132

LD 754 proposed to streamline the selection process for the State Poet Laureate, to clarify the purpose of the position and to provide for a longer term.

Committee Amendment "A" (S-132) proposed to correct a reference to the term of the Poet Laureate. The current term for the Poet Laureate is one year.

Enacted law summary

Public Law 1999, chapter 217 extends the term of office for State Poet Laureate from one to five years. It also allows reappointment of a Poet Laureate for a second, five-year term. Public Law 1999, chapter 217 creates an advisory committee to select the Poet Laureate. The Governor must appoint the Poet Laureate during Maine Cultural Heritage Week, which includes March 15th, Statehood Day. The law also requires the State to provide space at the State House complex for public display of the Poet Laureate's work.

LD 815 **An Act to Require Counties to be Reimbursed for Medical Expenses Incurred by Prisoners from Other Jurisdictions** **ONTP**

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

LD 815 proposed that a county in which a prisoner resided at the time the prisoner committed an offense in another county be required to reimburse the county in which the prisoner is incarcerated for any medical and dental expenses incurred by that prisoner.

LD 818 **An Act to Require Municipal Police Departments to Assist When Called Upon by the State Police on the Interstate Highways under Certain Circumstances** **ONTP**

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

LD 818 proposed to require that municipal police officers respond to requests for assistance from the State Police when public safety is in danger on those sections of the interstate highway system that are in the municipality's jurisdiction.

LD 823 **An Act Concerning Sheriffs' Annual Meetings with Municipal Officers** **ONTP**

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

LD 823 proposed to make optional the annual meeting between county officials and municipal officers concerning operation of sheriffs' departments.

Committee Amendment "A" (H-122), which was not adopted, was the minority report. It proposed to replace the original bill by repealing the statutory requirement that the county sheriff in each county hold an annual meeting with the county commissioners and municipal officers of that county concerning the operation of the sheriff's department.

LD 852

Resolve, to Study Outdated, Contradictory and Unenforced Laws

CARRIED OVER

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

LD 852, which was carried over to the Second Regular Session, proposes to require the Commissioner of Labor and the Commissioner of Human Services to conduct a study of outdated, contradictory and unenforced laws and report to the Legislature by January 15, 2000.

LD 859

An Act to Require the State Planning Office to Report to the Committee on State and Local Government and the Committee on Natural Resources

PUBLIC 415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK LIBBY	OTP-AM MAJ OTP-AM MIN	H-614 AHEARNE H-686 AHEARNE

LD 859 proposed to require that the State Planning Office be directly responsible to the Joint Standing Committee on State and Local Government instead of to the Governor. It proposed to change the appointment of the director of the State Planning Office to include consideration by the Committee on State and Local Government and confirmation by the Legislature. Under the provisions of this bill, reports by the State Planning Office would be presented annually to the Committee on State and Local Government and would include detailed information about money allocated to and spent by the office. This bill proposed to amend the scheduled date that the Committee on State and Local Government reviews the State Planning Office, moving the governmental evaluation review forward from the year 2005 to the year 2001.

Committee Amendment "A" (H-322), which was not adopted, was the majority report of the Joint Standing Committee on State and Local Government. The amendment proposed to amend the original bill by requiring that the Senate, rather than the entire Legislature, confirm the appointment of the Director of the State Planning Office. The amendment also proposed to retain the current requirement that the Governor fix the director's salary. It also proposed to remove a requirement from the original bill that the Director of the State Planning Office advise the Legislature on policy matters. The amendment also proposed to retain a requirement in current law that the director report annually to the Governor and to remove a requirement that the director report annually to the joint standing committee having jurisdiction over state and local government matters on allocations to an expenditures by the State Planning Office.

Committee Amendment "B" (H-323), which was not adopted, was the minority report of the Joint Standing Committee on State and Local Government. The amendment proposed to amend the original bill by removing a requirement from the original bill that the Governor's nominee for the Director of the State Planning Office be reviewed by the joint standing committee having jurisdiction over state and local government matters and confirmed by the Legislature. It also proposed to remove a requirement that the Director of the State Planning Office advise the Legislature on policy matters. The amendment also proposed to retain a requirement in current law that the director report annually to the Governor and to remove a requirement that the director report annually on the agency's monetary allocations and expenditures to the joint standing committee having jurisdiction over state and local government matters.

House Amendment "A" (H-496), which was not adopted, was presented on behalf of the Committee on Bills in the Second Reading to correct a conflict created by Public Law 1999, chapter 127, Part C, section 14.

House Amendment "A" to Committee Amendment "A" (H-505), which was not adopted, proposed to require the State Planning Office to make annual reports to the joint standing committee having jurisdiction over natural resource matters regarding the activities of the office involving land issues.

House Amendment "B" (H-614) proposed to incorporate the substance of Committee Amendment "B," House Amendment "A" to Committee Amendment "A" and House Amendment "A," and proposed to do the following:

1. Remove a requirement from the original bill that the Governor's nominee for the Director of the State Planning Office be reviewed by the joint standing committee having jurisdiction over state and local government matters and be confirmed by the Legislature;
2. Remove a requirement that the Director of the State Planning Office advise the Legislature on policy matters;
3. Retain a requirement in current law that the director report annually to the Governor and remove a requirement that the director report annually on the agency's monetary allocations and expenditures to the joint standing committee having jurisdiction over state and local government matters;
4. Require the State Planning Office to make annual reports to the joint standing committee having jurisdiction over natural resources matters regarding the activities of the office involving land issues; and
5. Correct a conflict created by Public Law 1999, chapter 127, Part C, section 14.

House Amendment "C" (H-686) proposed to remove the preamble required on bills relating to certain confirmation procedures, as those portions of the bill were removed by House Amendment "B" (H-614).

Enacted law summary

Public Law 1999, chapter 415 amends current law to move ahead by four years the scheduled Government Evaluation Act review of the State Planning Office. The joint standing committee of the Legislature having jurisdiction over state and local government matters will review the State Planning Office beginning in 2001 rather than in 2005. The law also amends current law to require that the State Planning Office report at least annually on its activities to the State and Local Government Committee. Public Law 1999, chapter 415 also requires that the State Planning Office make reports annually to the joint standing committee of the legislature having jurisdiction over natural resource matters detailing the activities of the office that relate to land use issues.

LD 891 An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding PUBLIC 105

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE KILKELLY	OTP-AM	H-187

LD 891 proposed three changes to the current State procurement laws. The first increased the dollar threshold for waiver of competitive bidding from \$1,000 to \$2,500. This change would allow state agencies to have a higher direct or delegated purchasing authority.

The second change proposed to increase the threshold level for the use of oral proposals or invitations to bid from \$2,500 to \$10,000.

The third change would allow the procurement of goods or services totaling up to \$10,000 from a single source when the purchases can be demonstrated as the most economical, effective and appropriate means of fulfilling a demonstrated need. The current ceiling is \$5,000.

This bill was submitted on behalf of the Department of Administration and Financial Services.

Committee Amendment "A" (H-187) proposed technical changes to the bill to make clear the authority of the Bureau of General Services.

Enacted law summary

Public Law 1999, chapter 105 makes three changes to the current State procurement laws. The dollar threshold for waiver of competitive bidding for purchases made on behalf of county commissioners is increased from \$1,000 to \$2,500.

The second change increases the threshold for the use of oral proposals or bids from \$2,500 to \$10,000.

The third change allows the procurement of goods or services totaling up to \$10,000 from a single source. Previously, the threshold was \$5,000.

LD 893

An Act to Amend the Laws Relating to Notaries Public

PUBLIC 425

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAGLEY	OTP-AM MAJ	H-411
PENDLETON	OTP-AM MIN	H-662 AHEARNE

LD 893 proposed to clarify that a spouse's relationship with a sibling is considered a conflict of interest for notarial purposes. The bill also proposed to clarify that notaries public should not perform any notarial act, including a wedding ceremony, for an immediate family member. The bill also proposed to require notaries to maintain records of all notarial acts performed. The bill added an application clause for notaries commissioned before the effective date of this bill.

This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (H-411) was the majority report of the Joint Standing Committee on State and Local Government. This amendment proposed to add a spouse's child or a spouse's sibling to the conflict of interest provisions of the laws governing notaries public. It also would allow a notary public to solemnize the marriage of a spouse's sibling or spouse's child and would remove the requirement that the solemnizing of a marriage by a notary public of an immediate family member be witnessed by another notary public unrelated by marriage or blood to the parties. This amendment also proposed to remove an expired grandfather clause and grandfathers documents notarized for a notary public's spouse's child or spouse's sibling.

Committee Amendment "B" (H-412), which was not adopted, was the minority report of the Joint Standing Committee on State and Local Government. This amendment proposed to add a spouse's child to the conflict of interest provisions of the laws governing notaries public. It also proposed to remove the requirement that another notary public witness a marriage performed by a notary public for that notary public's spouse's child or spouse's sibling. The amendment also proposed to remove an expired grandfather clause and grandfathers documents notarized for a notary public's spouse's child or spouse's sibling. This amendment also proposed record-keeping requirements for notaries and proposed to require the Secretary of State to send notice of these requirements to each notary public with an active commission. The amendment also proposed to add an appropriation section to the bill.

House Amendment "A" to Committee Amendment "A" (H-662) proposed to removed the requirement that notaries maintain records of all notarial acts performed. This amendment also proposed to remove that portion of the application section that relates to the requirement to keep such records.

Senate Amendment "A" (S-314), which was not adopted, proposed to exempt notarized absentee ballots from the requirement that a notary public keep records of all notarial acts performed.

The bill was submitted on behalf of the Secretary of State.

Enacted law summary

Public Law 1999, chapter 425 adds a spouse's sibling and spouse's child to the conflict of interest provisions of the laws governing notaries public. It also removes the requirement that another unrelated notary public witness a marriage performed by a notary public for that notary's immediate family members. It also allows a notary public to solemnize the marriage of a spouse's child or spouse's sibling. The law also grandfather documents notarized for a notary's spouse's child or spouse's sibling if performed before the effective date of the law. The law also repeals MRSA Title 4, section 959, a grandfather clause that exempted notaries commissioned before November 1, 1991 from the requirement to keep a seal and to maintain records.

LD 900

An Act to Reestablish the Municipal Boundary between Pownal and Durham

P & S 9

Sponsor(s)
BULL
KONTOS

Committee Report
OTP

Amendments Adopted

LD 900 proposed to define and describe with greater clarity the location of the boundary line between the towns of Durham and Pownal. The boundary lines specified in the bill would bring the boundary between the two towns into conformance with the boundary as it was originally established. The town lines were resurveyed as part of the 10-year perambulation of town boundary lines required under 30-A MRSA §2851.

Enacted law summary

Private and Special 1999, chapter 9 clarifies the boundary line between the towns of Durham in Androscoggin County and Pownal in Cumberland County.

LD 904

An Act to Provide Term Limits for the Secretary of the Senate and the Clerk of the House of Representatives

NOT PROPERLY BEFORE BODY

Sponsor(s)
MURPHY

Committee Report

Amendments Adopted

LD 904 proposed to place term limits on the Secretary of the Senate and Clerk of the House of Representatives. The limitations would be similar to the six-year term limit in current law for the President of the Senate, Speaker of the House of Representatives and floor leaders, except this bill proposed to set the term limitations for the Secretary of the Senate and Clerk of the House of Representatives at eight years. The calculation of the limitation period would begin with the first convening of the 119th Legislature.

This bill was ruled not properly before the body in both the House and the Senate

LD 922

An Act to Provide Computers for Use in the Legislature

INDEF PP

Sponsor(s)
GERRY
RAND

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted

LD 922 proposed to require the Legislative Council to implement provisions for a computerization plan by July 1, 1999 for the Legislature.

Committee Amendment "A" (H-320), which was not adopted, proposed to remove the emergency preamble and the emergency clause from the bill. It also proposed to eliminate a requirement that the Legislative Council approve and implement a plan to provide an automated computer system for managing legislative activity by July 1, 1999. The amendment also proposed to add a requirement that the Presiding Officers of the Legislature and Director of the Legislative Information Office report annually on the establishment of the legislative computer system to the joint standing committee having jurisdiction over state and local government matters. It proposed to repeal this reporting requirement effective January 15, 2006. The amendment also proposed to add an appropriation section to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-306), which was not adopted, proposed to offset the cost of the new Network Administrator position and Desktop Support Assistant positions and the expenses associated with the bill by eliminating three chamber staff positions in the House and Senate and reducing the amount given to the Legislature for other expenses.

LD 923

An Act to Extend the Penobscot County Budget Committee

PUBLIC 89

Sponsor(s)
FISHER
RUHLIN

Committee Report
OTP-AM

Amendments Adopted
H-88

LD 923 proposed to delay the repeal of the Penobscot County Budget Committee from December 31, 1999 to December 31, 2003.

Committee Amendment "A" (H-88) proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 1999, chapter 89 extends the life of the Penobscot County Budget Committee an additional four years beyond its statutory repeal date of December 31, 1999. The new law repeals the budget committee effective December 31, 2003.

LD 924 **An Act to Require That a Harbor Master be Appointed by the Municipal Officers** **ONTP**

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 924 proposed to clarify current law to require that harbor masters be appointed by the municipal officers rather than elected at town meeting or general election.

LD 946 **An Act to Change the Composition of the Somerset County Budget Committee** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 946 proposed to eliminate the three-Legislator advisory, nonvoting members of the Somerset County Budget Committee and to include a single Legislator on the Somerset County Budget Committee to serve as a voting member of the committee.

LD 970 **Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$1,000,000 for Construction or Renovation of a District Court and Office Areas in Knox County** **RESOLVE 59 EMERGENCY**

<u>Sponsor(s)</u> MCNEIL PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-407 H-569 MCNEIL
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LD 970 proposed to authorize the Knox County commissioners to borrow up to \$2,500,000 for the construction or renovation of a District Court and office areas in Knox County. The Judicial Department would be responsible for reimbursing Knox County for all debt service costs as well as for the annual maintenance and janitorial services associated with the District Court facility.

Committee Amendment "A" (H-407) proposed to change the title, reduce the amount to be borrowed from \$2,500,000 to \$1,000,000 and to authorize the Knox County Commissioners to hold a county-wide referendum to authorize the commissioners to borrow funds to build or renovate the District Court and office areas in Knox County.

House Amendment "A" to Committee Amendment "A" (H-569) proposed to remove the provision requiring the Judicial Department to reimburse Knox County.

Enacted law summary

Resolve 1999, chapter 59 authorizes the Knox County Commissioners to hold a referendum seeking the approval of Knox County voters to borrow not more than \$1,000,000 for the construction or renovation of a district court and office areas in Knox County. Within 18 months after adjournment of the First Regular Session of the 119th legislature, the resolve must be submitted to Knox County voters.

Chapter 59 was enacted as an emergency measure effective June 9, 1999.

LD 984

An Act to Allow the Town of Madrid to Deorganize

P & S 31

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENOIT JODREY	OTP-AM	S-133

LD 984 proposed to provide for the deorganization of the Town of Madrid in Franklin County, subject to approval at local referendum. It also specified that, upon deorganization, the kindergarten to Grade 8 pupils may attend schools in the Town of Phillips and all secondary school pupils may attend schools within School Administrative District No. 58.

Committee Amendment "A" (S-133) proposed to clarify that a vote to deorganize by the Town of Madrid is a local option and not a state mandate. The amendment also inserted an appropriation section detailing the cost to the State of the deorganization of the Town of Madrid.

Public Law 1999, chapter 440 amends the current law governing membership of the Hancock County Budget Advisory Committee. It establishes that the committee shall consist of 10 members, three members from each commissioner district selected at district caucuses and one member of the Hancock County legislative delegation. The new law also enables each annual commissioner district caucus to elect either a municipal officer or one representative from the public as its representative to the budget advisory committee. Each advisory committee member elected at the annual caucus serves a three-year term. Public Law 1999, chapter 440 requires that the county commissioners give public notice of the annual commissioner district caucuses and that the election of budget advisory committee members at those caucuses be conducted in the same manner provided for at town meetings in MRSA, Title 30-A, chapter 121.

LD 1014 **An Act to Allow Private Maintenance of Public Easements** **ONTP**

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

LD 1014 proposed to allow persons who are directly benefited by a public easement to utilize a statutory procedure for collecting funds to maintain the public easement. It also proposed to create a study group to examine issues relating to public easements, including examination of the rights, responsibilities and burdens created by public easements and how to ensure fairness to all parties affected by public easements.

LD 1038 **An Act to Prohibit Conflicts of Interest for Persons Serving on State Agencies, Boards or Commissions** **ONTP**

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

LD 1038 proposed to prohibit conflicts of interest for persons serving on state agencies, boards or commissions. It proposed to prohibit a person from serving as a member on an agency, board or commission if that person held any interest in any contract or proposed contract of that agency, board or commission. It also proposed to prohibit board membership if that person’s spouse, child, parent or sibling held any interest in any contract or proposed contract of that agency, board or commission. A board member found in violation of the proposed law would have been allowed to serve for six months from the date on which the violation began or until a new member was named, whichever occurred first.

LD 1048 **An Act to Amend the Androscoggin County Budget Process** **PUBLIC 253**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUFFARD DOUGLASS	OTP-AM MAJ ONTP MIN	H-321

LD 1048 proposed to amend the budget approval process for Androscoggin County by removing the requirement that the budget be submitted to the Legislature for final approval. Instead, the existing budget committee would be empowered to adopt the budget, which must then be submitted to the county commissioners. The bill also proposed that the county commissioners be empowered to alter the budget committee's budget only by a unanimous vote; and, if the commissioners were to do so, the budget committee could reject the county commissioners' change by a two-thirds vote.

The bill also proposed to increase the number of members on the committee from nine to 11 members. The two additional members were required to be Androscoggin County legislative delegation members.

Committee Amendment "A" (H-321) proposed to amend the original bill by requiring that the two legislative members of the budget committee be elected by the Androscoggin County legislative delegation and that any vacancy in legislative seats on the budget committee be filled by the Androscoggin County legislative delegation.

Enacted law summary

Public Law 1999, chapter 253 amends current law governing the budget approval process for Androscoggin County. The law eliminates the requirement that the annual county budget be submitted to the Legislature for final approval. The process established under the new law will empower the county budget committee to adopt the budget, which must then be submitted to the Androscoggin County commissioners. The law requires a unanimous vote by the commissioners to alter the budget submitted to them by the budget committee. It also requires a two-thirds vote by the budget committee to reject the changes made by the county commissioners. Public Law 1999, chapter 253 expands the budget committee membership from nine to 11 members with the two additional members elected by the Androscoggin County legislative delegation from among its membership. A vacant legislative seat on the Androscoggin County Budget Committee must be filled by the legislative delegation.

LD 1104 **An Act to Amend the Maine Governmental Facilities Authority** **NOT PROPERLY BEFORE BODY**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1104 proposed to require a two-thirds vote of approval in each House of the Legislature before the Maine Governmental Facilities Authority could authorize the issuance of securities to fund the construction, reconstruction, purchase or acquisition of facilities.

The bill was ruled not properly before the body in both the House and the Senate.

LD 1107 **An Act to Prohibit Municipalities from Imposing Licensing Standards for Businesses and Occupations** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1107 proposed to prohibit municipalities from regulating commercial businesses and occupations beyond that which is required by the State except for purposes of public safety and public health. The prohibition also would not have applied to municipal regulations of taxicabs and massage parlors.

LD 1131 **An Act Regarding Municipal Notification and Approval in the Siting of Community Living Arrangements Within a Municipality** **ONTP**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1131 proposed to require community living arrangements to provide written notice to municipal officers prior to obtaining a permit to build or occupy a community living arrangement, to provide information at a public meeting and to obtain the approval of the municipal officers. If enacted, this bill as written may have violated provisions of the Federal Fair Housing Act of 1988.

LD 1146 **An Act to Amend the Laws Authorizing the Renovation of the State Capitol Building and Other State Buildings** **NOT PROPERLY BEFORE BODY**

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1146 proposed to remove the authority of the Maine Governmental Facilities Authority to issue securities for the purposes of paying the cost of the construction of a connector between the State Office Building and the State Capitol Building; the preservation and renovation of the State Capitol Building; and the renovations of the State Office Building, the Tyson Building and the Marquardt Building.

The bill was ruled not properly before the body in both the House and the Senate.

LD 1178 **An Act Concerning Public Postings by Political Parties** **ONTP**

<u>Sponsor(s)</u> GLYNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1178 proposed to require municipalities to provide public space for posting notices by political parties. The proposed designated space would be “conspicuous” and “in a public area.” Under the bill, municipalities would retain their authority to remove materials that violate state or federal laws.

LD 1190 **An Act to Allow Greenings Island to Secede from the Town of Southwest Harbor** **ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1190 proposed to authorize the incorporation of Greenings Island if the legal residents of that territory approved, by referendum, separation from the Town of Southwest Harbor. It also proposed to clarify the binding arbitration process that would be used to settle disputes between the Town of Southwest Harbor and the proposed Town of Greenings Island with regard to the allocation of duties and responsibilities between the two municipalities.

LD 1200 **An Act to Amend the Laws Pertaining to Excise Tax Collection** **INDEF PP**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 1200 proposed to require the State to supply to municipal agents any equipment that the State requires municipal agents to use in the performance of their duties as vehicle registration agents.

Committee Amendment "A" (S-134), which was not adopted, proposed to amend the bill by requiring the Secretary of State to provide a maximum of one validation stamp to each municipal agent every two years. If the State changes the official validation stamp, the Secretary of State would have to provide each municipal agent with one new validation stamp. It also proposed to add an allocation section to the bill.

LD 1222 An Act to Change the Budget Approval Procedures for Somerset County ONTP

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

LD 1222 proposed to require a majority of elected voting members of the Somerset County Budget Advisory Committee to be present to constitute a quorum. This bill also would have amended current law to give the Somerset County Commissioners final say on the Somerset County budget.

LD 1227 Resolve, Regarding State Mandates Imposed Before Approval of the ONTP
Constitutional Amendment Governing State Mandates

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

LD 1227 proposed to expand the identification of unfunded mandates passed by the Legislature. The voters approved an amendment to the Constitution of Maine, effective November 23, 1992, that prohibited the imposition of mandates on local units of government unless enacted by a two-thirds vote of the Legislature or unless at least 90% funding is provided by the State. This resolve proposed to require the Legislative Council to identify any unfunded mandates passed in the biennium before the Constitutional Amendment went into effect and to apply the provisions of the amendment to those mandates as well.

LD 1231 An Act to Allow Special-use Access over Discontinued Municipal and ONTP
County Roads

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

LD 1231 proposed to permit a person to transport timber over a discontinued municipal or county road if the timber was cut on property owned by that person and a public easement existed in the discontinued road. It also would have permitted the person to clear obstructions from the discontinued road and to improve the road's condition to allow safe travel.

LD 1242

An Act to Establish Procedures for the Awarding of Loans and Grants to Municipalities and Other Entities **DIED BETWEEN BODIES**

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

LD 1242 proposed to require any agency of State Government that awards grants or loans to adopt rules establishing a written application process and the criteria for awarding a grant or loan.

Committee Amendment "A" (H-374), which was not adopted, proposed to amend the original bill by defining grants and loans as used in the Maine Revised Statutes, Title 5, section 8051-B. It proposed to require that agencies offering grants or loans on a discretionary or competitive basis establish a process for awarding such loans and grants. The amendment also proposed to clarify that the written procedures required under that section are not rules as defined by Title 5, chapter 375, subchapter II-A. It proposed to exempt grants or loans awarded pursuant to Title 5, section 1831 and grants and loans awarded pursuant to criteria and procedures established under federal or state laws that conflict with that section.

LD 1289

An Act to Establish Municipal Zoning Regulations for Community Living Arrangements **ONTP**

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

LD 1289 proposed to establish a conditional approval process, using a board of zoning appeals, for community living arrangements. This bill also proposed to establish the Commission to Study and Develop Criteria for Siting Community Living Arrangements. The conditional approval process, if established, may have violated provisions of the Federal Fair Housing Act of 1988.

LD 1319

Resolve, to Direct the Governor to Establish a Commission to Recommend to the Governor Candidate Designs for the Maine State Quarter to be Submitted to the United States Mint **RESOLVE 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	OTP-AM MAJ ONTP MIN	S-135

LD 1319 proposed to require the Governor to establish a commission consisting of seven members to recommend to the Governor candidate designs for the Maine state quarter that the Governor must submit to the United States Mint pursuant to the United States Mint 50 State Quarters Program. It proposed that the commission would establish guidelines and procedures to disseminate to public information concerning the program including the United States Secretary of the Treasury's design criteria for the Maine state quarter and to solicit candidate designs from the public. The commission also would review the design candidates and make recommendations to the Governor to assist the Governor in choosing candidate designs for the Maine State Quarter to submit to the United States Mint.

Committee Amendment "A" (S-135) proposed to require that the commission established by the Governor to recommend candidate designs for the Maine state quarter consist of seven public members.

Enacted law summary

Resolve 1999, chapter 26 requires the Governor to establish a commission consisting of seven public members to recommend to the Governor candidate designs for the Maine state quarter that the Governor must submit to the United States Mint pursuant to the United States Mint 50 State Quarters Program. The commission shall establish guidelines and procedures to disseminate to the public information concerning the program including the United States Secretary of the Treasury's design criteria for the Maine state quarter and to solicit candidate designs from the public. The commission shall review the design candidates and make recommendations to assist the Governor in the choice of designs.

**LD 1351 An Act to Require that Members of the Workers' Compensation Board
be Subject to Review by the Joint Standing Committee on Labor ONTP**

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

LD 1351 proposed to amend the current law that provides that an appointment to the Workers' Compensation Board be subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters. This bill proposed that appointments to the Workers' Compensation Board be subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters. The bill was originally referred to the Joint Standing Committee on Labor, which issued a majority report of ought to pass as amended. The House then referred the bill from to the Joint Standing Committee on State and Local Government for its consideration.

**LD 1366 An Act to Require Pollution Prevention as a Criterion for Awarding
State Contracts ONTP**

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

LD 1366 proposed to require contractors who bid for public improvement and public works projects to demonstrate the efforts they have made in their businesses to prevent pollution such as recycling, waste reduction, use of alternative fuels and use of environmentally-friendly products.

Committee Amendment "A" (H-375), which was not adopted, would have clarified that the requirements for pollution prevention apply during the bidding process and only to state-financed projects.

**LD 1367 An Act Regarding Notification to Parties Affected by Marine
Construction PUBLIC 215**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-222

LD 1367 proposed that any person intending to build or extend any wharf, fish weir or trap in tidewaters in a municipality must provide proof to the municipal officers that all parties that may be directly affected by the proposed construction have been notified of the application. It would permit the municipal officers to name a designee to examine the premises upon which construction is proposed and hear all interested parties. It also would permit the municipal officers to give written notice by regular mail of their decision to all interested parties. Existing law required that this notice to be given by registered mail.

Committee Amendment "A" (H-222) proposed to amend the original bill by requiring any person intending to build or extend any wharf, fish weir or trap in tidewaters of any municipality to apply in writing to the municipal officers. The amendment also proposed to require that the applicant notify all parties directly affected by the proposed construction. It proposed to eliminate the original bill's requirement that the applicant provide proof to municipal officers that parties have been notified.

Enacted law summary

Public Law 1999, chapter 215 amends existing law by requiring any person intending to build or extend a wharf, fish weir or trap in tidewaters of any municipality to apply in writing to the municipal officers of that municipality. It also requires that the applicant notify all parties directly affected by the proposed construction, but does not specify the manner of notice. The law removes a previous requirement that municipal officers use registered mail to notify all parties of their decision on the application. It also authorizes the municipal officers to designate a representative to conduct an on-site examination of the proposed construction.

LD 1379

An Act Regarding Municipal Firearm Discharge Ordinances

PUBLIC 154

Sponsor(s)
POVICH

Committee Report
OTP-AM

Amendments Adopted
H-221

LD 1379 proposed to require that a municipality provide the Commissioner of Inland Fisheries and Wildlife with advance notice of any proposed ordinance that modifies regulations concerning firearm discharges. It also proposed to require a municipality to provide the department with a copy of the new ordinance and any municipal maps showing the areas in the municipality that are affected by the ordinance.

Committee Amendment "A" (H-221) proposed to remove from the original bill a requirement that a municipality notify the Commissioner of Inland Fisheries and Wildlife in advance of the adoption of any new or amended firearm discharge ordinance. It would retain a requirement that within 30 days of its enactment or amendment a municipality send to the commissioner a copy of the new or amended firearm discharge ordinance and any maps showing the areas affected by the new or amended ordinance. The requirement would apply to an ordinance enacted or amended after January 1, 2000.

Enacted law summary

Public Law 1999, chapter 154 amends current law governing municipal firearm discharge ordinance. The law requires that a municipality that amends or adopts a firearm discharge ordinance provide the Commission of Inland Fisheries and Wildlife with a copy of the new or amended ordinance within 30 days of its adoption. The law takes effect on January 1, 2000.

LD 1440

An Act to Designate Civil Rights Day

ONTP

Sponsor(s)
DAGGETT

Committee Report
ONTP

Amendments Adopted

LD 1440 proposed to designate the third Monday of January of each year as Civil Rights Day.

LD 1694

Resolve, to Direct the Maine State Museum and the Maine Historic Preservation Commission to Include, Consult and Involve Local Historical Societies and Affected Municipalities in the Recovery and Local Display of Certain Revolutionary War Artifacts

**RESOLVE 45
EMERGENCY**

Sponsor(s)
CAMPBELL

Committee Report
OTP-AM

Amendments Adopted
H-409

LD 1694 proposed to grant equal rights to the Brewer Historical Society and the Bangor Historical Society to salvage Revolutionary War vessels submerged in the Penobscot River.

Committee Amendment "A" (H-409) proposed to amend the original resolve to require that the Maine State Museum and the Maine Historic Preservation Commission include, consult and involve the historical societies of Brewer and Bangor and other communities located along the banks of the Penobscot River in the salvage and local display of Revolutionary War-era artifacts submerged in the Penobscot River. The amendment also would add a requirement that any study of the salvage of Penobscot Expedition artifacts from the Penobscot River encourage a variety of public and private funding sources for any recovery project or local display effort. It proposed to delete from the original resolve the granting of the salvage rights to the Brewer and Bangor historical societies.

Enacted law summary

Resolve 1999, chapter 45 directs the Maine State Museum and the Maine Historic Preservation Commission to include, consult and involve the historical societies of Brewer and Bangor and other communities located along the Penobscot River in the salvage and display of Revolutionary War-Era artifacts submerged in the Penobscot River. The law also requires that any study of the salvage of the Penobscot Expedition artifacts encourage a variety of public and private funding sources for any recovery project or effort to locally display such artifacts. Resolve, 1999, Chapter 45 also reconfirms that the State retains salvage rights for such artifacts.

Chapter 45 was enacted as an emergency measure effective May 21, 1999.

LD 1700

An Act to Amend the Municipal Board of Appeals Process

ONTP

Sponsor(s)
GLYNN

Committee Report
ONTP

Amendments Adopted

LD 1700 proposed to amend the municipal board of appeals process for granting a variance by repealing the criteria for “undue hardship” that states that the variance may be granted if it is determined that the land in question can not yield a reasonable return.

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-364
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LD 1705 proposed to clarify that incorporation by reference in the rulemaking process is acceptable as long as the rule fully identifies the incorporated matter and that such matter is readily available to the public.

This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (H-364) proposed to reformat the requirements in the original bill and to remove the requirement that incorporation may proceed if printing the incorporated rules within the proposed rules is unduly cumbersome, expensive or inexpedient. It also proposed to delete the requirement that the publisher and the publisher's location be included in the rule citation. The amendment proposed to remove from the bill the requirement that copies of the rule be readily available to the public and would allow the agency incorporating by reference the option of not having the rules available at cost if they are readily available elsewhere. A requirement for agencies to file incorporated material with the Secretary of State would be added by this amendment.

Enacted law summary

Public Law 1999, chapter 261 clarifies that incorporation by reference in the rulemaking process is acceptable as long as the rule fully identifies the incorporated matter and where that matter is available. An agency that incorporates material by reference must submit a copy of that material with the Secretary of State.

<u>Sponsor(s)</u> AHEARNE PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-269
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LD 1710 proposed to make changes to the composition of the Executive Department's Information Services Policy Board.

This bill was submitted on behalf of the Department of Administration and Financial Services.

Committee Amendment "A" (H-269) proposed to amend the original bill by adding several sections that contain minor changes to the Maine Revised Statutes, Title 5, sections 1887, 1888, 1890, 1891 and 1893, related to the Bureau of Data Processing and the Information Services Policy Board.

Enacted law summary

Public Law 1999, chapter 165 amends current law governing the membership of the Information Services Policy Board. The law eliminates specific executive agency or board representatives from membership on the board and replaces them with four members appointed by the Governor from any of the executive departments. It also deletes from existing law a requirement that the Governor appoint one member each representing a criminal justice agency and a natural resource agency and two members representing the remainder of state agencies. The new law requires that the Maine State Housing Authority, Maine State Retirement System, Maine Turnpike Authority and Finance Authority of Maine appoint

representatives as advisory members of the Information Services Policy Board. Public Law 1999, chapter 165 also makes a number of technical corrections to existing statutes governing the Bureau of Data Processing.

LD 1713

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine Criminal Justice Academy in Waterville; Part of the Kennebec Arsenal in Augusta; Part of the Maine Youth Center in South Portland; and 2 parcels in Gray near the Pineland Center and to Purchase Land for Wetland Mitigation Purposes in Connection with the Construction of the Maine State Prison at Warren

RESOLVE 56

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE PENDLETON	OTP-AM MAJ ONTP MIN	H-413 H-516 GERRY

LD 1713 proposed to give the Commissioner of Administrative and Financial Services the authority to sell or lease the Maine Criminal Justice Academy in Waterville; a portion of the Kennebec Arsenal property in Augusta; a portion of the Maine Youth Center property located in South Portland; two parcels of land on Collyer's Brook in the Town of Gray; and a parcel of land in Fayette no longer needed by the Department of Public Safety. It also proposed to authorize the Commissioner to purchase a parcel of land in Warren, the acquisition of which is needed to provide mitigation for wetland impacts related to the corrections construction project in Warren.

This bill was submitted on behalf of the Department of Administration and Financial Services.

Committee Amendment "A" (H-413) proposed to change the title of the resolve and to make several changes that authorize the purchase of property in the Town of Warren for wetland mitigation purposes in connection with the construction of the new state prison.

House Amendment "A" to Committee Amendment "A" (H-516) proposed to amend the resolve by adding requirements that the Commissioner of Administrative and Financial Services investigate the feasibility and desirability of transferring all or portions of the Maine Criminal Justice Academy property in Waterville to the City of Waterville for recreational use. It also proposed to require that the Maine Historic Preservation Commission review any transfer of property known as the Kennebec Arsenal property to ensure that the State's interests in its historic values are protected.

Enacted law summary

Resolve 1999, chapter 56 authorizes the Commissioner of Administrative and Financial Services to sell or lease certain State-owned properties and to purchase property in the Town of Warren for wetland mitigation in connection with the construction of the new state prison. Authorized to be sold or leased are: a portion of the property located at the Maine Youth Center in South Portland, the Maine Criminal Justice Academy in Waterville, a portion of the Kennebec Arsenal in Augusta, two parcels of land on Collyer's Brook in Gray; and a parcel of land in Fayetteville formerly used by the Department of Public Safety. The resolve also requires the Commissioner of the Department of Administrative and Financial Services to investigate and to consider transferring all or portions of the Maine Criminal Justice Academy property to the City of Waterville. The resolve also requires that any proposed transfer of the Kennebec Arsenal property be reviewed by the Maine Historic Preservation Commission to ensure that the State's interests in the Arsenal's historic values are protected.

LD 1741

An Act to Increase Fees for Civil Process of Filing State Papers

INDEF PP

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

LD 1741 proposed to increase the amount from \$8 to \$16 that a process server is paid to serve official state papers in the civil process.

Committee Amendment "A" (H-291), which was not adopted, proposed to add an appropriation section and a fiscal note to the original bill. The amendment included appropriations from the General Fund to cover the additional cost of fees for service of civil documents for both the Judicial Department and the Department of Human Services, totaling \$15,525 in fiscal year 1999-00 and \$20,700 in fiscal year 2000-01.

LD 1769

An Act to Require State Departments and Agencies to Comply with Certain Laws Applied to the Public

ONTP

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

LD 1769 proposed to require State Government to comply with all state and local laws for which compliance by the public and private industry is required.

LD 1785

Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor

RESOLVE 57

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	H-556 AHEARNE S-160

LD 1785 proposed to amend an existing resolve that authorized the conveyance of a right-of-way across the Elizabeth Levinson Center in Bangor. The proposed resolve would widen the easement to be conveyed from 25 feet to 50 feet.

Committee Amendment "A" (S-160) proposed to amend the original resolve by making several changes to Resolve 1983, chapter 23. In addition to proposing to delete several sections of the original law, the amendment proposed to remove a requirement that John Burke pay for an appraisal of an easement over the property of the Elizabeth Levinson Center in Bangor. It also proposed to require that Burke pay only for a survey of the property conducted by a surveyor mutually agreeable to John Burke and the Director of the Bureau of General Services. The amendment also proposed to repeal the resolve effective October 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-556) proposed to clarify the intent of the committee amendment, which was to repeal the resolve in the event that the parties fail to reach agreement by October 1, 2000.

Enacted law summary

Resolve 1999, chapter 57 amends Resolve 1983, chapter 23 by expanding from 25 feet to 50 feet the width of the easement across the Elizabeth Levinson Center property in Bangor to be granted to John Burke. It also allows John Burke to use the easement to provide public utilities to property that he owns that abuts the Levinson Center property.

The new resolve authorizes the Director of the Levinson Center to review the proposed easement to ensure the safety of the users of the Center and to consult with the Director of the Bureau of General Services and John Burke with regard to any changes needed to ensure the safety of Center users. The new resolve requires that the easement not be granted to John Burke until a survey of the property over which the easement is to be granted has been completed. The resolve also requires John Burke to pay for the survey. Several sections of the 1983 resolve were repealed by the new resolve. Finally, the resolve is repealed in the event that parties fail to reach agreement by October 1, 2000.

LD 1800 An Act Concerning Standards for Operation and Maintenance of Radio PUBLIC 269
Antenna Towers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP-AM MAJ ONTP MIN	S-180

LD 1800 proposed to prohibit municipalities from adopting ordinances regulating amateur radio antennas that are in conflict with Federal Communications Commission regulations. The bill proposed to allow ordinances to regulate the placement, screening or height of such radio antennas based on health, safety or aesthetic considerations as long as the ordinances reasonably accommodate amateur radio communications and represent the minimal practicable regulation to accomplish the town's or city's legitimate purpose.

Committee Amendment "A" (S-180) proposed to delete a reference to a specific Federal Communications Commission policy and to replace it with a general reference to Federal Communications Commission regulations.

Enacted law summary

Public Law 1999, chapter 269 codifies a federal preemption against municipal regulation of amateur radio antennas that exceeds what is permissible under Federal Communications Commission regulation. The law allows municipalities to adopt ordinances to regulate the placement, screening or height of amateur radio antennas if the ordinances are based on health, safety or aesthetic considerations and represent the minimum practicable regulation to accomplish the municipality's legitimate purpose.

LD 1843 An Act to Require That Local Officials Take On-the-record Stands ONTP
When They Are Responsible for Laws That Decrease Property Taxes

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

LD 1843 proposed to require a municipal official to make a public and on-the-record statement of the official's position if the municipal official votes for or positively participates in the enactment of an ordinance or regulation that decreases property taxes or the tax base of the municipality.

LD 1849

An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways

CARRIED OVER

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

LD 1849, which was carried over to the Second Regular Session, proposes 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. This bill would reverse current law under which the public easement is automatically retained unless the discontinuance order states that the easement is not to be retained.

LD 1867

An Act to Amend the InforME Laws

ONTP

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

LD 1867 proposed to amend the InforME Public Information Access Act in the following ways:

1. Add a member who represents the interests of the Legislature to the InforME Board and make a representative of the Judicial Department appointed by the Chief Justice of the Supreme Judicial Court a voting member;
2. Require the Department of the Attorney General to provide legal services to the InforME Board;
3. Require the attendance of nine voting members to constitute a quorum and the affirmative vote of nine members to take any action of the InforME Board;
4. Require free access to premium services to be provided to libraries, the Legislature, the Governor and the Judicial Department and require the approval of the data custodian for any premium service fee;
5. Require consultation with the Attorney General for the development of job criteria for a network manager. The bill would require a one-year initial term and an opt-out provision for any contract; and
6. Require the network manager to ensure that any information transmitted through the network does not become inaccurate as a result of manipulation or customizing of the information in the process of developing a premium service.

Committee Amendment "A" (H-414) was a minority report that was not adopted. It proposed to replace the bill and to require free InforME premium services to be provided to all libraries in the State.

LD 1870

An Act to Change the Charter of the Eastport Port Authority

ONTP

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

LD 1870 proposed to expand the membership of the Eastport Port Authority to include six members from Washington County. It also would have expanded the liability for new bonds issued by the authority from all property within the boundaries of the City of Eastport to all property within the boundaries of Washington County.

LD 1876 **An Act to Reform County Governance** **CARRIED OVER**

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

LD 1876, which was carried over to the Second Regular Session, is a concept draft that seeks to reform county government by creating a uniform structure for county governments. The bill proposed to:

1. Increase the number of commissioners;
2. Make the commissioner districts uniform in size within the county;
3. Stagger the terms of the commissioners; and
4. Authorize the commissioners to appoint the following:
 - A. The sheriff;
 - B. The register of deeds;
 - C. The register of probate;
 - D. The county treasurer; and
 - E. The Judge of Probate.

LD 1887 **An Act to Provide Access to Information Services in All Communities of the State** **PUBLIC 428**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP-AM A	H-683 AHEARNE
BUMPS	ONTP B	S-300
	OTP-AM C	S-321 PENDLETON

LD 1887 proposed to expand access to the electronic databases of the State by creating the Maine Governmental Information Network Board. The board would be charged with overseeing the expansion of the State's wide-area computer network to encompass municipalities, counties and other providers of state services. This bill proposed to require the Secretary of State to provide administrative support to the board. This bill sought an appropriation from the General Fund of \$5,000,000 during the 2000-2001 biennium.

Committee Amendment "A" (S-300) was the majority report. It proposed to amend the bill by deleting reference to the State's wide-area computer network. It also proposed to delete reference to expansion of the statewide computer network. The amendment also proposed to delete the appropriation section and added a fiscal note. The amendment also proposed to add a new section to the bill that established the Maine Governmental Information Network Fund as a nonlapsing Other Special Revenue fund. It proposed to authorize the Secretary of State to expend money received by the

fund and to utilize the funds to offset actual costs of collecting the fees. The amendment also proposed to authorize the use of the fund to carry out the purposes of the Maine Governmental Information Network Board. It proposed to authorize the State to invest the funds and to credit interest earned to the fund.

Committee Amendment "B" (S-301), which was not adopted, was the minority report. It proposed to amend the bill by striking everything after the enacting clause and inserting several new sections that would amend the Maine Revised Statutes, Title 1, chapter 14 to authorize the InforME system to assist municipal governments and other providers of state services to connect to a computer network, to provide grants to municipalities and service providers to purchase computer software, hardware and peripherals and to provide technical services to computer network participants. It also proposed to increase the size of the InforME Board membership by two, adding an elected municipal officer and a representative of a governmental service provider who participate in the computer network.

House Amendment "A" (H-683) proposed to clarify the appointing authority for the initial public members of the Maine Governmental Information Network Board.

Senate Amendment "A" to Committee Amendment "A" (S-321) proposed to add an allocation section and to correct the fiscal note on Committee Amendment "A".

Enacted law summary

Public Law 1999, chapter 428 creates the seven-member Maine Governmental Information Network Board in the Department of Secretary of State to enhance electronic data exchange among state and local governments by assisting municipal governments and other providers of state services to connect to a computer network. The board has the authority to provide grants to municipalities, counties and service providers to purchase computer software, hardware and peripherals and to provide technical services to computer network participants. The board also is authorized to establish fee schedules and to collect fees for technical services or other information systems support. Membership of the board consists of the Secretary of State; the Director of the Bureau of Information Services within the Department of Administrative and Financial Services; two public members, one each appointed by the Speaker of the House and the President of the Senate; two representatives of municipal government appointed by the Governor; and one representative of a statewide information services group appointed by the Governor. The law also establishes the Maine Governmental Information Network Fund as a nonlapsing Other Special Revenue Account within the Department of the Secretary of State to carry out the purposes of this chapter. An allocation of \$500 from the Fund is authorized in each of fiscal years 1999-00 and 2000-01.

LD 1898

Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House

RESOLVE 40

Sponsor(s)
SOCTOMAH

Committee Report
OTP-AM

Amendments Adopted
H-325

LD 1898 proposed to require the Director of the Maine State Museum to include the portraits of outstanding Indians for public display in the State House by January 1, 2000. The Director of the Maine State Museum would consult with the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseets and the Aroostook Band of Micmacs in carrying out the purposes of this resolve.

Committee Amendment "A" (H-325) proposed to include in the bill a requirement for the Director of the Maine State Museum by December 31, 1999 to present to the State House and Capitol Park Commission a plan to include outstanding Maine Indians in the collection of State House portraits. The amendment proposed to delete deadline in the resolve.

Enacted law summary

Resolve 1999, chapter 40 requires the Director of the Maine State Museum to include the portraits of outstanding Indians for public display in the State House. By December 31, 1999 the director must present a plan to the State House and Capitol Park Commission to include outstanding Maine Indians in the collection of State House portraits. The plan must include proposals for commissioning or acquiring the portraits.

LD 1906 **An Act to Amend the Maine Administrative Procedure Act Pertaining to** **ONTP**
Major Substantive Rules Review

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

LD 1906 proposed to amend the Maine Administrative Procedure Act to allow a major substantive rule that has been provisionally adopted by an agency to be enforced by the agency pending review by the Legislature. If at least six members of the public request that the agency not enforce the rule until legislative review is complete then the provisional rule would not be enforced.

Committee Amendment "A" (H-290), which was not adopted, proposed changes to the bill to require an agency with a provisionally adopted rule to notify the Secretary of State when a rule is adopted provisionally and when six or more people have not objected in writing. It also made clear that a provisionally adopted rule remains in effect until changes made as a result of a legislative review are in effect.

LD 1920 **An Act to Prevent Conflicts of Interest** **PUBLIC 242**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND	OTP-AM MAJ	H-288
KILKELLY	ONTP MIN	

LD 1920 proposed to prohibit executive employees from taking part in activities that relate to pending legislation or rulemaking or preparing or presenting testimony before a legislative or governing body or board if an actual or potential conflict of interest exists. It also proposed to require an employee to immediately notify the employee's direct supervisor in the event that a potential conflict of interest arises.

Committee Amendment "A" (H-288) replaced the original bill. It proposed to define "participates in the legislative process." It also proposed to require an executive employee to disclose to the employee's direct supervisor any direct and substantial financial interest in any legislation in which that employee participated in an official capacity. Failure to disclose would be a civil violation.

Enacted law summary

Public Law 1999, chapter 242 prohibits executive employees from participating in the legislative process in the employee's official capacity concerning any legislation in which the employee or person described in 5 MRSA §18, sub-§2, has a direct and financial interest unless the employee discloses that interest at the time of the employee's participation. The law also defines "participates in the legislative process" as providing any information concerning pending legislation to a legislative committee, subcommittee or study or working group. It also requires that an executive employee immediately disclose any conflict of interest to that employee's direct supervisor. It is a civil violation for an executive employee to fail to disclose a conflict of interest under this law.

LD 1986**An Act to Authorize Sly Brook to Secede from Eagle Lake and to Deorganize****ONTP**

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

LD 1986 proposed the secession from Eagle Lake and the deorganization of Sly Brook in Aroostook County, subject to approval at local referendum.

Committee Amendment "A" (H-661), which was not adopted, was the minority report. It proposed to make a minor correction in the section of the bill establishing the effective date of the legislation and to add an appropriation section.

House Amendment "A" to Committee Amendment "A" (H-673), which was not adopted, proposed to remove the requirement that the matter of secession and deorganization go to referendum. The amendment would have added a description of the territory of Sly Brook and also would have clarified which debts of the Town of Eagle Lake and Maine School Administrative District No. 27 are the responsibility of Sly Brook.

LD 2004**An Act to Clarify the Duties of the State Auditor****PUBLIC 208**

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

LD 2004 proposed to make the following changes to the law governing the duties of the State Auditor:

1. To provide that the Department of Audit has authority to conduct financial and compliance audits of financial transactions and accounts kept by or for all state agencies subject to the federal Single Audit Act Amendments of 1996;
2. To eliminate the department's authority to install uniform accounting systems in counties and municipalities;
3. To delete the department's authority to install uniform accounting systems and perform postaudits for probation officers; and
4. To remove references to "postaudits" to more accurately describe the work performed by the department.

Enacted law summary

Public Law 1999, chapter 208 amends 5 MRSA §§243 and 244 and makes several changes to existing law governing the authority of the Department of Audit. The law authorizes the Department of Audit to conduct financial and compliance audits of financial transactions and accounts of state agencies subject to the Single Audit Act Amendments of 1996. The law also eliminates the department's authority to install uniform accounting systems in counties and municipalities. It eliminates the department's authority to install uniform accounting systems and to perform postaudits for probation officers. Finally, it removes references to "postaudits" to more precisely described the work performed by the department.

LD 2013

An Act to Allow the East Side of Machiasport to Annex with East Machias

ONTP

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

LD 2013 proposed to authorize the separation of the territory consisting of the east side of Machiasport from the Town of Machiasport and the annexation of that territory to the Town of East Machias, subject to approval by the voters in the east side of Machiasport and the Town of East Machias.

LD 2034

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Set a Date for Submission of Legislation by the Governor

ONTP

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

LD 2034 proposed to require the Governor to submit legislation on or before the date by which Legislators must submit legislation.

LD 2056

An Act to Amend the Laws Governing Secession

PUBLIC 381

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS GOLDTHWAIT	OTP-AM MAJ ONTP MIN	H-410 H-608 AHEARNE

LD 2056 proposed to establish a process that must be followed by residents of a territory seeking to secede from a municipality. The municipal officers would be required to call a special meeting of the municipality if at least 50% of the residents of a territory proposing to secede file a petition with the officers. At the special meeting, persons in attendance would discuss the reasons for seeking secession, potential alternative solutions and the impact of secession on the municipality and the secession territory. Following the meeting, an advisory referendum would be held to determine secession territory support for secession. Municipal officers also would vote on whether to support secession. If all parties support secession, the proposal would be brought to the Legislature. In the case of conflict, the parties would be required to meet to attempt to resolve the conflict, using a mediator if needed. The Legislature would make the final decision on secession only after the local community has exhausted efforts to resolve the conflict locally.

Committee Amendment "A" (H-410) proposed to change all references in the bill from a "special meeting" to a "public hearing." It also proposed to add requirements that the public hearing be conducted by an elected moderator. The amendment also would require verification of petition signatures by the registrar of voters and required that the advisory referendum be conducted pursuant to the provisions of the Maine Revised Statutes, Title 21-A. It further proposed to require that both a majority of the municipal officers and more than 50% of the registered voters of the secession territory voting at the advisory referendum support secession if secession legislation is to be introduced. In instances where municipal officers and secession territory voters are in conflict, the amendment proposed to establish a process for mediation of the dispute.

House Amendment "A" to Committee Amendment "A" (H-608) proposed to add a requirement to the bill that secession petitioners submit a written report to the public hearing on the secession proposal detailing the impact of the proposed secession on local property taxes.

Enacted law summary

Public Law 1999, chapter 381 amends current secession law by establishing a process that must be followed by those residents of a territory seeking to secede from the municipality. Among other changes, Public Law 1999, chapter 381 requires that:

1. A petition that requests a municipal public hearing on secession, signed by at least 50% of the registered voters within a secession territory, must be submitted to the municipal officers;
2. After the registrar of voters has verified the petition signatures, the municipal officers must call and hold a public hearing on the secession request. The hearing must be conducted by a moderator, elected in the manner provided for in MRSA, Title 30-A, §2524, but no other official vote may be taken at the public hearing. The law also specifies the manner in which the public hearing must be advertised and conducted;
3. Persons initiating the petition must submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the secession territory and in the municipality;
4. An advisory referendum within the secession territory must be held between 30 and 120 days after the initial public hearing on secession. The municipal officers may also hold a separate advisory referendum in the portion of the municipality outside of the secession territory;
5. Following the advisory referendum, the municipal officers must vote on whether to support the secession request. If a majority of the municipal officers approve the request and more than 50% of voters in the secession territory favor secession, legislation requesting secession may be submitted to the Legislature;
6. Should those votes be in conflict, the municipal officers and the secession territory representatives must meet to attempt to resolve issues related to secession. If such efforts do not result in an agreement on all issues within a reasonable amount of time, a third party mediator must be retained. The law sets out the process for selecting a mediator and the delineates the duties of the mediator;
7. Upon completion of the mediation effort, the mediator must file a detailed, written report with the joint standing committee of the Legislature having jurisdiction over state and local government matters; and
8. The parties may submit the matter to the Legislature if agreement on all issues has not been reached within six weeks after commencing efforts to resolve issues.

LD 2068

An Act to Create a State House Citizen Participation and Lobby Center

ONTP

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

LD 2068 proposed to create a citizen participation and lobby center to be located in the State House. The center would contain a citizen lobby station to assist visitors to act as citizen lobbyists. The center would be completed by January 1, 2001.

Committee Amendment "A" (H-489), which was not adopted, was the minority report and proposed to remove from the original bill all references to "lobby," including in the title. In some instances, the amendment would have substituted the word "participation" for the word "lobby." The amendment also proposed to add an appropriation section.

LD 2087

An Act to Establish the Public Resources and Information for Maine Foundation

CARRIED OVER

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

LD 2087, which was carried over to the Second Regular Session, proposes to establish the Public Resources and Information for Maine Foundation (PRIME). PRIME would provide the State’s citizens with increased access to unbiased information about state government procedures, deliberations and public policy events to promote civic education and to stimulate public dialogue and public participation in State Government. It proposes an appropriation of \$100,000 for fiscal year 1999-00. The bill also would schedule the foundation for review under the State Government Evaluation Act in 2004.

LD 2092

An Act to Require Legislative Approval to Lease Certain Land to the Federal Government

PUBLIC 240

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR DAVIS P	OTP-AM	H-363 S-225 PENDLETON

LD 2092 proposed to require that the Legislature approve leasing of public land to the Federal Government. Leasing of public land to the Federal Government currently requires only the consent of the Governor and the Commissioner of Conservation. Under current law, the Legislature must approve all sales of public land to the Federal Government.

Committee Amendment "A" (H-363) proposed to clarify the bill's intent that the Legislature approve the leasing of certain lands to the Federal Government. In the absence of a requirement other than a simple majority, the bill did not need to state anything other than that legislative approval would be required.

Senate Amendment "A" (S-225) proposed to insert language into the bill that would clarify that any lease to the Federal Government requires the approval of the Legislature.

Enacted law summary

Public Law 1999, chapter 240 extends to the leasing of public land to the Federal Government a requirement that the lease must be approved by the Legislature in addition to the Governor and the Commissioner of Conservation, as was already required under the law. State law already required that all sales of public lands to the Federal Government be approved by the Legislature.

LD 2106

An Act to Allow Nonprofit Corporations to Retain Small Levels of Profits Realized on State Contracts

ONTP

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

LD 2106 proposed to allow nonprofit corporations that contract with the State to provide goods or services to retain up to 5% of any reserve earned under the contract. The bill would have allowed the provider to retain more than this

amount with permission of the contracting state agency. It also proposed to limit the use of the retained earnings by the corporation to fulfilling the requirements of existing state contracts. It would have required the State to give a service provider a six-month notice if it intended to renew an existing contract and to change in any way the provisions of the contract.

LD 2127 **An Act to Allow the Direct Submission to Voters of Municipal Charter Revisions** **ONTP**

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

LD 2127 proposed to allow the submission of a petition for a municipal charter revision directly to the voters in that municipality, without the creation of a charter commission, if specifically requested by the petitioners. A petition submitted in this manner would still have had to meet certain requirements, such as a determination of sufficiency and a public hearing.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ ONTP MIN	S-181

LD 2131 proposed to make the following changes to the Maine Administrative Procedure Act:

1. Require that all state agencies that engage in stakeholder processes adopt procedural rules governing the process;.
2. Specify what an agency that engages in stakeholder processes resulting in rulemaking must include in the record of rulemaking;
3. Specify that an agency's failure to follow its procedural rules for stakeholder processes may be grounds for appeal; and
4. Require the Division of Administrative Hearings within the Department of Labor to develop model procedural rules to govern stakeholder processes.

Committee Amendment "A" (S-181) was the majority report. It proposed to replace the bill. The amendment proposed to define "consensus-based rule development process" and to set forth a basic structure for agency use of the process. The amendment proposed to give agencies the authority to voluntarily engage in consensus-based rule development processes and it proposed specific items that must be addressed by the agency, including establishing a representative group of participants, developing ground rules, disclosing funding and time constraints, giving notice of meetings, selecting a chair or facilitator and distributing summaries and materials. The amendment proposed that if a draft rule developed through a consensus-based process becomes a proposed rule, the agency must maintain a record regarding the consensus-based rule development process, including the extent to which consensus was reached. The amendment also would require an agency to include anticipated consensus-based rule development process in its regulatory agenda. The amendment would require the Department of Labor to convene a working group to develop best practices guidelines to assist agencies in the use of consensus-based rule development processes.

Enacted law summary

Public Law 1999, chapter 307 establishes a consensus-based rules development process that is available for use by state agencies on a voluntary basis. The law defines "consensus-based rule development process" and it sets forth a basic structure for agency use of the process. The law identifies specific items that must be addressed by the agency, including establishing a representative group of participants, developing ground rules, disclosing funding and time constraints, giving notice of meetings, selecting a chair or facilitator and distributing summaries and materials. Under the law, if a draft rule developed through a consensus-based process becomes a proposed rule, the agency must maintain a record regarding the consensus-based rule development process, including the extent to which consensus was reached. The law also requires an agency to include anticipated consensus-based rule development process in its regulatory agenda and require the Department of Labor to convene by April 15, 2000 a working group to develop best practices guidelines to assist agencies in the use of consensus-based rule development processes.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	H-764 TOWNSEND
MADORE	ONTP MIN	S-302
		S-440 PINGREE

LD 2136 proposed to create the Capital Riverfront Improvement District to protect the scenic character of the Kennebec River corridor and to provide an opportunity for community and economic development for the City of Augusta along the city's riverfront. This bill would establish a governing board and executive committee of the district and it outlined the powers and duties of the board. It would require the district to assist in the establishment of district boundaries, prepare a master plan and to authorize and carry out projects within the district.

Committee Amendment "A" (S-302) proposed to alter the membership of the Capital Riverfront Improvement District by adding a regional or statewide environmental group to the district's governing board in the place of a member of the Coastal Conservation Commission. The amendment also proposed to require that the master plan of the district be compatible and consistent with master planning for the Capitol Planning Commission. It also proposed to require that the governing board report to the Joint Standing Committee on State and Local Government on its district master plan by January 31, 2000 and to require an annual report to the committee beginning on January 15, 2001. The amendment also proposed to establish a \$10,000,000 limit on the district's total bonding authority and restricted that limit in fiscal year 2000-01 to \$5,000,000. The amendment also proposed to require that a majority of the Augusta City Council adopt this Act after enactment in order for it to take effect.

House Amendment "A" (H-764) proposed to add a mandate preamble to the bill.

Senate Amendment "A" (S-387), which was not adopted, proposed to add a mandate preamble to the bill.

Senate Amendment "B" (S-440) proposed to add an emergency preamble and emergency clause to the bill.

Enacted law summary

Private and Special 1999, chapter 58 creates the Capital Riverfront Improvement District. The district is charged with protecting the scenic character of the Kennebec River corridor and with providing an opportunity for community and economic development for the City of Augusta along the city's riverfront. The district also will assist the City of Augusta in managing property related to the Edwards Dam, which is being transferred to the city pursuant to Public Law 1999, chapter 410. Private and Special 1999, chapter 58 establishes both a governing board and an executive committee for the district and details the powers and duties of the board. It also requires that the district establish a master plan that is consistent with master planning for the Capitol Planning Commission. The district's governing board is required to report to the Joint Standing Committee on State and Local Government on its district master plan by January 31, 2000. The law also requires an annual report to the State and Local Government Committee beginning on January 15, 2001. The district's total bonding authority is limited to \$10,000,000 and the district may not

exceed bonding of \$5,000,000 in fiscal year 2000-01. The law becomes effective with its adoption by a majority of the Augusta City Council.

Chapter 58 was enacted as an emergency measure effective June 17, 1999.

LD 2168

An Act to Implement the Recommendations of the State Compensation Commission

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-735 HATCH
	ONTP B	S-364
	OTP-AM C	

LD 2168 proposed to implement the recommendations of the State Compensation Commission. The bill would make the following changes to the laws.

1. Increase a Legislator's salary from \$10,500 to \$15,750 in the first year of a biennium and from \$7,500 to \$11,250 in the second year of a legislative biennium;
2. Double the constituent service allowances for both Senate and House members;
3. Increase the salaries of the Secretary of State, Treasurer of State and Attorney General; and
4. Amend the laws governing eligibility for legislative retirement by reducing from 10 to eight the number of years of creditable service necessary.

Committee Amendment "A" (S-364) was the majority report. It proposed to amend the original bill by lowering the proposed legislative pay increase from 50% to 3% in each year of the biennium. It also proposed to add a provision that requires an annual cost-of-living adjustment to legislators' salaries. The amendment also proposed to remove provisions from the bill that would have required increases in constituent service allowances and the salaries of some constitutional officers and that would have reduced from 10 to eight years the number of years required for legislative retirement eligibility. This amendment also proposed to authorize the Joint Standing Committee on State and Local Government to report out legislation on legislative compensation in the Second Regular Session of the 119th Legislature. The amendment also proposed to add an appropriation section to the bill.

Committee Amendment "B" (S-365) was the minority report, which was not adopted. It proposed to repeal the State Compensation Commission established by the Maine Revised Statutes, Title 3. This amendment also proposed to add an appropriation section to the bill.

House Amendment "A" (H-746), which was not adopted, would make the provisions of the bill subject to approval by the voters at referendum in November 1999.

House Amendment "A" to Committee Amendment "A" (H-714), which was not adopted, proposed to increase a Legislator's salary from \$10,500 to \$14,400 in the first year of a legislative biennium and from \$7,500 to \$9,600 in the second year of a biennium.

House Amendment "B" to Committee Amendment "A" (H-733), which was not adopted, proposed to increase the salary of a Legislator by 20% from \$10,500 to \$12,600 in the first year of the legislative biennium and from \$7,500 to \$9,000 in the 2nd year of the biennium.

House Amendment "C" to Committee Amendment "A" (H-735) proposed to retain the provisions of the bill that would increase the annual allowance for constituent services for Legislators.

House Amendment "D" to Committee Amendment "A" (H-739), which was not adopted, proposed to place the salaries of the Secretary of State, the Treasurer of State, the Attorney General and the State Auditor at salary range 91, the same salary range as commissioners. The amendment also would have clarified that the Legislative Council has authority to determine at which step each officer is to be paid.

Senate Amendment "A" to Committee Amendment "A" (S-375), which was not adopted, proposed to clarify the majority report of the Joint Standing Committee on State and Local Government by ensuring the cost-of-living adjustment would begin with the First Regular Session of the 120th Legislature. It further proposed to clarify that the cost-of-living adjustment to legislative salary may not exceed 5% annually.

Enacted law summary

Public Law 1999, chapter 509 increases legislative pay by 3% in each year of the biennium beginning in the 120th Legislature. In the First Regular Session of the 120th Legislature, each legislator will receive \$10,815 in salary. In the Second Regular Session of the 120th Legislature, each legislator will receive \$7,725 in salary. It also establishes an annual cost-of-living adjustment to legislators' salaries beginning on December 1, 2001. The cost-of-living adjustment will be based on the percentage increase in the Consumer Price Index for the most recently concluded fiscal year. The law limits the cost of living increase to 5% in any year. Beginning in fiscal year 2000-01, the law increases annual legislative constituent service allowances for Senate members from \$1,000 to \$2,000 and for House members from \$750 to \$1,500.

LD 2176 An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours CARRIED OVER

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

LD 2176, which was carried over to the Second Regular Session, proposes to require that state agencies and departments have a live operator answer all incoming telephone calls to the agency or department during business hours, except for emergency hot lines and telephone lines that provide general information.

LD 2186**An Act to Authorize York County to Hold Bond Referenda for New County Facilities****P & S 36**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	OTP-AM	H-447

LD 2186 proposed to authorize the York County commissioners to seek approval from county voters to raise \$20,000,000 for construction of a new county jail facility and \$5,000,000 for construction of an addition to the county courthouse.

Committee Amendment "A" (H-447) proposed to replace references to "addition to the county courthouse" with "county office facilities." It also proposed to add a mandate preamble to the bill.

Enacted law summary

Private and Special 1999, chapter 36 requires York County to hold a referendum on the proposed construction of new county facilities. The referendum questions will ask York County voters whether they favor a \$20,000,000 bond issue for construction of a new jail facility and whether they favor a \$5,000,000 bond issue for the construction of county office facilities. The referendum questions must be submitted to the York County voters within 18 months after adjournment of the First Regular Session of the 119th Legislature.

LD 2192**An Act to Prohibit Law Suits by Municipalities Against Firearm or Ammunition Manufacturers****PUBLIC 430**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS DAVIS P	OTP-AM MAJ ONTP MIN	H-442

LD 2192 proposed to prohibit a municipality from bringing certain civil actions against firearm or ammunition manufacturers.

Committee Amendment "A" (H-442) was the majority report. It proposed to delete the emergency preamble and emergency clause from the original bill.

Enacted law summary

Public Law 1999, chapter 430 prohibits a municipality from bringing a civil action against any firearm or ammunition manufacturer for damages resulting from or relating to the lawful design, manufacture, marketing or sales of firearms or ammunition to the public. The law does not prohibit a municipality from bringing an action against a firearm or ammunition manufacturer or dealer for breach of contract or warranty for firearms or ammunition purchased by a municipality.

LD 2197

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999

**RESOLVE 20
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2197 proposed to authorize the laying of the county taxes and expenditures of Kennebec County government for the year 1999.

Enacted law summary

Resolve 1999, chapter 20 authorizes the laying of the county taxes and expenditures of Kennebec County government for the year 1999.

Resolve chapter 20 was passed as an emergency measure effective May 10, 1999.

LD 2234

An Act to Designate December 3rd as Organ Donor Awareness Day

PUBLIC 479

Sponsor(s)
ABROMSON
ROWE

Committee Report
OTP-AM

Amendments Adopted
S-363

LD 2234 proposed to designate December 3rd as Kate James Day. The day would commemorate the life of Kate James, who passed away while awaiting a double lung transplant. The commemorative day would be established to make citizens aware of the importance of donating organs.

Committee Amendment "A" (S-363) proposed to replace the original bill by establishing December 3rd as Organ Donor Awareness Day. It proposed that the first annual Organ Donor Awareness Day be observed in honor of the memory of Kate James, who passed away while awaiting a lung transplant. The amendment also proposed that the Governor designate an individual to be recognized on Organ Donor Awareness Day in each subsequent year.

Enacted law summary

Public Law 1999, chapter 479 establishes December third of each year as Organ Donor Awareness Day. It requires that the first annual Organ Donor Awareness Day -- December 3, 1999 -- be observed in honor of the memory of Kate James, who passed away March 6, 1999 at the age of 18 while awaiting a double lung transplant. The law also requires the Governor to designate an individual to be recognized on Organ Donor Awareness Day in each subsequent year.

LD 2240

An Act to Revise the Salaries of Certain Kennebec County Officers

**PUBLIC 377
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

HP 0058

Joint Order - Relative to a Committee to Locate an On-site Day-care Center in the Capitol Complex

ONTP

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

HP 58 was a joint order that proposed to establish a committee to study locating an on-site daycare center in the Capitol Complex.

HP 1142

Joint Order - Relative to Establishing the Joint Select Committee to Study the Maine Governmental Facilities Authority

ONTP

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

HP 1142 was a joint order calling for the establishment of a Joint Select Committee to Study the Maine Governmental Facilities Authority.

HP 1457

Joint Order - Relative to the Joint Select Committee to Ensure Accountability in the Legislature

OTP

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

HP 1457 was a joint order proposing to establish a Joint Select Committee to Ensure Accountability in the Legislature.

Joint Standing Committee on Transportation

LD 7 **Resolve, to Change the Name of the Ridlonville Bridge between Rumford and Mexico to the Veterans Memorial Bridge** **RESOLVE 2**

<u>Sponsor(s)</u> FERGUSON BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-10
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LD 7 proposed to change the name of the bridge between Rumford and Mexico from the Ridlonville Bridge to the Veterans Bridge.

Committee Amendment "A" (S-10) proposed to change the name of the Ridlonville Bridge between Rumford and Mexico from the "Veterans Bridge," as proposed in the resolve, to the "Veterans Memorial Bridge."

Enacted law summary

Resolve 1999, chapter 2, changes the name of the Ridlonville Bridge between Rumford and Mexico from the "Ridlonville Bridge" to the "Veterans Memorial Bridge."

LD 28 **An Act to Exempt a Person Running for Public Office from the Mandatory Seat Belt Law** **ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 28 proposed to exempt a candidate for public office actively campaigning from door to door from the seat belt law.

LD 46 **An Act to Require Special Identification of Motor Vehicles Driven by Holders of Driver's License Permits** **ONTP**

<u>Sponsor(s)</u> ABROMSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 46 proposed that the Secretary of State issue placards to driver's license permit holders identifying that person as a permit holder. The placards were proposed to be issued at the same time the Secretary of State issues the driver permit and would be required to be displayed on the motor vehicle being driven by that permit holder.

LD 52 **An Act to Expand the Number of Lights Firefighters May Use on Their Motor Vehicles** **DIED BETWEEN BODIES**

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

LD 52 proposed to allow an active member of a municipal or volunteer fire department, when authorized, to use any type of flashing signal light on a vehicle when en route to or at the scene of a fire or other emergency.

Committee Amendment "A" (H-84) was the minority report of the Joint Standing Committee on Transportation. The amendment proposed to repeal limitations on the size and number of flashing red signal lights that may be displayed on vehicles used by firefighters and to allow those lights to be mounted anywhere on the vehicle below the top of the vehicle's windshield. The amendment also proposed to prohibit the lights from being located in a manner that impairs the vision of an operator of another motor vehicle. This amendment was not adopted.

LD 53 **Resolve, Requiring the State to Reimburse Towns for the Construction of Salt and Sand Storage Facilities** **ONTP**

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

LD 53 proposed to require the State to reimburse municipalities, by December 31, 1999, the State's share of the costs of salt and sand storage facilities that were constructed by municipalities and approved by the Department of Transportation prior to January 1, 1999. Although this bill was not passed, money for paying for all state and municipal priority 1 and 2 salt and sand storage facilities was included in the Part II Highway Budget. (See LD 957)

LD 61 **An Act to Decriminalize Failure to Register a Motor Vehicle** **ONTP**

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

LD 61 proposed to decriminalize failure to register a motor vehicle by removing the risk of jail time, but leave the maximum forfeiture that may be imposed at \$1,000.

LD 70 **An Act to Enact the Railroad Trespass Prevention Act** **PUBLIC 318**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LINDAHL O'GARA	OTP-AM	H-199

LD 70 proposed to create a Railroad Trespass Prevention Act that made it illegal to trespass on railroad property without the railroad's consent and proposed a fine of not more than \$100 or imprisonment of not more than 30 days for such trespass. The bill also proposed to make it illegal to be a stowaway and proposed a fine of not more than \$1,000 or imprisonment of not more than 6 months for being a stowaway.

LD 167 **An Act to Allow Persons with Disabilities to Obtain More than One Disability Registration Plate** **ONTP**

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

LD 167 proposed to allow a person with a disability to obtain more than one set of disability registration plates.

LD 189 **An Act to Require Seat Belts on School Buses** **ONTP**

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

LD 189 proposed that new school buses purchased after January 1, 2000 be equipped with safety seat belts for use by all passengers.

LD 194 **An Act to Increase Nonregular Island Ferry Service from 24 to 36 Trips** **PUBLIC 20
EMERGENCY**

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

LD 194 proposed to increase the maximum number of State ferry service trips to Matinicus Isle from 24 trips a year to 36 trips a year.

Enacted law summary

Public Law 1999, chapter 20 increases the maximum number of State ferry service trips to Matinicus Isle from 24 trips a year to 36 trips a year.

Chapter 20 was enacted as an emergency measure effective March 19, 1999.

LD 197 **An Act to Promote Business and Economic Development by Helping Sign Manufacturers in Maine** **ONTP**

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

LD 197 proposed to create the Sign Manufacturer Revolving Loan Fund to assist advertising sign manufacturers in the State. The bill proposed that the fund be administered by the Finance Authority of Maine. The bill also proposed a General Fund appropriation of \$100,000 to the authority to capitalize the fund.

LD 202

An Act to Abolish the Maine Turnpike Authority

ONTP

<u>Sponsor(s)</u> BROOKS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 202 proposed to abolish the Maine Turnpike Authority and transfers its duties to the Department of Transportation.

LD 210

An Act to Require Mandatory All-way Stops at Intersections with Nonfunctional Electrical Traffic Signals

ONTP

<u>Sponsor(s)</u> SHIELDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 210 proposed to require drivers to stop at intersections with traffic lights that are broken.

LD 216

An Act to Prohibit the Transportation of Open Containers that Contain Liquor

PUBLIC 293

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-134 H-345 JABAR
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LD 216 proposed to prohibit the transport of an open container of liquor by vehicle.

Committee Amendment "A" (H-134) proposed to replace the bill and to prohibit the operator of and passengers in a vehicle on a public way, including a right-of-way, from consuming alcohol or possessing an open alcoholic beverage container. The amendment proposed to make the operator responsible for the violation and included exceptions for vehicles without trunks, vehicles designed for hire other than taxicabs and vehicles with living quarters. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-345) proposed to add an exemption for licensed off-site catering services to the provisions of the committee amendment dealing with transportation of opened containers of alcohol and proposed to amend the law pertaining to private transportation of partially consumed bottles of table wine to require that they be transported in compliance with the open container law proposed in the bill.

Enacted law summary

Public Law 1999, chapter 293, prohibits the operators and passengers in a vehicle on a public way, including a right-of-way, from consuming alcohol or possessing an open alcoholic beverage container. The operator responsible for any violation of this law. Exceptions are provided for vehicles without trunks, vehicles designed for hire, other than taxicabs, vehicles with living quarters and vehicles engaged in providing licensed off-site catering services.

LD 218

An Act Concerning Motor Vehicle Inspection Fees

ONTP

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

LD 218 proposed to make the inspection fee for a motor vehicle the same throughout the State.

LD 221

An Act to Require Helmets for Children when Riding Bicycles, All-terrain Vehicles or Snowmobiles

ONTP

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

LD 221 proposed to require a person under 18 years of age who operates or is a passenger on a bicycle, ATV, snowmobile or any other motorized vehicle to wear a helmet.

LD 222

An Act to Alter the Firefighter License Plate

CARRIED OVER

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

LD 222 proposes that the Secretary of State design a firefighter registration plate that uses the Maltese cross in addition to the current "FF."

LD 227

An Act to Further Decriminalize Operating an Unregistered Vehicle

PUBLIC 68

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

LD 227 proposed to decriminalize operating an unregistered vehicle when the registration has expired within the last 120 days and to clarify that the owner of the vehicle is responsible for registering a vehicle that is operated on a public way.

Committee Amendment "A" (H-83) proposed to redefine those offenses in the bill as a traffic infractions and to make failure to register a vehicle a civil violation instead of a Class E crime. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 68, decriminalizes operating an unregistered vehicle when the registration has expired within the last 120 days, clarifies that the owner of the vehicle is responsible for registering a vehicle that is operated on a

public way and redefines those offenses as a traffic infractions. This law also makes failure to register a vehicle a civil violation instead of a Class E crime.

LD 229 **An Act to Aid Enforcement of the Laws Regarding Insurance for Motor Vehicles** **ONTP**

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

LD 229 proposed to require that automobile insurance companies notify insurance holders at least 10 days before that policy is due to expire.

LD 236 **Resolve, to Name the Bridge Between Bath and Woolwich the Sagadahoc Bridge** **RESOLVE 1**

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

LD 236 proposed to name the new bridge between Bath and Woolwich the Sagadahoc Bridge.

Enacted law summary

Resolve 1999, chapter 1, names the new bridge between Bath and Woolwich the Sagadahoc Bridge.

LD 247 **Resolve, to Improve Access to the Maine Turnpike** **ONTP**

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

LD 247 proposed that the Maine Turnpike Authority install and maintain a barrier toll facility between exit 5 and exit 6 on the Maine Turnpike by July 1, 2002.

LD 265 **An Act to Provide for License Plates in Support of Domestic Violence Prevention Programs** **CARRIED OVER**

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

LD 265 proposes to establish the Domestic Violence Prevention Fund and the domestic violence prevention registration plate, under which \$14 of the registration fee is dedicated to domestic violence prevention programs.

LD 273

Resolve, Requiring the Commissioner of Transportation to Report to the Joint Standing Committee on Transportation on Recreational Access to Water Bodies and Snowmobile Access Across Bridges

RESOLVE 18

<u>Sponsor(s)</u> CAMERON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-198
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LD 273 proposed that all new bridge construction, as well as reconstruction, provide for a sidewalk or lane dedicated and adequate for the use of off-road recreational vehicles such as snowmobiles.

Committee Amendment "A" (H-198) proposed to replace the bill, change the bill to a resolve and change the title of the bill.

The amendment proposed unallocated language directing the Department of Transportation and other state agencies to work on improving public and recreational access to water bodies and snowmobile access across bridges. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Resolve 1999, chapter 18, requires the Commissioner of Transportation to report to the joint standing committee of the Legislature having jurisdiction over transportation matters in February 2001 and February 2003 on the progress of interagency efforts to improve public and recreational access to water bodies and snowmobile access across bridges. The scope of those interagency efforts are detailed in a memorandum of agreement signed prior to enactment of this law by the Department of Transportation, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources.

LD 278

An Act to Place Direction Signs on I-95 for the Lakeland Trail

ONTP

<u>Sponsor(s)</u> CARR DAVIS P	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 278 proposed that signs be placed along both lanes of Interstate 95 in the Howland-Lincoln area informing travelers of the Lakeland Trail.

LD 281

An Act to Dedicate the Revenue from the Increase in the Inspection Fee to the State Police and to Establish a Safety Inspection Advisory Board

ONTP

<u>Sponsor(s)</u> MCKENNEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 281 proposed that additional Highway Fund revenue collected from an increase in automobile inspection fees enacted in the last legislative session be dedicated to the motor vehicle inspection program within the Department of Public Safety and to the Safety Inspection Advisory Board, which was proposed to be established by this bill.

LD 282

An Act to Allow Motor Vehicle Safety Inspection Stations to Set Their Own Fees for Inspections and to Require the Inspection of Brake Friction Material

ONTP

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

LD 282 proposed that inspection stations inspect the brake friction material of a vehicle as part of the standard vehicle inspection and proposed to repeal the statutorily set inspection fees, allowing inspection stations to set their own fees.

LD 311

An Act to Create a Registration Plate for Members of the Maine Snowmobile Association

CARRIED OVER

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

LD 311 proposes to authorize the issuance of a special registration plate for members of the Maine Snowmobile Association.

LD 319

An Act to Require Commercial Vehicle Operators Involved in Fatal Motor Vehicle Accidents to Submit to Drug Testing

CARRIED OVER

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

LD 319 proposes to require drug testing of commercial vehicle operators involved in fatal or potentially fatal motor vehicle accidents. This bill was submitted on behalf of the Department of Public Safety.

LD 320

An Act to Amend the Law regarding Reportable Motor Vehicle Accidents

PUBLIC 61

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

LD 320 proposed to increase from \$500 to \$1,000 the monetary amount of property damage for which a motor vehicle accident must be reported.

Enacted law summary

Public Law 1999, chapter 61, increases from \$500 to \$1,000 the monetary amount of property damage for which a motor vehicle accident must be reported.

LD 321 **An Act to Create a License Plate for Veterans Who Served in Iwo Jima, CARRIED OVER
Normandy or Desert Storm**

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

LD 321 proposes to create 3 additional special license plates for veterans who served at the battles of Iwo Jima and Normandy in World War II and in Operation Desert Storm in 1991. As with Purple Heart license plates, a one-time fee of \$10 will be charged to offset additional costs.

LD 323 **An Act to Allow a Person to Erect One Advertising Sign** **ONTP**

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

LD 323 proposed that a person or business employing fewer than 20 persons be allowed to place a sign on private property within one mile of the business.

Committee Amendment "A" (S-98) proposed to authorize towns to issue permits for off-site business advertising signs. The amendment proposed to limit each business to one sign. The amendment also proposed to prohibit towns from permitting signs larger than 16 square feet or that are illuminated or changeable signs, require that signs be placed only on private land in the town granting the permits and only with the permission of the landowner, allow no more than one permitted sign erected on any one parcel of land and to allow the towns to place other limitations on such signs, such as charging a fee for the permit. The amendment also proposed to add a fiscal note to the bill.

LD 337 **An Act to Allow Police Employees to Issue Temporary Permits to
Operate Unregistered and Uninspected Vehicles** **PUBLIC 41**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KIEFFER	OTP-AM	H-42

LD 337 proposed to add permit-certified police dispatchers to the list of people authorized to issue temporary permits allowing operation of uninspected vehicles to an inspection station.

Committee Amendment "A" (H-42) proposed to replace the original bill and change its title. The amendment proposed to allow an employee of a police or sheriff's department designated by the chief law enforcement officer of the department to issue a permit to tow an unregistered motor vehicle or to operate an uninspected motor vehicle to an inspection station for inspection.

Enacted law summary

Public Law 1999, chapter 41, allows an employee of a police or sheriff's department designated by the chief law enforcement officer of the department to issue a permit to tow an unregistered motor vehicle or to operate an uninspected motor vehicle to an inspection station for inspection.

LD 351

An Act to Include Marine Products on Roadside Signs

**DIED BETWEEN
BODIES**

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

LD 351 proposed to allow sellers of marine products to post seasonal roadside signs.

Committee Amendment "A" (H-200) proposed to limit the eligibility for roadside signs advertising marine products to businesses that produce and sell the marine products on their premises and to allow those businesses to erect only signs that advertise marine products sold for human consumption. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-130) proposed to allow a seller to erect signs advertising products produced or sold on the seller's premises, as in the original bill. This amendment also proposed to restrict a seller to erecting signs as proposed in the bill or using official business directional signs, but not both.

LD 362

An Act to Require Written Explanation from the Department of Transportation When a Municipal Request to Change a Speed Limit is Denied

PUBLIC 160

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G PENDLETON	OTP-AM	H-236

LD 362 proposed to transfer authority for setting speed limits in municipalities from the Department of Transportation to municipalities, except for the interstate highway system or the Maine Turnpike. The bill also proposed to allow municipalities to establish passing and no-passing zones.

Committee Amendment "A" (H-236) proposed to replace the bill. The amendment proposed to require the Department of Transportation to explain in writing why a municipal request to change a speed limit was denied by the department and requires the department to offer to meet with the municipal officials in that municipality to explain the reasons for that denial. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 160, requires the Department of Transportation to explain in writing why a municipal request to change a speed limit was denied by the department and requires the department to offer to meet with the municipal officials in that municipality to explain the reasons for that denial.

LD 370

Resolve, to Lower Certain Tolls on the Maine Turnpike

ONTP

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

LD 370 proposed that the Maine Turnpike Authority reduce the toll to 50¢ for the New Gloucester and Gardiner toll booths.

LD 378

An Act to Expand the Use of Emergency Equipment on Vehicles Operated by Liquor Enforcement Officers

PUBLIC 29

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

LD 378 proposed to remove the restriction that liquor enforcement officers use blue lights and sirens only when enforcing state liquor laws or the OUI law. This bill was submitted on behalf of the Department of Public Safety.

Enacted law summary

Public Law 1999, chapter 29, removes the restrictions on when liquor enforcement officers may use blue lights and sirens.

LD 425

An Act to Repeal the Law That Requires the Display of a Registration Plate on the Front of a Motor Vehicle

ONTP

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

LD 425 proposed to make the display of a front plate optional for motor vehicles.

LD 443

An Act to Require Notification of Automobile Registration Renewal Due Dates

ONTP

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

LD 443 proposed that the Secretary of State mail to any person whose motor vehicle registration is about to expire a notification of the pending expiration of the registration and an application to renew the registration.

LD 451 **An Act Concerning Capacity of School Buses** **ONTP**

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

LD 451 proposed to limit to two the number of students who can sit on one school bus seat if the students are in the sixth grade or above.

LD 463 **An Act Concerning the Use of Road Repair or Construction Signs on State Highways** **ONTP**

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

LD 463 proposed that construction signs be covered on state highways when no actual work is being performed, unless the construction work narrows the roadway.

LD 493 **An Act to Amend the Laws Pertaining to Entrances to Highways** **ONTP**

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

LD 493 proposed that the highway entrance permit law include considerations of highway capacity in developing the rules and design requirements for driveways and entrances onto state and state-aid highways.

Committee Amendment "A" (H-431) proposed that the Department of Transportation adopt major substantive rules regulating design, location and construction of driveways, entrances and approaches within the right-of-way of state and state aid highways. The amendment also proposed to add a fiscal note to the bill.

LD 495 **An Act to Exempt Newspaper Deliverers from the Seat Belt Law** **ONTP**

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

LD 495 proposed to exempt a newspaper delivery person from the seat belt law while delivering newspapers.

LD 502

An Act to Amend the Fines for Operating an Uninspected or Unregistered Vehicle

ONTP

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

LD 502 proposed to make operating a motor vehicle with an invalid inspection sticker and operating a motor vehicle with an expired registration traffic infractions with a graduated schedule of forfeitures. The bill also proposed to prohibit the Secretary of State from assessing points against the violator's motor vehicle operator's license for a first-time offense but to assess points for a second violation if it occurs within two years of the first violation. This bill proposed that committing the same infraction three times within a 10-year period be a Class E crime punishable with a 30-day suspension of the violator's motor vehicle operator's license.

LD 509

An Act to Promote Highway Safety

ONTP

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

LD 509 proposed that the Secretary of State issue placards with a red "L" to all newly licensed drivers and that those drivers display the placard in the top left corner of the rear window of the newly licensed driver's motor vehicle for six months after issuance of the license.

LD 518

Resolve, to Build Interchanges from the Maine Turnpike to Lincoln and Grove Streets in Lewiston

ONTP

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

LD 518 proposed that the Maine Turnpike Authority construct interchanges to allow motorists to enter and exit the turnpike from Lincoln Street and Grove Street in Lewiston.

LD 527

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2000

P & S 19

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-237

LD 527 proposed 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, 2000 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6. This bill was submitted on behalf of the Maine Turnpike Authority.

Committee Amendment "A" (H-237) proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 19, enacts the Turnpike Authority's budget for FY 2000.

LD 537 **An Act to Appropriate Money to Extend Water Lines to Families in Gorham Whose Wells Were Polluted by Highway Construction Activity** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 537 proposed to allocate \$280,000 to the Department of Transportation in fiscal year 1999-00 to defray the costs of extending water lines to a housing development in Gorham where residential wells have been polluted by the rupture of a chemical holding tank, caused by blasting activity during highway construction undertaken by the Department of Transportation.

LD 539 **An Act to Establish a Citizen Road Watch Program** **ONTP**

<u>Sponsor(s)</u> DOUGLASS COTE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 539 proposed that the Bureau of State Police install and operate a toll-free line for receiving reports of motor vehicles being driven in a manner that endangers people. The bill proposed that the bureau work with the Department of Transportation to develop signs and public service announcements to make the public aware of a citizen road watch program.

LD 552 **An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month** **PUBLIC 466**

<u>Sponsor(s)</u> WHEELER E CASSIDY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-178
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LD 552 proposed to change the minimum time for issuing temporary gross weight licenses from 2 months to one month.

Committee Amendment "A" (H-178) proposed to adds a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 466, changes the minimum time for issuing temporary gross weight licenses from 2 months to one month.

LD 556

An Act Concerning Rules of the Road Governing Traffic Rotaries

ONTP

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

LD 556 proposed that a motorist who is leaving a traffic circle or rotary intersection to be in the right lane 2 exits prior to leaving the circle.

LD 590

An Act to Remove Tolls from Roads North of Portland

ONTP

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

LD 590 proposed to prohibit the Maine Turnpike Authority from charging or collecting tolls for use of the turnpike from Exit 9 to the northern terminus of the turnpike.

LD 606

Resolve, Naming the East-West Highway the Ronald Reagan International Highway

ONTP

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

LD 606 proposes to name the proposed east-west highway the Ronald Reagan International Highway.

LD 619

An Act to Exempt the East-west Highway and Interstate 95 North of Houlton from the Sensible Transportation Policy Act

ONTP

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

LD 619 proposed to exempt Interstate 95 north of Houlton and the East-west Highway from participating in the Sensible Transportation Policy Act.

LD 647

An Act to Eliminate Tolls from the Maine Turnpike, Abolish the Turnpike Authority and Adjust Taxes on Automotive Fuel

ONTP

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

LD 647 proposed to merge the Maine Turnpike Authority into the Maine Department of Transportation, eliminate tolls on the Maine Turnpike effective October 1, 2002, require the State to issue its own general obligation highway bonds to fund the recall and payment of the balances due on all outstanding Maine Turnpike bonds and fund the new highway bonds by increasing the gas tax in York, Cumberland, Androscoggin and Kennebec Counties by five cents per gallon

and in all other counties by four cents per gallon. The bill also proposed that the one cent differential be in place for 10 years until the new bonds are paid and that the bill be submitted to referendum in June 2000, with the provisions to take effect October 1, 2002.

LD 655 **An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian** **PUBLIC 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT FULLER	OTP-AM	S-51

LD 655 proposed to make failure to yield the right-of-way to a visually impaired person a specific traffic infraction and to double the fine for that infraction.

Committee Amendment "A" (S-51) proposed to clarify the infraction of failure to yield the right-of-way to a visually impaired pedestrian and to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 92, makes failure to yield the right-of-way to a visually impaired person a specific traffic infraction and doubles the fine for that infraction.

LD 657 **An Act to Require the Revocation of the Registration of an Uninsured Motor Vehicle** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACKINNON O'NEIL	ONTP	

LD 657 proposed to require a law enforcement officer to summons a motor vehicle owner who can not provide evidence of insurance and to send a copy of the summons to the Secretary of State and to allow the State to suspend the motor vehicle's registration if the motor vehicle owner fails to provide proof of insurance to the Bureau of Motor Vehicles by the end of the next business day after the summons.

LD 685 **An Act to Withhold Work-restricted Licenses from Habitual Offenders Newly Convicted of Operating under the Influence or Who are not in Treatment Program** **ONTP**

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

LD 685 proposed to allow a person whose license has been revoked under the habitual offender statutes to be eligible for a work-restricted license as long as the new offense is not operating under the influence and the person is participating actively in a substance abuse treatment program.

LD 695

An Act to Allow Motorcycles Operated for Traffic Enforcement to Emit a Combination of Blue and Red Light

ONTP

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

LD 695 proposed to allow the use of emergency lights that emit a combination of blue and red light on a motorcycle operated to enforce traffic laws.

LD 718

An Act Pertaining to Maturity Dates of Bonds of the Maine Turnpike Authority

PUBLIC 132

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

LD 718 proposed to allow for the issuance of bonds of the Maine Turnpike Authority with maturity determined in accordance with current practices of the national bond market by removing restricting language on maturity dates. This bill was submitted on behalf of the Maine Turnpike Authority.

Enacted law summary

Public Law 1999, chapter 132, allows the Turnpike Authority to set maturity dates of its bonds.

LD 764

An Act to Amend Certain Aviation Laws

PUBLIC 131

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS BOUFFARD	OTP-AM	S-97

LD 764 proposed several amendments to the aviation laws. This bill was submitted on behalf of the Department of Transportation.

Committee Amendment "A" (S-97) proposed to make technical clarifications to the bill and to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 131, amends the aviation laws by directing that an air carrier be certified under Federal Air Regulations instead of the Civil Aeronautics Board, adding definitions for "commercial activity," "FAA," "private airport" and "utility airport," amending duties and powers of the Commissioner of Transportation, clarifying that the Department of Transportation is responsible for the inspection of utility airports and private airports with commercial activity, amending the aeronautics laws to be consistent with the term "utility airport" instead of the term "noncommercial airport," giving airports the authority to provide aircraft fuel servicing and changing the required number of meetings of the Maine Aeronautical Advisory Board.

LD 772

Resolve, to Name the Route 160 Bridge in Bownfield Spanning the Saco River the Charles E. Hill Memorial Bridge

**RESOLVE 9
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRUE CAREY	OTP	H-65 JABAR

LD 772 proposed to name the Route 160 bridge that crosses the Saco River in the Town of Brownfield the Charles E. Hill Bridge after a prominent local citizen.

House Amendment "A" (H-65) proposed to change the name proposed in the resolve to the Charles E. Hill Memorial Bridge to reflect the recent death of Charles E. Hill.

Enacted law summary

Resolve 1999, chapter 9, changes the name of the Route 160 bridge that crosses the Saco River in the Town of Brownfield to the Charles E. Hill Memorial Bridge in memory of a recently deceased prominent local citizen.

Chapter 9 was enacted as an emergency measure effective April 5, 1999.

LD 774

An Act to Amend the Laws Pertaining to the Movement of a Mobile Home Over a Public Way and the Movement of Objects Requiring an Overlimit Movement Permit

PUBLIC 117

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK	OTP-AM	H-177

LD 774 proposed to make the traffic infraction of moving a mobile home when taxes are unpaid on the mobile home punishable by a forfeiture of \$250. The bill also proposed to allow evidence that the mobile home was moved as sufficient to prove a violation even if there was no direct witness to the event.

Committee Amendment "A" (H-177) proposed to replace the bill and change its title.

The amendment proposed to allow the operator of a vehicle hauling a mobile home on a public way to demonstrate payment of municipal property taxes with either an over-dimension moving permit issued by the Secretary of State or a receipt from the municipality showing proof of payment of those taxes. The amendment also proposed to clarify that a person who moves an object over the public way in violation of the section of law requiring overlimit movement permits commits a traffic infraction. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 117, allows the operator of a vehicle hauling a mobile home on a public way to demonstrate payment of municipal property taxes with either an over-dimension moving permit issued by the Secretary of State or a receipt from the municipality showing proof of payment of those taxes. The law also clarifies that a person who moves an object over the public way in violation of the section of law requiring overlimit movement permits commits a traffic infraction.

LD 779

An Act to Increase Motor Vehicle Inspection Fees

ONTP

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

LD 779 proposed increases in the fees for certain motor vehicle inspections.

LD 783

An Act to Require That Farm Tractors and Skidders Driven on a Public Way be Registered and Insured

ONTP

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

LD 783 proposed that tractors and skidders driven on public roads be registered and covered by liability insurance.

LD 786

An Act to Limit the Storage Fee Charged for Impounded Vehicles

ONTP

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

LD 786 proposed that agencies or law enforcement officers who impound a motor vehicle notify the owner of the motor vehicle of the location of the vehicle within 24 hours, that the towing fee be prohibited from being more than a normal towing fee and that the maximum storage fee be set at \$25 per day to a total of \$100 maximum. The bill also proposed that the vehicle may be forfeited if the owner does not claim the motor vehicle within 30 days of notice.

LD 820

An Act to Clarify the Law Regarding the Payment of the Application Fee for a Motorcycle Dealer License

PUBLIC 97

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON KONTOS	OTP-AM	H-123

LD 820 proposed to allow a vehicle dealer who has taken a motorcycle in trade for a vehicle either to test the motorcycle or drive it to and from an inspection station using a dealer plate.

Committee Amendment "A" (H-123) proposed to replace the bill and proposed that a vehicle dealer only pays the license and plate fees when applying for a motorcycle dealer license.

Enacted law summary

Public Law 1999, chapter 97, allows a vehicle dealer to only pay the license and plate fees when applying for a motorcycle dealer license.

LD 825

An Act to Increase the Frequency With Which Message Boards May Change Their Message

PUBLIC 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	OTP-AM MAJ ONTP MIN	H-125

LD 825 proposed to allow a public institution that has changeable message board signs on its premises to change the message every 10 minutes, rather than the four-hour limit currently in law.

Committee Amendment "A" (H-125) proposed to increase the time period proposed in the bill from 10 minutes to 20 minutes.

Enacted law summary

Public Law 1999, chapter 123, allows a public institution that has changeable message board signs on its premises to change the message every 20 minutes.

LD 828

An Act to Coincide Motor Vehicle Registration and Inspection Dates

ONTP

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

LD 828 proposed that certificates of inspection expire at the end of the month in which the registration expires.

LD 830

An Act to Remove Uninsured Vehicles from State and Town Roads

ONTP

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

LD 830 proposed certain notification requirements when a person's automobile insurance lapses.

LD 837

An Act to Provide Special Registration Plates Free of Charge to Purple Heart Recipients

ONTP

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

LD 837 proposed to remove the fees associated with the special motor vehicle registration plates provided to Purple Heart recipients.

LD 884

An Act to Increase Sanctions for Passing School Buses that Have Red Lights Flashing

ONTP

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

LD 884 proposed to amend the penalties for illegally passing a school bus that is stopped and has its red lights flashing by adding a mandatory 30-day license suspension for a first offense, allowing a first-time offender the option of serving 80 hours of community service to the school district in lieu of the license suspension, increasing the mandatory license suspension from 30 to 90 days for a second offense and decreasing the length of time from three years to two years after a first offense for which a second offense will carry a mandatory 90-day license suspension.

LD 896

An Act to Require Identification for Hearing Impaired Persons

ONTP

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

LD 896 proposed that the Secretary of State indicate a hearing impairment on a driver's license or state nondriver identification card and to issue a placard indicating that a driver is hearing impaired if the hearing-impaired person provides the Secretary of State with medical documentation of the impairment.

LD 902

An Act to Limit Load Weights on State Roads

ONTP

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

LD 902 proposed to limit to 80,000 pounds the gross vehicle weight of vehicles traveling on roads in Maine.

LD 929

An Act to Require Reflective Material or Lamps on the Front of Utility Trailers

PUBLIC 108

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	OTP-AM MAJ ONTP MIN	H-148

LD 929 proposed to require that a snowmobile trailer or a utility trailer be equipped with orange reflectors on both front sides if the trailer is wider than the vehicle towing the trailer.

Committee Amendment "A" (H-148), the majority report of the Joint Standing Committee on Transportation, proposed to replace the bill and change its title.

The amendment proposed to require that reflective material or lamps visible to oncoming traffic be located on the front corners of trailers that are wider than the vehicle towing the trailer. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 108, requires that reflective material or lamps visible to oncoming traffic be located on the front corners of trailers that are wider than the vehicle towing the trailer. Shortly after being chaptered, this law was further amended to apply to both trailers and semitrailers.

LD 938

An Act to Allow the Department of Transportation to Designate No-passing Zones Upon Request From a Municipality

PUBLIC 171

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G KONTOS	OTP-AM	H-256

LD 938 proposed to prohibit a person from crossing a solid no-passing line painted in the center of a road except in an emergency.

Committee Amendment "A" (H-256) proposed to replace the bill. The amendment proposed to allow a municipality to request that the Department of Transportation designate segments of two-lane roads in primarily residential areas of the municipality as no-passing zones and to require that the department approve such requests unless the commissioner determines that granting the request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The amendment proposed that all decisions of the commissioner must be in writing and must be made within 30 days after receiving a request.

The amendment proposed that if a request is approved, the Department of Transportation must stripe the road with double, solid, yellow center lines and post the road as no-passing. The municipality would be required to reimburse the department for all posting costs. Passing in a no-passing zone designated by the commissioner is a traffic infraction.

The amendment proposed that if a municipal request is denied, the Department of Transportation is required, at the request of the municipality, to hold a public hearing in the municipality. A final decision of the department would be required within 30 days after the hearing is held.

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

Enacted law summary

Public Law 1999, chapter 171, enacts as law the provision proposed in Committee Amendment "A".

LD 951

An Act to Amend the Motor Vehicle Laws

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-107

LD 951 proposed several changes to the motor vehicle laws. This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (S-107) proposed to remove several sections of the bill that have been addressed by other bills during this session and to remove a section that proposed to make selling or equipping a vehicle with certain after market items a Class E crime. The amendment also proposed to repeal obsolete language pertaining to the Joint Standing Committee on Transportation's review of rules adopted by the Chief of the State Police and enacts the standard language required to ensure legislative review of major substantive rules under the Administrative Procedure Act. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 183, moves language prohibiting a skidder with chains being driven on a paved way from a section regarding registration to new section under rules of the road, repeals unnecessary language regarding adoption of the Federal Code of Regulations by reference, requires special mobile equipment to be equipped with adequate brakes, clarifies that the prohibition against aftermarket tinting of windows in motor vehicles applies only to vehicles required to be registered in the State, prohibits reading while operating a motor vehicle, prohibits the towing wheels of a semitrailer or trailer clarifies from crossing the center part of a rotary or traffic circle, prohibits driving through a parking area to avoid a traffic control device such as a red light, expands the prohibition against riding in a towed vehicle to include a vehicle being towed by a wrecker or by use of a towbar, clarifies that the penalty for refusing to follow the direction of a law enforcement officer attempting to divert vehicular or pedestrian traffic for a special event applies to vehicle operators and to pedestrians, prohibits riding in the trunk of a moving vehicle, expands the prohibition against passing a stopped school bus to include buses stopped in parking areas, repeals obsolete language pertaining to the Joint Standing Committee on Transportation's review of rules adopted by the Chief of the State Police and enacts the standard language required to ensure legislative review of major substantive rules under the Administrative Procedure Act.

**LD 957 An Act to Make Supplemental Allocations from the Highway Fund for PUBLIC 473
the Fiscal Years Ending June 30, 2000 and June 30, 2001 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR O'GARA	OTP-AM	H-752 H-755 JABAR

LD 957 proposed a Part II Highway Fund Budget.

Committee Amendment "A" (H-728) was the majority report of the committee and proposed the following:

Part A: appropriate funds from the General Fund and allocates funds from the Highway Fund.

Part B: increase the gas tax by 2¢ effective August 1, 1999.

Parts C and D: restructure the Local Road Assistance Program as the new Rural Road Initiative and Urban Compact Initiative.

Part E: require the Department of Transportation to report to the Legislature regarding urban capital programming and municipal participation in state aid minor collector capital projects.

Part F: require municipal disbursements to be made according to formulas existing prior to the effective date of the Act.

Part G: delay the production of dealer plates by one year.

Part H: require the Department of Transportation, the Department of Administrative and Financial Services and the Department of Public Safety and the Secretary of State to submit a report recommending possible alternatives to the gas tax.

Part I: appropriate funds from the General Fund to the Department of Inland Fisheries and Wildlife to properly reflect the distribution of gasoline tax set aside required by the Maine Revised Statutes, Title 36, section 2903-B.

Committee Amendment "B" (H-729) was the minority report of the committee and proposed the following.

Part A: allocate funds from the Highway Fund.

Part B: increase the gas tax by 3¢ effective August 1, 1999, by an additional 1¢ effective July 1, 2000 and by an additional 1¢ effective July 1, 2001.

Parts C and D: restructure the Local Road Assistance Program as the new Rural Road Initiative and Urban Compact Initiative.

Part E: require the Department of Transportation to report to the Legislature regarding urban capital programming and municipal participation in state aid minor collector capital projects.

Part F: require municipal disbursements to be made according to formulas existing prior to the effective date of the Act.

Part G: delay the production of dealer plates by one year.

Part H: require the Department of Transportation, the Department of Administrative and Financial Services and the Department of Public Safety and the Secretary of State to submit a report recommending possible alternatives to the gas tax.

Part I: appropriate funds from the General Fund to the Department of Inland Fisheries and Wildlife to properly reflect the distribution of gasoline tax set aside required by the Maine Revised Statutes, Title 36, section 2903-B.

Committee Amendment "C" (H-752) was a unanimous committee report prepared after the bill was re-referred back to Committee following the failure of either earlier Committee amendment to pass. Committee amendment C proposed the following.

Part A: allocate funds from the Highway Fund.

Part B: increase the gas tax by 3¢ effective August 1, 1999.

Parts C and D: restructure the Local Road Assistance Program as the new Rural Road Initiative and Urban Compact Initiative.

Part E: require the Department of Transportation to report to the Legislature regarding urban capital programming and municipal participation in state aid minor collector capital projects.

Part F: require municipal disbursements to be made according to formulas existing prior to the effective date of the Act.

Part G: delay the production of dealer plates by one year.

Part H: require the Department of Transportation, the Department of Administrative and Financial Services and the Department of Public Safety and the Secretary of State to submit a report recommending possible alternatives to the gas tax.

Part I: appropriate funds from the General Fund to the Department of Inland Fisheries and Wildlife to properly reflect the distribution of gasoline tax set aside required by the Maine Revised Statutes, Title 36, section 2903-B.

Part J: assess an additional annual \$2 fee on registration fees for environmental registration plates, University of Maine System plates, antique vehicle registration plates, temporary registration plates, motor vehicles, commercial motor vehicles, farm trucks, motor homes, truck campers, trailers and semitrailers, special mobile equipment, motorcycles and parking control vehicles, stock cars, emergency vehicles, firefighter registration plates, specialty equipment, disability registration plates, special veterans registration plates and veterans vanity plates.

Part K: allocate funds from the Highway Fund.

House Amendment "B" to Committee Amendment "C" (H-755) proposed to clarify that a person is subject only to an additional \$2 fee payable at the time of registration for each vehicle registered.

Enacted law summary

Public Law 1999, chapter 473, enacts as law the provisions of Committee amendment "C" as amended by House Amendment "B".

Chapter 473 was enacted as an emergency measure effective June 10, 1999.

LD 958

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, 2000 and June 30, 2001

**PUBLIC 152
EMERGENCY**

Sponsor(s)
JABAR
O'GARA

Committee Report
OTP-AM

Amendments Adopted
H-255

LD 958 proposed the Part I biennial Highway Fund Budget does the following.

Committee Amendment "A" (H-255) proposed several amendments to the bill.

Enacted law summary

Public Law 1999, chapter 152, does the following:

Part A allocates and appropriates funds for current services for the 2000-2001 biennium.

Part B makes allocations from the Highway Fund as adjustments to the amounts in Part A. Part B also makes additional allocations from the Federal Expenditures Fund.

Part C allocates funds from the Highway Fund to provide funding for approved reclassifications.

Part D deallocates funds from the Highway Fund to pay for approved reclassifications.

Part E provides that employees of the Northern New England Passenger Rail Authority, solely for the purposes of participating in the retirement and health insurance programs that apply to state employees, come under the state employee retirement provisions of the Maine Revised Statutes, Title 5, Part 20 and the state employee health insurance program of Title 5, chapter 13, subchapter II.

Part F repeals language regarding gubernatorial appointments to the Travel Information Advisory Council. The repealed language addresses appointments that have long since expired.

Part G clarifies that the Adopt-A-Highway Program is allowed on town ways. It also makes clear that Adopt-A-Highway Program signs are allowed as categorical signs pursuant to the Traveler Services Information Act.

Part H waives the requirement that the Department of Transportation report to the Legislature on the permitting of experimental vehicles if there has been no such activity during the report period.

Part I deletes the requirement that the Maine Aeronautical Advisory Board submit a written annual report to the Commissioner of Transportation.

Chapter 152 was enacted as an emergency measure effective May 11, 1999.

LD 965 **An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK	OTP-AM MAJ ONTP MIN	H-147

LD 965 proposed to allow inspection stations to receive a refund for all unused inspection stickers. Current law provided that refunds or exchanges may only be made for full sheets of unused stickers.

Committee Amendment "A" (H-147) was the majority report of the Joint Standing Committee on Transportation and proposed that the State Police credit inspection stations for unused or expired inspection stickers. The amendment also proposed to add an allocation section and a fiscal note to the bill.

LD 977 **An Act to Improve Motorcycle Safety** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	ONTP	

LD 977 proposed that a person applying for a motorcycle instruction permit must possess a valid motor vehicle operator's license. This bill also proposed to prohibit a person with a motorcycle permit from operating a motorcycle with a passenger.

LD 998 **An Act to Preserve and Improve Public Access to Inland and Coastal Waters** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN SAXL M	ONTP	

Public Law 1999, chapter 101 requires operators of motor vehicles to stop for pedestrians within any part of a marked crosswalk that is not regulated by a traffic-control device.

LD 1034 **Resolve, Directing the Department of Transportation to Repair Route 2 Between Skowhegan and Newport** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	ONTP	

LD 1034 proposed to require the Department of Transportation to repair Route 2 between Skowhegan and Newport by January 1, 2002.

LD 1040 **An Act to Allow all Fines Collected by the Maine Court System as a Result of Evasion of Fare Laws to be Transferred to the Maine Turnpike Authority** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

LD 1040 proposed to require a court to transfer to the Maine Turnpike Authority the proceeds received by the court from a penalty for failure to pay a toll. The bill also proposed to allow the Maine Turnpike Authority to transfer up to 20% of these proceeds back to the court.

LD 1071 **An Act Requiring Notification of Violation to Motor Carriers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA KNEELAND	ONTP	

LD 1071 proposed to require that a motor carrier be notified if that person is cited for a motor vehicle violation or identified as the responsible motor carrier on a summons, complaint or motor carrier compliance report.

LD 1076 **An Act to Simplify the Process of Claiming Abandoned Vehicles** **PUBLIC 137**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY MCALEVEY	OTP-AM	S-76

LD 1076 proposed to eliminate current provisions in law pertaining to abandoned vehicles. The bill proposed to repeal requirements for publishing a notice if the owner of an abandoned vehicle is unknown and waiting 14 days before seeking a change in ownership from the Secretary of State and to repeal a requirement for sending notice by certified

mail to a known owner of an abandoned vehicle. The bill also proposed that the person mailing the notice would no longer be required to wait 14 days after mailing the notice to seek a change in ownership from the Secretary of State.

Committee Amendment "A" (S-76) proposed to replace the bill. The amendment proposed to remove the requirement that the person claiming an abandoned vehicle send a notice by certified mail, return receipt requested, to the owner and lienholder, if any. The Secretary of State, on proper notification, would be required to write the letter formally notifying the current owner. This amendment also proposed to require only one newspaper advertisement when the Department of Public Safety, Bureau of Motor Vehicles can not find any record of an owner or lienholder for a vehicle. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 137 removes the requirement that the person claiming an abandoned vehicle send a notice by certified mail, return receipt requested, to the owner and lienholder, if any. The Secretary of State, on proper notification, is required to write a letter formally notifying the current owner and to post one newspaper advertisement when the Department of Public Safety, Bureau of Motor Vehicles can not find any record of an owner or lienholder for a vehicle.

LD 1099 An Act to Exempt the Requirement that All Municipal Taxes Be Paid in Advance of Moving a Mobile Home PUBLIC 125

<u>Sponsor(s)</u> TESSIER HARRIMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-176
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LD 1099 proposed to exempt a person from the requirement of having to pay all types of municipal taxes on a mobile home before moving the mobile home if the person is moving the mobile home from one location in a municipality to another location within the same municipality.

Committee Amendment "A" (H-176) proposed to replace the bill. The amendment proposed to allow a municipality to waive the requirement that local taxes on a mobile home be paid prior to obtaining an overlit movement permit if the home is being moved to another location in the same town for reasons not related to the sale of the home.

Enacted law summary

Public Law 1999, chapter 125 allows a municipality to waive the requirement that local taxes on a mobile home be paid prior to obtaining an overlit movement permit if the home is being moved to another location in the same town for reasons not related to the sale of the home.

LD 1100 An Act to Improve the Enforcement of Traffic Laws ONTP

<u>Sponsor(s)</u> NORBERT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1100 proposed a 20% surcharge on traffic fines and forfeitures and to remit that amount to the political subdivision issuing the traffic summons. It also proposed to remit 50% of any increases in fines and forfeitures collected after October 1, 1999 to the political subdivision issuing the traffic summons.

LD 1138 **An Act to Set Minimum Standards for Motor Vehicle Safety Inspection Stations** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY CAREY	ONTP MAJ OTP MIN	

LD 1138 proposed to require a motor vehicle inspection station, except for a fleet inspection station not engaged in retail work, to have legal and general liability insurance, to display a valid sales tax registration certificate and, if the station is a corporation, to display a federal tax identification number.

LD 1159 **An Act to Create the Calais to Eastport Rail Authority and Transfer State Ownership of Certain Railroad Rights-of-way** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	ONTP	

LD 1159 proposed to create the Calais to Eastport Rail Authority to establish freight rail service between Calais and Eastport. The bill proposed to transfer to the authority the Department of Transportation's interest in the existing rail line between Calais and Ayers Junction and 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 1161 **An Act to Create the East-West Highway Authority** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	ONTP	

LD 1161 proposed to create the East-West Highway Authority to construct a highway from Calais to the New Hampshire border with an extension to the border of the Province of Quebec, Canada.

LD 1163 **An Act to Amend the Laws Concerning Suspension or Revocation of Driver's Licenses for Failure to File a Report** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B KASPRZAK	ONTP	

LD 1163 proposed to require the Secretary of State to notify a person whose driver's license has been suspended or revoked within 10 days of that suspension or revocation and to provide information on the reinstatement procedures and fees.

LD 1179

An Act to Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products

CARRIED OVER

Sponsor(s)
KASPRZAK

Committee Report

Amendments Adopted

LD 1179 proposes to amend the weight tolerance for certain trucks by allowing a maximum load of 64,000 pounds on the tri-axle unit of a 4-axle single-unit vehicle that carries certain materials. These materials include building materials that absorb moisture during delivery originating and terminating within the State, bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soil, unconsolidated rock material including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste or incinerator ash, highway construction materials, products requiring refrigeration and raw ore when transported from a mine or quarry to a place of processing. Under current law, the tolerance applies only to the tri-axle unit of a 4-axle single-unit vehicle that carries forest products.

LD 1184

An Act to Amend the Inspection Process for Motor Vehicles That Fail Inspection

ONTP

Sponsor(s)
MCKENNEY

Committee Report
ONTP

Amendments Adopted

LD 1184 proposed to require that the owner of a motor vehicle that failed an inspection test be given a defect report and that a failure sticker be placed on the vehicle. The bill proposed to allow the owner one month to repair the defect that caused the vehicle to fail inspection. The bill also proposed to allow the inspection station to receive a refund for a partially used sheet of inspection stickers.

LD 1207

An Act to Amend the Local Highway Laws

PUBLIC 337

Sponsor(s)
HARRIMAN

Committee Report
OTP-AM

Amendments Adopted
H-573 JABAR
S-169

LD 1207 proposed to provide towns with the same authority that cities have to regulate excavations of local highways. The term "municipal officers" is substituted for "city government" to include different forms of local government. Additionally, the bill proposed to include the reasonable cost of municipal inspections and of the reduced life of the roadway among the costs that may be assessed. The bill clarifies that municipalities have the right to protect local highways and this right may not be preempted by other laws governing the regulation of utilities. The bill adds a definition of the term "base material."

Committee Amendment "A" (S-169) proposed to remove the language in the bill allowing municipalities to charge a fee to cover the reduced life of a road resulting from a road cut. The amendment also proposed to add language allowing municipalities to require that a cut into a road within the first 5 years after the road is resurfaced be repaved for a distance at least 20 feet in from the furthest edges of the cut across the entire width of the road to minimize construction joints.

The amendment also proposed to allow municipalities to enter into agreements requiring the utility or other entity that creates the cut to repave the cut.

The amendment also proposed several technical corrections to the bill.

House Amendment "A" (H-573) proposed to amend the bill to correctly indicate the deletion of old language and the addition of new language.

Enacted law summary

Public Law 1999, chapter 337 allows municipalities to charge a fee to cover the reduced life of a road resulting from a road cut. The law also allows municipalities to require that a cut into a road within the first 5 years after the road is resurfaced be repaved for a distance at least 20 feet in from the furthest edges of the cut across the entire surface of the road.

LD 1226 An Act to Amend the Seat Belt Law Regarding the Enforcement of Penalties ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	ONTP MAJ	
CASSIDY	OTP-AM MIN	

LD 1226 proposed to restore statutory language that was repealed in 1997 which stated that a person not wearing a seat belt could only be fined for the primary violation, the reason the person was originally stopped.

Committee Amendment "A" (H-175) proposed to add an appropriation section and a fiscal note to the bill.

LD 1250 An Act to Allow a Change in a Vehicle Registration Date ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	ONTP	
KILKELLY		

LD 1250 proposed to allow the owner of a registered motor vehicle to change the month in which the registration expires once every five years and to allow the registration agent to charge a fee of up to \$10 to accommodate the change.

LD 1307 An Act Regarding Required Lights on Plow Trucks ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT	ONTP	

LD 1307 proposed to require a truck equipped with a snow plow to operate all required auxiliary lights at all times when the vehicle is in operation on a public way.

LD 1337

An Act Regarding Taxation of Low-energy Fuels

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY KONTOS		

LD 1337 proposes to amend the Special Fuel Tax Act by including the definitions of "clean fuel vehicle," "clean fuel" and "gasoline gallon equivalent." The bill also proposes to set the tax for clean fuel at 1/2 of the amount applicable to a gallon of distillate fuel.

LD 1381

An Act to Make the Use of Halogen Lights on Motor Vehicles Illegal

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC	ONTP	

LD 1381 proposed to prohibit the use of halogen headlights on motor vehicles.

LD 1385

An Act to Allow Emergency Medical Technicians to Draw Blood Samples for Alcohol Analysis

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	ONTP	

LD 1385 proposed to allow emergency medical technicians and other qualified personnel to draw blood samples for alcohol analysis.

LD 1429

An Act to Add Members to the Maine Turnpike Authority

PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE PENDLETON	OTP-AM	H-238

LD 1429 proposed to increase the membership of the Maine Turnpike Authority to include two members appointed by the President of the Senate and two members appointed by the Speaker of the House and to make the Public Advocate an ex officio member of the Authority.

Committee Amendment "A" (H-238) proposed to replace the bill and to increase the membership of the Maine Turnpike Authority from five to seven members by creating a sixth membership position on August 1, 2000 and a seventh membership position on August 1, 2002. The new members would be appointed in the same manner provided by current law. After August 1, 2002, the quorum of the authority be increased from three to 4 members and that the Governor be required after that date to ensure that the authority includes one person who is a resident from each of the counties in which the turnpike is located and who is named by the Governor as that county's representative on the authority. The amendment also proposed that the term of a member who is named as a representative from one of those counties terminates when that person's residency changes to another county.

The amendment also proposed that these changes do not affect the appointment or term of any member of the turnpike authority appointed prior to the effective date of this legislation. The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 177 increases the membership of the Maine Turnpike Authority from five to seven members by creating a sixth membership position on August 1, 2000 and a seventh membership position on August 1, 2002. The new members are appointed in the same manner provided by current law. After August 1, 2002, the quorum of the authority is increased from three to 4 members and the Governor is required after that date to ensure that the authority includes one person who is a resident from each of the counties in which the turnpike is located and who is named by the Governor as that county's representative on the authority. The law also provides that the term of a member who is named as a representative from one of those counties terminates when that person's residency changes to another county.

The law also states that these changes do not affect the appointment or term of any member of the turnpike authority appointed prior to the effective date of this legislation.

LD 1462 An Act to Establish a Pilot Program to Allow Private Driving School Instructors to Conduct Driver Operation Examinations ONTP

<u>Sponsor(s)</u> BRAGDON MITCHELL B		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1462 proposed to establish a two-year pilot program allowing certified driver education instructors to conduct road tests for Class C driver license applicants and to require the Secretary of State to report on the success of this program to the Second Regular Session of the 120th Legislature.

LD 1489 An Act Regarding the Operation of a Motorized or Electric Bicycle on a Public Way PUBLIC 170

<u>Sponsor(s)</u> STANWOOD		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1489 proposed to clarify that a motorized bicycle or tricycle may be operated by a person with a valid license of any class.

Enacted law summary

Public Law 1999, chapter 170 clarifies that a motorized bicycle or tricycle may be operated by a person with a valid license of any class.

LD 1491 An Act to Improve Access to Driver Education ONTP

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1491 proposed to remove the license fee for driver education schools and driver education teachers and instructors who are also certified teachers in public and private secondary schools. The bill also proposed to require that the Secretary of State make certain changes to the policies governing driver education programs and the licensing and relicensing of driver education teachers and instructors.

LD 1543

An Act to Create a Bicycle Safety Education Act

PUBLIC 331

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	H-378
PARADIS	ONTP MIN	

LD 1543 proposed to create the Bicycle Safety Act, which requires operators and passengers of bicycles who are under 16 years of age to wear bicycle helmets, requires the Department of Education to develop bicycle safety education guidelines, requires sellers and renters of bicycles to post a notice explaining the provisions of the Bicycle Safety Act and requires law enforcement officers to provide an operator of a bicycle in violation of the Bicycle Safety Act with information on the act.

Committee Amendment "A" (H-378) proposed to rename the Bicycle Safety Act the Bicycle Safety Education Act and make several amendments to the bill to clarify liability and evidentiary issues pertaining to the use and nonuse of bicycle helmets.

Enacted law summary

Public Law 1999, chapter 331 establishes the Bicycle Safety Act Education requires operators and passengers of bicycles who are under 16 years of age to wear bicycle helmets, and requires the Department of Education to develop bicycle safety education guidelines, requires sellers and renters of bicycles to post a notice explaining the provisions of the Bicycle Safety Act and requires law enforcement officers to provide an operator of a bicycle in violation of the Bicycle Safety Act with information on the act.

LD 1570

An Act to Require the Department of Transportation to Cut Brush and Trees Along a Highway at the Request of a Business

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP	

LD 1570 proposed to require the Department of Transportation to remove trees and brush within the right-of-way of a state or state aid highway when a business requests the service to increase visibility of the business from the highway and to require a business to reimburse the department for any costs incurred.

LD 1576

An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration CARRIED OVER of Motor Vehicles

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT		

LD 1576 proposes to amend the motor vehicle laws to change the definitions of "resident" and "owner" and to repeal the provision that would exempt a nonresident from registration and licensing laws of this State if the state that nonresident was from offered the same exemption to a resident of this State if that resident was in that state.

LD 1579 **An Act to Evaluate the Compensation of Members of the Maine Turnpike Authority** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G PARADIS		

LD 1579 is a concept draft pursuant to Joint Rule 208. It proposes to establish a mechanism to evaluate and change the compensation of members of the Maine Turnpike Authority.

LD 1612 **An Act to Clarify Language in the Motor Vehicle Laws with Respect to Farm Equipment** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	ONTP	

LD 1612 proposed to clarify that equipment dealer plates and a license may be issued to manufacturers of or dealers in motorized farm equipment, but that dealers of nonmotorized farm equipment do not require dealer plates or licenses.

LD 1633 **An Act to Create a Transporter License Plate for Light Trailers** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN		

LD 1633 proposes to establish transporter plates and licenses to allow a business to transport an unregistered light trailer. A light trailer is a trailer or semi-trailer with an unladen gross weight of 3,000 pounds or less.

LD 1637 **An Act Regarding the Boundaries of State and State Aid Highways** **PUBLIC 188**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA JABAR	OTP-AM	S-108

LD 1637 proposed to establish a method for determining the boundaries of state or state aid highways in cases where there is no recorded layout of the highway or in cases where the boundary is uncertain and for transferring to abutting property owners any interest that may pass to the Department of Transportation upon the discontinuance by a town or county, of a way that has been reconstructed by the department. This bill was submitted on behalf of the Department of Transportation.

Committee Amendment "A" (S-108) proposed to make a series of technical corrections and clarifications to the bill and to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 188, establishes a method for determining the boundaries of state or state aid highways in cases where there is no recorded layout of the highway or in cases where the boundary is uncertain and for transferring to abutting property owners any interest that may pass to the Department of Transportation upon the discontinuance by a town or county, of a way that has been reconstructed by the department.

LD 1638

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor and Route 236 Corridor

**RESOLVE 64
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM MAJ	S-117
WHEELER G	ONTP MIN	S-463 MICHAUD

LD 1638 proposed to establish a study commission to review traffic congestion and related environmental problems along the U. S. Route 1 corridor and area roadways in the York County area and make recommendations to reduce traffic congestion.

Committee Amendment "A" (S-117) proposed to clarify that the study report is to go to the Joint Standing Committee on Transportation and to the Commissioner of Transportation and to add an appropriation and a fiscal note to the resolve.

Senate Amendment "A" to Committee Amendment "A" (S-463) proposed to expand the subject of the study to include traffic congestion along the Route 236 corridor between Kittery and Berwick, delete the authorization for legislative per diem for public members and revise the membership to include one representative of each of the following towns, appointed by the manager of each town: Berwick, Eliot, Kittery, Ogunquit, South Berwick, Wells and York.

Enacted law summary

Resolve 1999, chapter 64 establishes a study commission to review traffic congestion and related environmental problems along the U. S. Route 1 corridor and area roadways in the York County area and traffic congestion along the Route 236 corridor between Kittery and Berwick.

Chapter 64 was enacted as an emergency measure effective June 10, 1999.

LD 1639

An Act to Amend the Laws Governing the Maine State Pilotage Commission

**PUBLIC 355
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM	S-168
JABAR		

LD 1639 proposed several changes to the laws pertaining to harbor pilots. This bill was submitted on behalf of the Department of Transportation.

Committee Amendment "A" (S-168) proposed to add a definition of the term "actively piloting," specify that only three of the seven members of the Maine Pilotage Commission may be licensed pilots and add provisions limiting the personal liability of pilots for damages to not more than \$5,000, except for damages or loss arising from the intentional, willful or reckless misconduct of the pilot.

Enacted law summary

Public Law 1999, chapter 355, changes the name of the "Maine State Pilotage Commission" to the "Maine Pilotage Commission," increases the number of members on the commission and changes the description of the jurisdictional area that certain members represent, increases fees, penalties and fines for violating provisions of law governing the piloting of vessels, requires the commission to submit its annual report to the Commissioner of Transportation rather than to the Commissioner of Professional and Financial Regulation, specifies that all complaints and investigative records of the commission are confidential during the pendency of an investigation and sets forth exceptions to that confidentiality, adds a definition of the term "actively piloting," specifies that only three of the seven members of the Maine Pilotage Commission may be licensed pilots and add provisions limiting the personal liability of pilots for damages to not more than \$5,000, except for damages or loss arising from the intentional, willful or reckless misconduct of the pilot.

Chapter 355 was enacted as an emergency measure effective May 28, 1999.

LD 1656 **An Act to Allow Local Control of Traffic on State Aid Roads Without Loss of State Highway Funds** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	ONTP MAJ	
GOODWIN	OTP MIN	

LD 1656 proposed to allow municipalities and counties to regulate state aid highways and bridges in the same manner in which they are presently able to regulate other public ways within their jurisdictions, while leaving those roads as state aid highways and while allowing the municipality to continue to receive its share of the highway funds to maintain those roads.

LD 1667 **An Act to Amend Motor Vehicle Laws** **PUBLIC 470
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM	S-219
WHEELER G		S-230 MURRAY

LD 1667 proposed to make several changes to the motor vehicle laws. This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (S-219) proposed to make the bill an emergency and to add several other provisions to the bill.

Senate Amendment "A" (S-230) was being presented on behalf of the Committee on Bills in the Second Reading to remove a section of law already enacted in an identical section in Public Law 1999, chapter 127, Part A, section 43.

Enacted law summary

Public Law 1999, chapter 470, does the following.

1. It repeals the Secretary of State's Motor Carrier Training Advisory Board since the board's duties duplicate the responsibilities of the Technical Review Panel for driver education programs under the Maine Revised Statutes, Title 29-A, section 1354, subsection 6.

2. It clarifies the intent to exempt motorcycle and recreational vehicle manufacturers and distributors from the manufacturer licensing requirements.
3. It allows the Secretary of State to deny, suspend or revoke a business or occupational license on the basis of criminal convictions beyond the limitations, generally 3 years, established by Title 5, chapter 341.
4. It clarifies that an unlicensed person must be at least 14 years of age to operate a tractor used solely for farming purposes.
5. It amends the provision concerning the design for registration plates for firefighters in light of the new firefighter plate design.
6. It provides an enforcement provision to prohibit a person from using another person's disability plates or placard.
7. It corrects title fees for long-term registration plates for trailers.
8. It changes the title exemption and certificate of salvage exemption from vehicles older than 1984 to vehicles that are over 15 years old.
9. It addresses the time frame in which additional plates are issued at a 1/2 rate fee.
10. Currently all dealer licenses issued expire December 31st in the year they are issued. This bill allows for all dealer licenses to be issued on a staggered basis.
11. It repeals language that would be contrary to a staggered dealer plate issuance.
12. The enactment of Public Law 1997, chapter 737, section 3 and Public Law 1997, chapter 776, section 36 resulted in the adoption of 2 conflicting amendments to Title 29-A, section 1304, subsection 1, paragraph E. This bill corrects that conflict by incorporating the changes made by the 2 enactments into a single paragraph.
13. It prohibits a person with a motorcycle permit from carrying passengers.
14. It authorizes the Secretary of State to waive the requirement that a person under 18 years of age complete driver education before being issued a Maine driver's license if the person holds a valid driver's license from another jurisdiction.
15. It authorizes the Secretary of State to waive the road examination for an applicant for a motorcycle endorsement who has successfully passed an approved motorcycle rider course. It further provides that when the motorcycle road examination is waived the endorsement issued prohibits the carrying of passengers for 60 days.
16. It provides some administrative flexibility in the administration of 53-foot semitrailer permits. Current law requires a permit for each semitrailer with length in excess of 48 feet up to 53 feet. This bill allows the Secretary of State to issue the permit to the permittee's truck tractor, instead of the trailer, at the permittee's request.
17. It repeals the definition for "ignition interlock device."
18. It removes the Secretary of State's authority to require an ignition interlock device as a condition to license reinstatement for a person whose license is suspended following a conviction for operating after suspension.
19. It repeals the ignition interlock program for repeat OUI offenders.
20. It clarifies that a person may be convicted for operating after suspension when the person's license is suspended by a court for failing to pay a fine.

21. It clarifies that motor vehicles that are required by law to be registered in the State are subject to the same minimum insurance requirements as cars that are registered in the State.
22. It prohibit the sale or distribution of digital image information, graphic designs and security components contained in a driver's license.
23. It changes recycler licenses from calendar-year licenses to 12-month licenses.
24. It allows semitrailers registered in another jurisdiction to be titled in this State.
25. It allows the Secretary of State to issue a temporary 90-day facsimile plate to persons who have reserved their plate numbers to allow for the reserved plate to be manufactured.

Chapter 470 was enacted as an emergency measure effective June 10, 1999.

LD 1680

An Act to Require the Equitable Taxation of Motor Vehicles

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK FERGUSON	ONTP	

LD 1680 proposed to allow a person to transfer the title of a vehicle to any other person whose name appears on the registration certificate without that transaction being considered a new registration.

LD 1690

An Act Regulating the Transportation of People in Pickup Trucks

PUBLIC 311

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-239 H-289 WHEELER G

LD 1690 proposed to regulate the transportation of people and dogs in pickup trucks to ensure the safety of the passengers and animals by restricting a person under 19 years of age, with some exemptions, to riding in the passenger compartment of a pickup truck. The bill also proposed certain conditions and restrictions on the transportation of dogs in pickup trucks.

Committee Amendment "A" (H-239) proposed to remove from the bill all provisions pertaining to dogs and to change the title of the bill to reflect that change. The amendment also proposed to strike two exceptions proposed in the bill and to clarify that the exception for workers and trainees includes agricultural workers and trainees. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-289) proposed to add an exception to the bill's prohibition on persons under 19 years of age riding in the back of a pickup truck for licensed hunters who are being transported to or from a hunting location, provided they are in compliance with all applicable laws pertaining to the possession and transportation of firearms in a motor vehicle.

Enacted law summary

Public Law 1999, chapter 311 requires a person under 19 years of age to ride in the passenger compartment of a pickup truck. An exception is provided for workers and trainees, including agricultural workers and trainees engaged in work

related duties, participants in parades, people secured with a seat belt in manufacturer-installed seat located outside the passenger compartment and licensed hunters who are being transported to or from a hunting location who are in compliance with all applicable laws pertaining to the possession and transportation of firearms in a motor vehicle.

LD 1739

An Act Relating to New and Used Car Document Fees

PUBLIC 211

<u>Sponsor(s)</u> MCGLOCKLIN PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-240
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LD 1739 proposed to prohibit a motor vehicle dealer from charging more than \$25 for document preparation.

Committee Amendment "A" (H-240) proposed to replace the bill and to require new and used car dealers to post their document preparation fees on each vehicle offered for sale. The amendment proposed that a dealer who violates this provision commits an unfair trade practice.

The amendment also proposed technical corrections to the bill and to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 211 requires new and used car dealers to post their document preparation fees on each vehicle offered for sale and makes a violation of that requirement an unfair trade practice.

LD 1746

An Act to Amend the Definition of Bicycle to Promote Road Safety

ONTP

<u>Sponsor(s)</u> MCKEE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1746 proposed to amend the definition of bicycle under the motor vehicle laws to clarify which vehicles are subject to the rules of the road.

LD 1754

**An Act to Establish a Speed Limit at Toll Plaza Approaches on the
Maine Turnpike**

ONTP

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1754 proposed to establish a speed limit of five miles per hour in toll plazas on the Maine Turnpike.

LD 1813

An Act to Ensure the Continued Operation of an Information Center in Fryeburg

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER FERGUSON	OTP-AM MAJ ONTP MIN	

LD 1813 proposed to require the Commissioner of Transportation to continue operating the Information Center in Fryeburg, currently operated by the Maine Tourism Commission pursuant to a lease agreement, as an information center in the event that lease is terminated by either party. The department holds title to the property and the Maine Tourism Commission operates the center pursuant to a 1960 lease agreement.

Committee Amendment "A" (H-434) proposed to replace the bill and make the bill an emergency. The amendment proposed to require the Department of Transportation and the Department of Economic and Community Development, Office of Tourism and Community Development to operate a visitor information center in Fryeburg in the same manner as they operate other state visitor centers, with the Department of Transportation providing the land, infrastructure, building and structural maintenance and the Office of Tourism and Community Development providing the funding for operating expenses. The amendment proposed to allow an existing welcome center or another appropriate facility in Fryeburg to remain open under such arrangements without interruption to the visitor information services historically provided in that town by the Maine Tourism Association, Inc. This amendment proposed that this requirement only be in place until the Legislature approves a comprehensive plan for capital, maintenance and staff support for tourism centers statewide. The amendment proposed to add a fiscal note to the bill.

LD 1853 **An Act to Expand the Membership of the Northern New England Passenger Rail Authority** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	ONTP	

LD 1853 proposed to add three members to Northern New England Passenger Rail, one from each of the county commissioner districts in Washington County.

LD 2002 **An Act to Repeal the Mandatory Seat Belt Law if Approved at Referendum** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS BENOIT	ONTP MAJ OTP-AM MIN	

LD 2002 proposed a referendum question to repeal the law that requires a person 18 years of age or older to wear a seat belt while a passenger in or operator of a motor vehicle.

Committee Amendment "A" (H-377) proposed to add a fiscal note to the bill.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL	OTP-AM	H-380 H-506 JABAR S-257 O'GARA

LD 2064 proposed to increase the maximum gross weight of farm trucks to 69,000 pounds. It also proposed that the Commissioner of Transportation and Commissioner of Agriculture, Food and Rural Resources annually establish a period coinciding with the potato harvest season during which the axle weight restrictions on farm trucks are waived.

Committee Amendment "A" (H-380) proposed to correct a fee amount proposed in the bill and clarify that the seasonal axle weight limit exemption applies only to farm vehicles transporting potatoes during the potato harvesting season from the field to a place of storage or processing and only when the vehicle complies with the gross weight limits of the Maine Revised Statutes, Title 29-A, chapter 21 and has at least 8,000 pounds on the steering axle. The amendment also proposed to add a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-506) proposed that the exemption from certain axle weight limits for farm vehicles transporting potatoes during the potato harvesting season does not apply on the Interstate Highway System, including the Maine Turnpike.

Senate Amendment "A" to Committee Amendment "A" (S-257) proposed to replace the fiscal note on the committee amendment with a correct fiscal note.

Enacted law summary

Public Law 1999, chapter 472 increases the maximum gross weight of farm trucks to 69,000 pounds and provides seasonal axle weight limit exemption for farm vehicles transporting potatoes during the potato harvesting season from the field to a place of storage or processing. The exemption applies only when the vehicle complies with the gross weight limits of the Maine Revised Statutes, Title 29-A, chapter 21 and has at least 8,000 pounds on the steering axle. The exemption does not apply on the Interstate Highway System, including the Maine Turnpike.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE WHEELER G	OTP	

LD 2081 proposed that commercial vehicle weight limits applied generally on the highways of the State also be applied on the Maine Turnpike and on certain portions of Interstate 95. This bill was submitted on behalf of the Department of Transportation.

Enacted law summary

Public Law 1999, chapter 164 applies commercial vehicle weight limits applied generally on the highways of the State to the Maine Turnpike and to certain portions of Interstate 95.

LD 2094

An Act to Change the Fine for Speeding in a School Zone

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE	OTP MAJ ONTP MIN	

LD 2094 proposed to create a fine for speeding in a school zone that is double the fine for speeding outside of a school zone.

Enacted law summary

Public Law 1999, chapter 308 creates a fine for speeding in a school zone that is double the fine for speeding outside of a school zone.

LD 2132

An Act to Consolidate Traffic Movement Permits within the Department of Transportation

**PUBLIC 468
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA BOUFFARD	OTP-AM	S-167 S-192 O'GARA

LD 2132 proposed to transfer the responsibility for issuing traffic movement permits under the Site Location of Development laws from the Department of Environmental Protection to the Department of Transportation, beginning June 30, 1999. This bill was submitted on behalf of the Department of Transportation.

Committee Amendment "A" (S-167) proposed a series of technical corrections to the bill to facilitate the transfer of traffic movement permitting from the Department of Environmental Protection to the Department of Transportation and to add allocations from the Highway Fund to the Department of Transportation to fund a new position in the department to manage the permit process.

Senate Amendment "A" (S-192) proposed to extend to semi-trailers the requirement that a trailer that is wider than the vehicle towing it be equipped with reflective material or lamps.

Enacted law summary

Public Law 1999, chapter 468, transfers the responsibility for issuing traffic movement permits under the Site Location of Development laws from the Department of Environmental Protection to the Department of Transportation, beginning June 30, 1999, and allocates funds from the Highway Fund to the Department of Transportation to fund a new position in the department to manage the permit process.

Chapter 468 was enacted as an emergency measure effective June 10, 1999.

LD 2135

An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1999

**P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA JABAR	OTP-AM	S-116

LD 2135 proposed to make supplemental allocations from the Highway Fund, make supplemental allocations from the Federal Expenditures Fund and authorize the State Controller to transfer funds from the fiscal year 1998-99 year-end balance to the Highway and Bridge Improvement program in the Department of Transportation.

Committee Amendment "A" (S-116) proposed that the Commissioner of Administrative and Financial Services implement modified accrual for the fuel tax line of the Highway Fund for the fiscal year ending June 30, 1999. The amendment also proposed an additional Other Special Revenue allocation to the Highway Maintenance program within the Department of Transportation for fiscal year 1998-99 and proposed to add a fiscal note to the bill.

Enacted law summary

Private and Special Law 1999, chapter 12, makes supplemental allocations from the Highway Fund, makes supplemental allocations from the Federal Expenditures Fund, authorizes the State Controller to transfer funds from the fiscal year 1998-99 year-end balance to the Highway and Bridge Improvement program in the Department of Transportation and directs the Commissioner of Administrative and Financial Services to implement modified accrual for the fuel tax line of the Highway Fund for the fiscal year ending June 30, 1999. This law also provides an additional Other Special Revenue allocation to the Highway Maintenance program within the Department of Transportation for fiscal year 1998-99.

Chapter 12 was enacted as an emergency measure effective May 10, 1999.

LD 2139

An Act to Allow Authorized Emergency Vehicles to Display a Blue Light on the Rear of the Vehicle

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	ONTP	

LD 2139 proposed to allow a blue light to be mounted on authorized emergency vehicles.

LD 2146

An Act to Exempt from Registration Agricultural Motor Vehicles

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND MICHAUD	ONTP	

LD 2146 proposed to exempt from registration motor vehicles used solely for farming purposes that are operated to or from the premises where the motor vehicle is kept, a farm lot and between farm lots or a filling station or garage for fuel or repairs. The bill proposed that the motor vehicle may not be operated in excess of 35 miles per hour, on a road with a

posted speed limit of over 45 miles per hour or further than five miles from the main entrance of the farm and that the motor vehicle does not need to meet the inspection standards for registered vehicles. The bill proposed that the motor vehicle may be operated on a public way only during daytime hours from May 1st to October 31st.

LD 2149

An Act to Amend Motor Vehicle Title Laws

CARRIED OVER

<u>Sponsor(s)</u> WHEELER G O'GARA		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2149 proposes to amend the motor vehicle title laws as follows.

1. It distinguishes between a salvage vehicle that may be rebuilt for highway use and a total loss vehicle that is unrebuildable and is suitable for parts only. A total loss vehicle may not be registered or retitled.
2. It combines the various certificates issued by the department under one definition unless the context indicates otherwise.
3. It specifies that, once a vehicle is declared a "salvage vehicle," the prior certificate of title must be surrendered prior to issuance of salvage title.
4. It specifies that, once a vehicle is declared a "total loss," the prior certificate of title or certificate of salvage must be surrendered prior to issuance of a certificate of total loss.
5. It clarifies what information must be or may be on a certificate.
6. It allows the Secretary of State to withdraw an application for a certificate for just cause.
7. It clarifies the procedure for obtaining a duplicate title.
8. It clarifies that a dealer needs a release of lien on any certificate.
9. It specifies that a total loss that is sold or displayed at auction must be accompanied by a certificate of total loss.
10. It specifies that a total loss vehicle can not be registered or retitled in the State.
11. It clarifies what the insurer and the owner must do with a salvage vehicle.
12. It clarifies what a recycler must do to obtain a certificate of salvage or total loss.
13. It specifies the legends that must appear on certificates issued for salvage vehicles, total losses and rebuilt salvage vehicles.

This bill was submitted on behalf of the Secretary of State.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA SAVAGE C	OTP-AM	S-308

LD 2156 proposed to amend the laws on the construction of salt and sand storage facilities. It proposed to repeal the current state mandate that municipalities or counties with Priority 4 or Priority 5 sand-salt storage sites build a building. It proposed to provide for a reassessment of environmental priority levels of all sites, yet retain the current order of expected financial reimbursement for construction of a building. It proposed to require that state and private Priority 4 and 5 storage sites follow best management practices to prevent water pollution. This bill also proposed to require the Department of Environmental Protection to report on the remaining threats to groundwater and surface water due to storage of road salt and how to address those threats. This bill was submitted on behalf of the Department of Transportation.

Committee Amendment "A" (S-308) proposed that 20% of all funds approved by the Legislature after January 1, 1999 to reimburse municipalities for the construction of sand and salt storage facilities must be used to reimburse towns with Priority 4 projects that are completed before November 1, 1999. That requirement would remain in effect until all such Priority 4 projects are fully reimbursed. The remaining 80% of any funds approved by the Legislature would be used to reimburse towns having Priority 1, 2 or 3 projects, in that order of priority.

The amendment also proposed several technical changes to the bill and proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 387 requires that 20% of all funds approved by the Legislature after January 1, 1999 to reimburse municipalities for the construction of sand and salt storage facilities must be used to reimburse towns with Priority 4 projects that are completed before November 1, 1999. That requirement remains in effect until all such Priority 4 projects are fully reimbursed. The remaining 80% of any funds approved by the Legislature would be used to reimburse towns having Priority 1, 2 or 3 projects, in that order of priority.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCGLOCKLIN MILLS		

LD 2171 proposes to require the Department of Transportation to construct on Route 16 in Bingham a truck escape ramp to slow and stop away from the main stream of traffic those vehicles that are out of control due to a loss of braking ability.

LD 2172

An Act Requiring That the Costs of Transporting Highway Construction and Maintenance Materials to Isle au Haut by Barge or Ferry be Paid from the Highway Fund

PUBLIC 524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK PINGREE	OTP-AM MAJ ONTP MIN	H-432

LD 2172 proposed that continuing costs of transporting highway construction and maintenance materials to Isle au Haut be paid from the Highway Fund.

Committee Amendment "A" (H-432) proposed to replace the bill and provide the Department of Transportation with \$50,000 in fiscal year 1999-00 and \$10,000 in each fiscal year thereafter from the Highway Fund to pay the costs of shipping road construction and maintenance materials to Isle au Haut.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 524, provides the Department of Transportation with \$50,000 in fiscal year 1999-00 and \$10,000 in each fiscal year thereafter from the Highway Fund to pay the costs of shipping road construction and maintenance materials to Isle au Haut.

LD 2205

An Act to Require Legislative Approval of the Automation of 2 Drawbridges between Kittery and Portsmouth, New Hampshire

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LAWRENCE	ONTP	

LD 2205 proposed to require prior approval of the Legislature to automate and to expend funds to automate the Memorial Bridge and the Sara Mildred Long Bridge, which are the two drawbridges that connect the Town of Kittery and the City of Portsmouth, New Hampshire.

LD 2208

An Act to Remove Restrictions on Changeable Signs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL MACKINNON		

LD 2208 proposes to remove the restrictions on changeable signs.

HP 1143

Joint Order Relative to Establishing the Joint Select Committee to Study Building a Truck Bypass in the Town of Sanford

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE MACKINNON BOUFFARD BOWLES	ONTP	

HP 1143 proposed that the Joint Standing Committee on Transportation, representatives of the Department of Transportation and one person from the Governor’s Office hold an unspecified number of meetings over the biennium to assess the volume of truck traffic along Route 202 in Sanford, assess the cost of constructing a bypass for trucks in Sanford and prepare preliminary plans for the location of that bypass and the sources of funding.

HP 1568

Joint Order Relative to the Commission to Study the Fairness of the Maine Turnpike

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS DOUGLASS BRENNAN CAMPBELL	ONTP	

HP 1568 proposed to create a commission to study the fairness of the Maine Turnpike system.

Joint Standing Committee on Utilities and Energy

LD 64

An Act to Amend the Mexico Water District Charter

**P & S 5
EMERGENCY**

<u>Sponsor(s)</u> BRYANT FERGUSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-60
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LD 64 proposed to change the beginning of the term of office of the trustees of the Mexico Water District from the first Monday in April to July 1st to coincide with the current fiscal year.

Committee Amendment "A" (H-60) proposed to make certain clarifications in the language of the bill and provide transition language to accomplish the change of the beginning date for the terms of office of the trustees of the Mexico Water District. It also proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Private and Special Law 1999, chapter 5 changes the beginning of the term of office of the trustees of the Mexico Water District from the first Monday in April to July 1st to coincide with the current fiscal year.

Chapter 5 was enacted as an emergency measure effective April 9, 1999.

LD 105

An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity

CARRIED OVER

<u>Sponsor(s)</u> CLARK CAREY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 105 proposes to repeal the law passed at the end of the 118th Legislature that allows Great Northern Paper, Inc. to continue to furnish electricity to and from its Millinocket facilities without being considered an electric utility.

LD 109

An Act to Amend the Charter of the Mars Hill Utility District

**P & S 4
EMERGENCY**

<u>Sponsor(s)</u> KNEELAND PARADIS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-59
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LD 109 proposed to amend the boundaries of the Mars Hill Utility District to encompass the entire Town of Blaine upon approval at referendum.

Committee Amendment "A" (H-59) proposed to remove the provision of the bill making the expansion of the territory of the Mars Hill Utility District subject to referendum in the towns of Blaine and Mars Hill and instead to make the expansion subject to approval by the voters of the Town of Blaine voting in a special or regular town meeting and to approval by the town council in the Town of Mars Hill.

Enacted law summary

Private and Special Law 1999, chapter 4 amends the boundaries of the Mars Hill Utility District to encompass the entire Town of Blaine upon approval by the voters of the Town of Blaine voting in a special or regular town meeting and by the town council in the Town of Mars Hill.

Chapter 4 was enacted as an emergency measure effective April 9, 1999.

LD 208 **An Act to Prohibit Intrastate Telemarketers from Blocking Caller ID** **ONTP**

<u>Sponsor(s)</u> SHIELDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 208 proposed to prohibit entities conducting intrastate telephone solicitation from using caller-ID blocking.

LD 270 **An Act to Enable Counties to Establish Electricity Agencies** **PUBLIC 178**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-226
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LD 270 proposed to establish the Washington County Electricity Agency to serve as a public aggregator, broker or marketer for consumers of electricity located within Washington County. The bill proposed to authorize the agency to enter into agreements with consumers to serve as a public aggregator, broker or marketer on their behalf and to negotiate and enter into agreements with competitive electricity providers to purchase power on behalf of or broker the purchase of power by consumers served by the agency, beginning on March 1, 2000.

Committee Amendment "A" (H-226) proposed to replace the bill. The amendment proposed to authorize the county commissioners of a county to establish a county electricity agency to serve as a public aggregator for any electricity consumers, public or private, located in that county. Under the amendment, an agency would not be permitted to require a consumer to join or be served by the agency. All debts and liabilities incurred by an agency or a county through an agency would be the responsibility of the agency or county and would not be a liability of the State.

Enacted law summary

Public Law 1999, chapter 178 authorizes the county commissioners of a county to establish a county electricity agency to serve as a public aggregator for any electricity consumers, public or private, located in that county. An agency may not require a consumer to join or be served by the agency. All debts and liabilities incurred by an agency or a county through an agency are the responsibility of the agency or county and are not a liability of the State.

LD 331

An Act to Amend the Renewable Resource Portfolio Requirement for Competitive Electricity Providers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY	ONTP	

LD 331 proposed to amend the electric industry restructuring law with respect to the renewable portfolio requirement for competitive providers.

Current law requires each provider to have 30% of its portfolio of supply sources for retail electricity sales in this State accounted for by renewable resources. The law defines renewable resources to be those resources that can be delivered into the New England Power Pool.

This bill proposed to change the definition of renewable resources to require that the electricity generated be deliverable to Maine consumers. It also proposed to change the 30% portfolio standard to a requirement that 30% of a provider's kilowatt-hours sales to retail customers in this State be accounted for by renewable resources.

Changes to the renewable portfolio requirement were made in LD 2154.

LD 333

An Act to Amend the Charter of the Department of Electric Works Within the Town of Madison

P & S 7

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD MILLS	OTP-AM	H-114

LD 333 proposed to authorize the Department of Electric Works in the Town of Madison to provide natural gas service should that fuel become available.

Committee Amendment "A" (H-114) proposed to make certain technical corrections to the bill and make several further changes to the Madison Electric Works charter to clarify and update certain provisions.

Enacted law summary

Private and Special Law 1999, chapter 7 authorizes the Department of Electric Works in the Town of Madison to provide natural gas service should that fuel become available. Such service would be subject to Public Utilities Commission regulation.

LD 471

An Act to Repeal the Public Utilities Commission's Authority to Issue Certificates of Public Convenience and Necessity for Electric Transmission

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	ONTP	

LD 471 proposed to repeal requirements that electric utilities obtain certificates of public convenience and necessity from the Public Utilities Commission before constructing or modifying transmission lines or contracting for transmission line capacity.

LD 541

**An Act to Clarify the Jurisdiction of the Public Utilities Commission with
Regard to Wireless Carriers**

**PUBLIC 60
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-57 S-27 CAREY

LD 541 proposed to grant the Public Utilities Commission limited jurisdiction over radio paging and mobile telecommunications services. It proposed to require radio paging and mobile telecommunication service providers to comply with any central office code conservation measures adopted by the commission that may be necessary to prevent or delay the adoption of a second area code for the State. The bill also proposed to clarify the commission's jurisdiction to require mobile telecommunications service providers to participate in state universal service efforts, including assessments toward a state universal service fund. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (H-57) proposed to reallocate the provisions of the bill to more appropriate sections of the Maine Revised Statutes. The amendment proposed no substantive changes to the provisions of the bill.

Senate Amendment "A" to Committee Amendment "A" (S-27) proposed to make the bill an emergency effective immediately upon enactment.

Enacted law summary

Public Law 1999, chapter 60 grants the Public Utilities Commission limited jurisdiction over radio paging and mobile telecommunications services. It requires radio paging and mobile telecommunication service providers to comply with any central office code conservation measures adopted by the commission that may be necessary to prevent or delay the adoption of a second area code for the State. The bill also clarifies the commission's jurisdiction to require mobile telecommunications service providers to participate in state universal service efforts, including assessments toward a state universal service fund.

Chapter 60 was enacted as an emergency measure effective April 9, 1999.

LD 551

**An Act to Amend the Lien Enforcement Procedure for the Topsham
Sewer District**

P & S 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRIPP SMALL	OTP-AM	H-58

LD 551 proposed to change the lien procedure for the Topsham Sewer District to allow the enforcement of a lien any time after three months and before 18 months from the due date of any charge or assessment for which the district has a lien.

Committee Amendment "A" (H-58) proposed to clarify that the changes made by the bill to the Topsham Sewer District Charter regarding enforcement by the district of liens apply to liens for unpaid assessments due after the effective date of this bill.

Enacted law summary

Private and Special Law 1999, chapter 6 changes the lien procedure for the Topsham Sewer District to allow the enforcement of a lien any time after three months and before 18 months from the due date of any charge or assessment for which the district has a lien. The enforcement of liens for assessments due prior to the effective date of the bill are governed by the law in effect at the time the assessment came due.

LD 553 An Act to Amend the Charter of the Kennebec Water District CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON CAREY		

LD 553 proposes to amend the charter of the Kennebec Water District to clarify provisions relating to trustee compensation and to restrict the outside activities of trustees in order to reduce potential conflicts of interest.

LD 554 An Act to Provide Affordable Computer-based Information Networks ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON	ONTP	

LD 554 proposed to provide that any telephone call made within a flat-rate, basic service calling area that is carried beyond the basic service calling area for the purpose of accessing the Internet or other computer-based information network is deemed to have terminated within the basic service calling area and the customer making the call must be billed at the basic service flat rate. The bill proposed to direct the Public Utilities Commission to adopt rules implementing this provision.

LD 570 An Act Relating to the Protection of Maine Consumers in the Telecommunications Market PUBLIC 59 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-56

LD 570 proposed to grant the Public Utilities Commission authority to protect the State's telecommunications consumers from the practice of "cramming." Cramming occurs when charges for an unauthorized service are placed on a consumer's telephone bill. The bill proposed to require a telephone utility to suspend collection efforts when a consumer alleges that a charge is unauthorized. Unless the provider of the service produced verification that the service was authorized by the consumer, the telephone utility would be required to remove the charges and refund any prior payments for that service. The bill also proposed to authorize the commission to protect consumers through imposition of an administrative fine on telecommunications utilities for violating a telecommunications consumer protection statute, rule or commission order. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (H-56) proposed to replace the bill. The amendment proposed a series of changes to laws relating to the protection of Maine consumers in the telecommunications market.

Enacted law summary

Public Law 1999, chapter 59:

1. Requires service providers who bill for their services on a telephone utility's telephone bill to be registered with the Public Utilities Commission;
2. Requires billing aggregators who forward service provider's charges to telephone utilities for inclusion on the utilities' bills to be registered with the commission;
3. Exempts telephone utilities who are authorized to provide telephone service in Maine from the registration requirements;
4. Permits the Public Utilities Commission to revoke the registration of a service provider who charges customers for services not authorized by the customers or who engages in other false or deceptive practices;
5. Permits the Public Utilities Commission to revoke the registration of a billing aggregator who forwards charges of unregistered service providers to a telephone utility for inclusion on a customer's bill;
6. Requires billing agents, such as telephone utilities that bill on behalf of service providers, upon receiving a complaint from a customer, to suspend collecting for unauthorized services. The billing agent is required either to obtain evidence from the service provider that the services are in fact authorized or to remove the charges from the customer's bill and refund to the customer amounts paid during the prior six months or during any longer period during which the customer can prove the customer was billed;
7. Authorizes the Public Utilities Commission to impose administrative penalties of up to \$1,000 per violation for service providers who engage in cramming, service providers or billing agents who are not properly registered, billing agents who knowingly bill on behalf of unregistered service providers and billing agents that fail to comply with the procedures governing the handling of customer complaints regarding unauthorized services;
8. Requires the Public Utilities Commission to adopt routine technical rules implementing these provisions; the commission is required to submit its rules to the Joint Standing Committee on Utilities and Energy by January 1, 2000; and the committee is authorized to report out legislation on cramming; and
9. Prohibits the commission from enforcing any of these provisions until it adopts rules implementing the provisions.

Chapter 59 was enacted as an emergency measure effective April 9, 1999.

LD 580

An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts

**PUBLIC 299
EMERGENCY**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-260
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LD 580 proposed to provide that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality:

1. Trustees must be elected at large by a plurality vote of the voters within the territory of the district; and
2. Trustees must be residents of the district.

Committee Amendment "A" (S-260) proposed to change the substance of the bill to provide that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality all trustees must be residents of the municipality and a majority of the trustees must be residents of the district.

Enacted law summary

Public Law 1999, chapter 299 provides that for any sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality all trustees must be residents of the municipality and a majority of the trustees must be residents of the district. It also provides that trustees must be elected at large by a plurality vote of the voters within the territory of the district.

Chapter 299 was enacted as an emergency measure effective May 24, 1999.

LD 581 **Resolve, to Ensure Proper Funding of the Public Utilities Commission** **RESOLVE 19
EMERGENCY**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-90
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LD 581 proposed to permit the Public Utilities Commission to roll over into the following fiscal year 100% of any unexpended funds remaining at the end of both the 1999-00 fiscal year and the 2000-01 fiscal year. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (S-90) proposed to provide funding for a limited-period Utility Analyst at the Public Utilities Commission to serve as a natural gas pipeline safety inspector.

Enacted law summary

Resolve 1999, chapter 19 permits the Public Utilities Commission to roll over into the following fiscal year 100% of any unexpended funds remaining at the end of both the 1999-00 fiscal year and the 2000-01 fiscal year. It also provides funding for a limited-period Utility Analyst at the Public Utilities Commission to serve as a natural gas pipeline safety inspector.

Chapter 19 was enacted as an emergency measure effective May 4, 1999.

LD 635 **An Act to Amend the Electric Industry Restructuring Law** **ONTP**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 635 proposed to amend the electric industry restructuring law by eliminating the 100 megawatts criteria for hydroelectric generators so that all hydroelectric generators qualify as renewable resources, regardless of their total power production capacity.

The renewable resource portfolio requirement was changed in LD 2154.

LD 659

**An Act to Require Companies Responsible for Billing Electrical Services
to Forward the Amount Collected within 3 Days**

ONTP

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 659 proposed to require a person who provides competitive billing services related to electric service not provided by that person to forward to the person who provided the electric service, within three days of the receipt of payment from the customer, the amount collected from the customer for the electric service.

LD 661

An Act Regarding the Unbundling of Natural Gas Services

PUBLIC 143

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-92
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LD 661 proposed to require any entity that sells or attempts to sell natural gas supply service to retail customers in the State to register with the Public Utilities Commission. It also proposed to specify that an entity that is only active in the natural gas supply market, but does not provide other services associated with an integrated natural gas utility, is not considered a gas utility and thereby subject to commission regulation as a gas utility. The bill also proposed to direct the commission to consider the need to adopt rules governing the unbundling of natural gas services and to authorize their adoption as major substantive rules. The bill proposed to require that the commission consider the need for establishing by rule a process for determining default providers of natural gas service. This bill was submitted on behalf of the Public Utilities Commission.

Committee Amendment "A" (S-92) proposed:

1. To modify the description of the type of information gas marketers must provide on request to the Public Utilities Commission to include copies of residential contracts for retail natural gas supply; the language would not limit the commission's authority, however, to require other information from gas marketers;
2. To make a clarification in the provision of the bill concerning confidentiality; and
3. To delete the requirement that the commission consider the need for establishing by rule a process for determining default providers of natural gas service.

Enacted law summary

Public Law 1999, chapter 143 requires any entity that sells or attempts to sell natural gas supply service to retail customers in the State to register with the Public Utilities Commission. It also specifies that an entity that is only active in the natural gas supply market, but does not provide other services associated with an integrated natural gas utility, is not considered a gas utility and thereby subject to commission regulation as a gas utility. The bill also directs the commission to consider the need to adopt rules governing the unbundling of natural gas services and authorizes their adoption as major substantive rules.

LD 672

An Act to Permit Water Utilities and Sewer and Sanitary Districts to Establish Lower Rates for Elderly Homeowners

ONTP

Sponsor(s)
DOUGLASS

Committee Report
ONTP

Amendments Adopted

LD 672 proposed to authorize public and private water utilities and sanitary and sewer districts to establish a discount rate for residential consumers who are 65 years of age or older.

LD 704

An Act Relating to Governmental Aggregation Services

**PUBLIC 231
EMERGENCY**

Sponsor(s)
MITCHELL C
DAGGETT

Committee Report
OTP-AM

Amendments Adopted
H-331

LD 704 proposed to authorize the Maine Municipal Bond Bank, after the advent of electric industry restructuring, to organize and administer the cooperative bulk purchase of electricity and fuel commodities by local governmental units and nonprofit corporations.

Committee Amendment "A" (H-331) proposed to replace the bill and amend the title to reflect the content of the amendment. This amendment proposed:

1. To remove the authority for the Maine Health and Higher Educational Facilities Authority to provide certain commodities purchasing and transfer services, including aggregation services, to employees of health care and higher education entities;
2. To permit the Maine Municipal Bond Bank to offer aggregation services to governmental units and nonprofit corporations; and
3. To provide that the Maine Municipal Bond Bank:
 - A. Is subject to all applicable provisions of law, including those provisions of the Maine Revised Statutes, Title 35-A relating to aggregators of customers of electricity;
 - B. Must provide to any entity to whom it offers to provide aggregation services notice that the entity is under no obligation to accept such services and that no other service provided by the bank is conditional upon or affected by the entity's acceptance or rejection of the offer;
 - C. May not extend credit or vary the terms of credit based on an entity's acceptance or rejection of an offer by the bank to provide aggregation services; and
 - D. May not encourage or otherwise seek to persuade any entity to accept aggregation services, if the entity has an application with the bank for a loan, until after the bank has taken final action on approving or rejecting the application.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 231

1. Removes the authority for the Maine Health and Higher Educational Facilities Authority to provide certain commodities purchasing and transfer services, including aggregation services, to employees of health care and higher education entities; and
2. Permits, with certain limitations, the Maine Municipal Bond Bank to offer aggregation services to governmental units and nonprofit corporations.

Chapter 231 was enacted as an emergency measure effective May 18, 1999.

LD 710 **An Act Regarding Criteria for Approval of a Public Utility Reorganization by the Public Utilities Commission** **ONTP**

<u>Sponsor(s)</u> MCNEIL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 710 proposed to provide that no reorganization by a public utility may be approved by the Public Utilities Commission unless it is established by the applicant for approval that the reorganization is consistent with the interests of the utility's ratepayers and investors and that any benefits derived from the reorganization, financial or otherwise, will be shared equally between the company's ratepayers and investors.

LD 735 **An Act Authorizing the Public Utilities Commission to Award Damages to Customers Damaged by Substandard Utility Service** **ONTP**

<u>Sponsor(s)</u> COLWELL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 735 proposed to allow the Public Utilities Commission to compensate consumers for damages caused by a utility without requiring such customers to file individual actions in a court of law. This bill was submitted on behalf of the Office of the Public Advocate.

LD 756 **Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities** **INDEF PP**

<u>Sponsor(s)</u> GOLDTHWAIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 756 proposed to create a task force to study the State's regulation of water utilities. The task force would be charged with investigating ways in which state regulation may be improved.

Committee Amendment "A" (S-45) proposed to change the membership of the Task Force; to require the task force to elect its chair from its members; to provide for compensation for legislative and public members of the task force; to authorize the task force to seek assistance from the Office of Policy and Legal Analysis in drafting any recommended legislation; to move the reporting date to January 1, 2000. This amendment was adopted in both bodies although the bill was subsequently indefinitely postponed.

House Amendment "A" to Committee Amendment "A" (H-213) proposed to change the reporting date from January 15, 2000 to December 31, 1999. This amendment was adopted in both bodies although the bill was subsequently indefinitely postponed.

LD 767 **Resolve, Regarding Legislative Review of Chapter 311: Renewable Resource Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 47 EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 767 proposed approval of Chapter 311: Renewable Resource Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

Enacted law summary

Resolve 1999, chapter 47 approves Chapter 311: Renewable Resource Portfolio Requirement, a major substantive rule of the Public Utilities Commission.

The renewable resource portfolio requirements in law were amended by LD 2154 and commensurate changes to the rules required.

Chapter 47 was enacted as an emergency measure effective May 24, 1999.

LD 768 **Resolve, Regarding Legislative Review of Chapter 301: Standard Offer Service, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 37 EMERGENCY**

<u>Reported by</u> DAVIDSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-328
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LD 768 proposed approval of Chapter 301: Standard Office Service, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-328) proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 301: Standard Offer Service, provided it made certain changes to the rule.

Enacted law summary

Resolve 1999, chapter 37 authorizes the Public Utilities Commission to finally adopt its rule, Chapter 301: Standard Offer Service, provided it makes several changes to the rule that accomplish the following:

1. Establish standard offer classes and require providers to bid separately on each class;
2. Set the initial period of the standard offer at one year;
3. Assign responsibility for uncollectibles to standard offer providers;

4. Provide for electric utilities to arrange standard offer service in cases where the Public Utilities Commission determines there is a lack of sufficient bids; and
5. Make the rule consistent with other commission rules governing interactions between providers and electric utilities.

Chapter 37 was enacted as an emergency measure effective May 18, 1999.

LD 769

Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 36
EMERGENCY**

Reported by
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-329

LD 769 proposed approval of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-329) proposed to authorize the Public Utilities Commission to finally adopt its rule, Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, provided it made certain changes to the rule.

Enacted law summary

Resolve 1999, chapter 36 authorizes the Public Utilities Commission to finally adopt its rule, Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, provided it:

1. Modifies the rule to remove references to the release of customer proprietary information; this issue is the subject of LD 1214; and
2. Modifies the rule to clarify that nothing in the rule prevents a distribution utility from entering into a special contract offering a special rate to a customer or group of customers pursuant to a rate flexibility program approved by the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, section 3195, subsection 6.

See also LD 2154 for other issues related to standards of conduct for transmission and distribution utilities.

Chapter 36 was enacted as an emergency measure effective May 18, 1999.

LD 790

Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 42
EMERGENCY**

Reported by
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-400

LD 790 proposed approval of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-400) proposed disapproval of final adoption of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission.

Enacted law summary

Resolve 1999, chapter 42 disapproves final adoption of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, a major substantive rule of the Public Utilities Commission. Issues associated with conservation programs are addressed in LD 1398.

Chapter 42 was enacted as an emergency measure effective May 20, 1999.

LD 795 An Act to Except Grading from Definition of Excavation in Dig Safe Law ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J JACOBS	ONTP	

LD 795 proposed to allow an excavator to grade the surface of a road or highway without having to get an excavation permit or to comply with the dig safe law if grading was the only activity performed by the excavator.

LD 876 An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL MILLS	ONTP	

LD 876 proposed to amend the electric industry restructuring laws

1. To amend the definition of "renewable resource" to exclude cogeneration facilities that use fossil fuels; and
2. To change the renewable resource portfolio standard to require that at least 30% of a provider's portfolio of electricity supplies for each retail electricity product sold to consumers in this State is accounted for by renewable resources.

Issues associated with the renewable resource portfolio requirement were dealt with in LD 2154.

LD 894 An Act to Facilitate Price Comparisons for Utility Service ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D KONTOS	ONTP	

Committee Amendment "A" (S-91) proposed to replace the bill with a resolve and to change the title. The amendment proposed to direct the Public Utilities Commission to undertake an examination of single-exchange, flat-rate, basic service calling areas and to develop proposals for expanding those areas. The commission would be required to report its findings and proposals to the Joint Standing Committee on Utilities and Energy and the committee would be authorized to report out legislation concerning basic service calling areas to the Second Regular Session of the 119th Legislature.

House Amendment "A" to Committee Amendment "A" (H-337) proposed to change the reporting date in the committee amendment.

Enacted law summary

Resolve 1999, chapter 32 directs the Public Utilities Commission to undertake an examination of single-exchange, flat-rate, basic service calling areas and to develop proposals for expanding those areas. The commission must report its findings and proposals to the Joint Standing Committee on Utilities and Energy and the committee is authorized to report out legislation concerning basic service calling areas to the Second Regular Session of the 119th Legislature.

LD 1208

An Act to Amend the Enhanced 9-1-1 Laws

**PUBLIC 80
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS MADORE	OTP-AM	S-47

LD 1208 proposed to prohibit persons, after being forbidden to do so, from using a device that dials 9-1-1 and transmits a prerecorded message to a public safety answering point. This bill also proposed to provide for the alphabetical naming of unorganized territories by the county commissioners. This bill was submitted on behalf of the Department of Public Safety.

Committee Amendment "A" (S-47) proposed to replace the bill but to preserve, with changes, the substance of that portion of the bill that creates a new offense under the E-9-1-1 laws. As in the bill, under this amendment a person would be guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer, causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message. A first offense would be a civil infraction; any subsequent offense a Class E crime.

Enacted law summary

Public Law 1999, chapter 80 provides that a person is guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer, causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message. A first offense is a civil infraction; any subsequent offense is a Class E crime.

While chapter 80 includes an emergency preamble and emergency clause, no provision of the law takes effect as an emergency. The emergency clause relates to sections of the original bill that were stripped by the committee amendment. Due to a technical error, the emergency clause was not deleted in the finally enacted law. Chapter 80 is not, in fact, an emergency; it takes effect in the same manner as other non-emergency legislation.

LD 1214

An Act Authorizing the Release of Information to a Competitive Electricity Provider

PUBLIC 237

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D CAREY	OTP-AM	H-330

LD 1214 proposed to allow customers of an electricity provider to give approval for the release of their proprietary information to a competitive electricity provider by means other than written authorization.

Committee Amendment "A" (H-330) proposed to replace the bill. Under this amendment, a transmission and distribution utility would be prohibited from releasing customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by routine technical rule, that the provider has obtained the customer's authorization. This amendment proposed to repeal a provision of law that prohibited large transmission and distribution utilities from releasing propriety customer information without prior written authorization of the customer.

Enacted law summary

Public Law 1999, chapter 237 provides that a transmission and distribution utility may not release any customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by routine technical rule, that the provider has obtained the customer's authorization. This amendment repeals a provision of law that prohibited large transmission and distribution utilities from releasing propriety customer information without prior written authorization of the customer.

LD 1219

An Act to Amend the Charter of the Mt. Blue Standard Water District

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	ONTP MAJ OTP-AM MIN	

LD 1219 proposed to amend the charter of the Mt. Blue Standard Water District to require that to qualify as a legal voter of the district a person must reside in a household to which the district's service is provided.

Committee Amendment "A" (H-197), which was the minority report of the committee, proposed to replace the bill. The amendment proposed that the following persons would be eligible to vote in elections held by the Mt. Blue Standard Water District:

1. All persons resident in the district eligible to vote in municipal elections; and
2. All persons not resident in the district who own property in the district who are customers of the district.

LD 1265

An Act to Amend the Charter of the Tenants Harbor Standard Water District

**P & S 8
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE SKOGLUND	OTP-AM	S-46

LD 1265 proposed to revise the territorial limits of the Tenants Harbor Standard Water District.

Committee Amendment "A" (S-46) proposed to replace the bill. This amendment proposed to redraft the description of the expansion of the territorial limits of the Tenants Harbor Standard Water District and make technical corrections to the description of the existing territory of the district. It also proposed to provide authorization for the district to serve customers located outside the district, provided that the cost of extending facilities to those customers is funded by the Department of Environmental Protection.

Enacted law summary

Private and Special Law 1999, chapter 8 redrafts the description of the expansion of the territorial limits of the Tenants Harbor Standard Water District and makes technical corrections to the description of the existing territory of the district. It also provides authorization for the district to serve customers located outside the district, provided that the cost of extending facilities to those customers is funded by the Department of Environmental Protection.

Chapter 8 was enacted as an emergency measure effective April 16, 1999.

LD 1273

An Act to Encourage Utility Efficiency

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	ONTP	

LD 1273 proposed to repeal the provision of the laws governing electric industry restructuring known as the “poison pill” provision that provides that if 10% or more of the stock of a distribution utility is purchased by an entity, the purchasing entity and any related entity may not sell or offer for sale generation service to any retail consumer of electric energy in this State.

LD 1276

An Act Relating to Utilities and Affiliated Interests

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM	S-89

LD 1276 proposed to remove the requirement that when intangible assets of a utility, including good will or use of a brand name, are used by an affiliated interest of a utility, the utility must be paid by the affiliated interest for the use of those assets.

Committee Amendment "A" (S-89) proposed to replace the bill. The amendment proposed to remove a presumption established in a major substantive rule adopted by the Public Utilities Commission that good will used by an affiliate of a public utility has value in those cases where the business venture of the affiliate is regulated by the commission. The amendment proposed to require the commission to amend its major substantive rule accordingly.

This amendment also proposed to modify the provision of law that requires the Public Utilities Commission to settle complaints by competitors of a utility or affiliate concerning whether the utility affiliate has an undue competitive advantage in an unregulated business market. The amendment proposed to define "undue competitive advantage" as an advantage gained by a violation of standards of conduct or cost allocation requirements established by the commission by rule.

Enacted law summary

Public Law 1999, chapter 158 removes a presumption established in a major substantive rule adopted by the Public Utilities Commission that good will used by an affiliate of a public utility has value in those cases where the business venture of the affiliate is regulated by the commission. The commission remains directed to determine the value of good will used by such an affiliate, but it is not permitted to presume a value. The law requires the commission to amend its major substantive rule accordingly and exempts the conforming amendment from further legislative approval.

The law modifies the provision of law that requires the Public Utilities Commission to settle complaints by competitors of a utility or affiliate concerning whether the utility affiliate has an undue competitive advantage in an unregulated business market. The law defines "undue competitive advantage" as an advantage gained by a violation of standards of conduct or cost allocation requirements established by the commission by rule.

LD 1301 An Act to Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY D	OTP-AM	H-209

LD 1301 proposed to repeal the Maine Nuclear Emergency Planning Act.

Committee Amendment "A" (H-209) proposed to clarify that the Maine Emergency Management Agency remains authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. The amendment also proposed to add an allocation section to move funds from the Radiological Emergency Preparedness Committee, which is repealed by this bill, to the Department of Defense, Veterans and Emergency Management to allow the department to continue its emergency planning related to nuclear facilities in adjacent states or provinces.

Enacted law summary

Public Law 1999, chapter 174 repeals the Maine Nuclear Emergency Planning Act. The law makes clear that the Maine Emergency Management Agency remains authorized to accept gifts, grants and research funds and to undertake contractual relationships with the Federal Government, other state and provincial governments, counties, municipalities, corporations, foundations and other legal entities to carry out the purposes for which it was created, including, without limitation, conducting emergency planning activities related to nuclear power facilities in adjacent states or provinces. The law reallocates funds from the Radiological Emergency Preparedness Committee, which is repealed by the law, to the Department of Defense, Veterans and Emergency Management to allow the department to continue its emergency planning related to nuclear facilities in adjacent states or provinces.

LD 1364

**An Act to Provide for the Collection of Storm Water in the City of
Hallowell**

P & S 15

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-211

LD 1364 proposed to transfer the ownership of and responsibility for the Hallowell storm-water system from the Hallowell Water District to the City of Hallowell.

Committee Amendment "A" (H-211) proposed to amend the bill to allow, but not require, the Hallowell Water District to transfer, with the consent of the City of Hallowell, the public storm-water drains to the City of Hallowell.

Enacted law summary

Private and Special Law 1999, chapter 15 allows, but does not require, the Hallowell Water District to transfer, with the consent of the City of Hallowell, the public storm-water drains to the City of Hallowell.

LD 1391

An Act to Amend the Charter of the Dover-Foxcroft Water District

**P & S 27
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROSS DAVIS P	OTP-AM	H-242 H-521 DAVIDSON

LD 1391 proposed to amend the charter of the Dover-Foxcroft Water District. It proposed to transfer the responsibilities for the fire department to the town of Dover-Foxcroft and to remove the district’s authority to tax for the capitalization and operation of the fire department.

Committee Amendment "A" (H-242) proposed to make further corrections to the charter of the Dover and Foxcroft Water District in order to bring the entire charter in conformity with the changes proposed by the bill. This amendment also proposed to make the bill emergency legislation and to add a referendum clause.

House Amendment "A" (H-521) proposed to remove further language from the charter relating to actions arising from the responsibilities of the district in its operation of the fire department.

Enacted law summary

Private and Special Law 1999, chapter 27 transfers the responsibilities for the fire department from the Dover-Foxcroft Water District to the town of Dover-Foxcroft and removes the district’s authority to tax for the capitalization and operation of the fire department. The law removes from the Dover-Foxcroft Water District charter all references to fire-department responsibilities. These changes are subject to referendum approval in the district.

Chapter 27 was enacted as an emergency measure effective May 24, 1999.

LD 1396

An Act Relating to Contractual Obligations of Electric Utilities after Restructuring

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	ONTP	

LD 1396 proposed to provide that the electric industry restructuring laws do not absolve electric utilities from their obligations under contracts entered into on or before February 29, 2000. The issues raised by this bill were addressed in LD 2154.

LD 1398

An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring

PUBLIC 336

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-522

LD 1398 proposed creation of a tradable credit program, under rules to be established by the Department of Environmental Protection, that would be administered by a new quasi-governmental agency proposed to be created by this bill, the Energy Management Authority of Maine, with authority to aggregate the credits earned as a result of energy efficiency programs targeted at electric consumers or resulting from the purchases of electricity at state agency facilities or on behalf of low-income customers enrolled in the Low-Income Home Energy Assistance Program. The bill also proposed to direct the Energy Management Authority of Maine to undertake the statewide planning, management and coordination of all energy efficiency services that are paid for in the rates of transmission and distribution customers. Finally, the Energy Management Authority of Maine would be directed to undertake the development of a state strategy for pursuing other energy efficiency opportunities that arise as a result of electric industry restructuring and to receive the advice of the 15-member board of stakeholders, citizen advisors and industry representatives. The bill proposed to repeal authorization for these activities in July 2007.

Committee Amendment "A" (H-522) proposed to replace the bill. The amendment proposed:

1. To modify the conservation program established under the electric industry restructuring law as follows:
 - A. Direct the State Planning Office to design and monitor the program;
 - B. Provide that energy efficiency service providers may be chosen without a competitive bidding process if the commission finds this is in the State’s best interest and is consistent with the program developed by the State Planning Office;
 - C. Require total conservation program expenditures, including costs associated with funding program planning costs incurred by the State Planning Office, to be no more than .15 cent per kilowatt-hour, to be based on relevant characteristics of each transmission and distribution utility’s service territory and to be no less than .5% of the total transmission and distribution revenues of the utility;
 - D. Provide for an assessment on transmission and distribution utilities to fund State Planning Office development and monitoring of the conservation program and establishes a special fund for this purpose;
 - E. Require the commission to adopt routine technical rules to implement the conservation program requirements;

2. To move provisions directing the State Planning Office to undertake energy planning activities to the new section of law which describes the Office's new duties with respect to conservation programs and add to the Office's energy planning duties the duty to coordinate state agency actions that affect the consumption of energy; and
3. To add a new position within the State Planning Office, funded by the Conservation Program Fund, to undertake the energy planning and conservation program activities.

Enacted law summary

Public Law 1999, chapter 336 Public Law 1999, chapter 336

1. Modifies the conservation program established under the electric industry restructuring law as follows:
 - A. Directs the State Planning Office to design and monitor the program;
 - B. Provides that energy efficiency service providers may be chosen without a competitive bidding process if the commission finds this is in the State's best interest and is consistent with the program developed by the State Planning Office;
 - C. Requires total conservation program expenditures, including costs associated with funding program planning costs incurred by the State Planning Office, to be no more than .15 cent per kilowatt-hour, to be based on relevant characteristics of each transmission and distribution utility's service territory and to be no less than .5% of the total transmission and distribution revenues of the utility;
 - D. Provides for an assessment on transmission and distribution utilities to fund State Planning Office development and monitoring of the conservation program and establishes a special fund for this purpose;
 - E. Requires the commission to adopt routine technical rules to implement the conservation program requirements;
2. Moves provisions directing the State Planning Office to undertake energy planning activities to the new section of law which describes the Office's new duties with respect to conservation programs and adds to the Office's energy planning duties the duty to coordinate state agency actions that affect the consumption of energy; and
3. Adds a new position within the State Planning Office, funded by the Conservation Program Fund, to undertake the energy planning and conservation program activities.

LD 1402

Resolve, Relating to Telemarketing Fraud

INDEF PP

Sponsor(s)
AHEARNE

Committee Report
OTP-AM

Amendments Adopted

LD 1402 proposed to create a registration requirement for telemarketers doing business in Maine and to require telemarketers to keep certain records and make certain disclosures to consumers. The bill also proposed to prohibit various acts and practices of telemarketers and to provide for criminal penalties and civil remedies.

Committee Amendment "A" (H-113) proposed to replace the bill. The Joint Standing Committee on Utilities and Energy requested by letter that the Attorney General work with interested parties in developing proposals for addressing telemarketing fraud. This amendment proposed to provide authority for the committee to report out legislation related to telemarketing to the Second Regular Session of the 119th Legislature in response to the proposals developed by the Attorney General. The amendment was not enacted; in its stead was enacted a joint order providing precisely the same authority to the committee.

LD 1407

An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant

PUBLIC 173

<u>Sponsor(s)</u> KILKELLY PIEH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-102
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LD 1407 changes the restrictions for investment of the Spent Nuclear Fuel Disposal Trust Fund to encourage a greater return on investment of those funds and a corresponding reduction in the amount ratepayers will be charged for disposal of spent fuel. The proposed restriction is the standard permitted by the Federal Energy Regulatory Commission for decommissioning trust funds.

The bill also proposed to permit the Maine Yankee Nuclear Power Plant to draw funds earmarked for payment to the United States Department of Energy for disposal of spent fuel waste to offset past and future costs of on-site storage.

The bill proposed to provide for the transfer of funds collected for the disposal of low-level radioactive waste to the Maine Yankee Decommissioning Trust Fund for the purpose of reducing decommissioning costs.

Committee Amendment "A" (S-102) proposed to remove a limitation on payments from the Spent Nuclear Fuel Disposal Fund for funding expenditures for interim storage of spent nuclear fuel. The bill proposed to require payments for on-site interim storage expenditures; the amendment proposed to require payments for interim storage expenditures, regardless of whether the storage is on-site.

Enacted law summary

Public Law 1999, chapter 173 changes the restrictions for investment of the Spent Nuclear Fuel Disposal Trust Fund (to the standard permitted by the Federal Energy Regulatory Commission for decommissioning trust funds) to allow a greater return on investment of those funds and a corresponding reduction in the amount ratepayers will be charged for disposal of spent fuel. It also permits the Maine Yankee Nuclear Power Company to offset past and future costs of storage (whether on-site or not) with funds that were collected and set aside for payment to the United States Department of Energy for disposal of spent fuel waste. It also transfers to the Maine Yankee Decommissioning Trust Fund funds collected for the disposal of low-level radioactive waste.

LD 1423

An Act to Revise the Staffing and Resources of the Office of Public Advocate

PUBLIC 259

<u>Sponsor(s)</u> DAVIDSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-196
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LD 1423 proposed to increase the pay scales for existing positions within the Office of the Public Advocate and create three new positions within that office: a Clerk Typist III, an Economic Analyst and a Research Assistant position. The bill also proposed to establish six positions within the Office of the Public Advocate as major policy-influencing positions and designate them as confidential employees. It also proposed to extend to the Public Advocate the power to obtain information regarding the business of all public utilities, a power that is currently held by the Public Utilities Commission. This bill was submitted on behalf of the Office of the Public Advocate.

Committee Amendment "A" (H-196):

1. Proposed to strike those portions of the bill granting the Public Advocate certain new authorities to compel utilities to provide information to the Public Advocate;
2. Proposed to strike that portion of the bill that designated six positions in the Office of the Public Advocate as major policy-influencing positions;
3. Proposed to add a provision establishing titles and salary ranges for six positions in the Office of the Public Advocate;
5. Proposed to correct the allocation section of the bill to reflect the actual costs of funding the expansion of the Office of the Public Advocate.

Enacted law summary

Public Law 1999, chapter 259 adds three positions to the Office of the Public Advocate, increasing the Public Advocate's staff from six to nine positions. It also reclassifies the positions and increases the salary of the existing six employees of the Office of the Public Advocate and establishes their salary ranges in law. It also establishes in law the salary ranges of two of the three new positions.

LD 1430 An Act to Ensure the Protection of Ratepayers' Interests in the New England Power Pool ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
USHER	ONTP	

LD 1430 proposed to create two full-time positions at the Public Utilities Commission for the purpose of monitoring and participating in the New England Power Pool committee process and in proceedings before the Federal Energy Regulatory Commission.

LD 1456 An Act to Establish the Northern Maine Transmission Corporation PUBLIC 513

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEAL	OTP-AM	H-617 S-424 MICHAUD

LD 1456 proposed to establish a Northern Maine Transmission Corporation to finance, permit, construct own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States.

Committee Amendment "A" (H-617) proposed to replace the bill. The amendment proposed the following:

1. To establish a Northern Maine Transmission Corporation as a special purpose, tax-exempt, body politic and body corporate, public instrumentality of the State and subsidiary of the Finance Authority of Maine;
2. To authorize the Northern Maine Transmission Corporation to finance, permit, construct own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
3. To authorize the Finance Authority of Maine to issue up to \$35,000,000 in bonds, backed by the moral obligation of the State of Maine, to finance the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;

4. To authorize the Northern Maine Transmission Corporation to cooperate with private and public entities as desirable or convenient to accomplish the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
5. To authorize the Northern Maine Transmission Corporation to request and receive proposals from public and private entities to finance, permit, construct, own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
6. To prohibit customers of electric utilities to bypass the systems of the those utilities through lines constructed by the Northern Maine Transmission Corporation;
7. To provide a \$500,000 appropriation to fund a feasibility study by the Northern Maine Transmission Corporation of the options for building transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States; and
8. To grant to the Northern Maine Transmission Corporation the general powers provided to a business corporation by the Maine Non-profit Corporation Act, Title 13-B.

Senate Amendment "A" (S-424) proposed to reduce the appropriation to fund the feasibility study from \$500,000 to \$250,000 and to authorize the transfer of \$150,000 funds from certain lapsed balances to fund the study.

Enacted law summary

Public Law 1999, chapter 513:

1. Establishes a Northern Maine Transmission Corporation as a special purpose, tax-exempt, body politic and body corporate, public instrumentality of the State and subsidiary of the Finance Authority of Maine;
2. Authorizes the Northern Maine Transmission Corporation to finance, permit, construct own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
3. Authorizes the Finance Authority of Maine to issue up to \$35,000,000 in bonds, backed by the moral obligation of the State of Maine, to finance the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
4. Authorizes the Northern Maine Transmission Corporation to cooperate with private and public entities as desirable or convenient to accomplish the construction of transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
5. Authorizes the Northern Maine Transmission Corporation to request and receive proposals from public and private entities to finance, permit, construct, own and operate any transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States;
6. Prohibits customers of electric utilities to bypass the systems of the those utilities through lines constructed by the Northern Maine Transmission Corporation;
7. Provides a \$250,000 appropriation to fund a feasibility study by the Northern Maine Transmission Corporation of the options for building transmission lines necessary to connect northern Maine's electric utilities with the transmission grid of the United States and authorizes the transfer of \$150,000 funds from certain lapsed balances to fund the study; and

8. Grants to the Northern Maine Transmission Corporation the general powers provided to a business corporation by the Maine Non-profit Corporation Act, Title 13-B.

LD 1464 **An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH RAND		

LD 1464 proposes to change the way that the restricted area around the Portland Water District's intake pipes in Sebago Lake is measured. The bill proposes to provide that the restricted area would be measured from the intake pipes themselves instead of from a point on the shore. This bill and LD 1810 were held over to allow the district, the Town of Standish and State agencies to work together to find a mutually acceptable approach to the issues raised by the bills.

LD 1480 **An Act Relating to Electric Utility Rate Design** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	ONTP	

LD 1480 proposed to require the Public Utilities Commission to develop electric utility rates in a manner that does not discriminate between classes of customers.

LD 1481 **An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities** **PUBLIC 102**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KONTOS	OTP	

LD 1481 proposed to increase the contingency reserve fund percentage for consumer-owned electric utilities.

Enacted law summary

Public Law 1999, chapter 102 increases the contingency reserve fund percentage for consumer-owned electric utilities. After March 1, 2000, electric utilities will no longer have power supply costs included as part of their operating costs, thus reducing the base amount on which the percentage is applied. This law increases the allowed percentage from 5% to 25% which will allow consumer-owned electric utilities to collect the same amount for the contingency reserve fund as is currently collected.

LD 1496

An Act to Amend the Charter of the Kennebunk Sewer District

**P & S 11
EMERGENCY**

<u>Sponsor(s)</u> MURPHY T LAFOUNTAIN	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1496 proposed to amend the Charter of the Kennebunk Sewer District by amending the district's boundaries to make them identical to the boundaries of the Town of Kennebunk.

Enacted law summary

Private and Special Law 1999, chapter 11 amends the Charter of the Kennebunk Sewer District by amending the district's boundaries to make them identical to the boundaries of the Town of Kennebunk. This change is subject to approval in a local referendum.

Chapter 11 was enacted as an emergency measure effective May 10, 1999.

LD 1500

An Act to Provide Assistance to Low-income Energy Consumers

CARRIED OVER

<u>Sponsor(s)</u> SAXL M KONTOS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1500 proposes to establish a trust fund to finance a state-wide low-income assistance program using corporate income taxes derived from the sale of electric utility generation assets. This bill was carried over to the Second Regular Session after being recommitted to committee.

Committee Amendment "A" (H-618) proposed the following changes to the bill:

1. To provide for a transfer of funds from the General Fund to the Low-income Electric Trust Fund equal to the amount of transfer taxes that will be deposited in the General Fund as a result of sales or transfers of generation assets required to be divested pursuant to the electric restructuring law;
2. To provide that the low-income program funded by the Low-income Electric Trust Fund would become active on March 1, 2002; until that date existing utility-administered programs would remain in place;
3. To direct consumer-owned electric utilities to develop and implement programs to provide assistance to low-income consumers between March 1, 2000 and March 1, 2002; and
4. To provide that the Low-income Electric Trust Fund be administered to provide for a fixed percentage withdrawal of not less than 4% of the total value of the fund;

House Amendment "A" (H-692) proposed to replace committee amendment "A" and the bill. It proposed to use corporate income taxes attributable to the gain on the sale or transfer of generation assets divested after May 21, 1999 (i.e., the sale or transfer of generation assets by Bangor Hydro-Electric and Maine Public Service) to fund weatherization, energy conservation and fuel assistance for persons of low-income.

Senate Amendment "A" to Committee Amendment "A" (S-338) proposed to amend Committee Amendment "A" to reduce the amount of corporate income taxes attributable to the net gain on the sale or transfer of generation assets

required to be divested by electric utilities that are transferred to the Low-income Electric Consumer Trust Fund. Under this amendment, only taxes attributable to transfers on sales made after May 21, 1999 would be transferred to the fund.

Senate Amendment "A" to House Amendment "A" (S-354) proposed to amend House Amendment "A" to specify that funds in the Maine Low-income Energy Assistance Fund may be used for appliance replacement but not for fuel assistance.

LD 1505 **An Act to Require Performance-based Restoration by Public Utilities** **ONTP**

<u>Sponsor(s)</u> O'GARA WHEELER G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1505 proposed to require that, if a public utility elects to relay excavated pavement, the public ways must be properly restored and maintained following construction by public utilities. The bill proposed to require utilities to perform all restoration in a manner that ensures that the repaired area is restored to as good a condition as the area was in before excavation and to maintain the excavated area for the useful life of the street. The issues raised by this bill were dealt with in LD 1207, which was handled by the Transportation Committee.

LD 1532 **An Act Concerning Liens Held by the Freeport Sewer District** **P & S 14**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-210
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LD 1532 proposed to update administrative provisions of the Freeport Sewer District's lien authority. It also proposed to authorize the district, as part of its sewer lien procedure, to send affected parties a second notice of sewer liens and impending foreclosure before the date of forfeiture.

Committee Amendment "A" (H-210) proposed to make a technical change to the bill.

Enacted law summary

Private and Special Law 1999, chapter 14 updates the administrative provisions of the Freeport Sewer District's lien authority. It also authorizes the district, as part of its sewer lien procedure, to send affected parties a second notice of sewer liens and impending foreclosure before the date of forfeiture.

LD 1563 **An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities** **PUBLIC 227**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 1563 proposed to implement the recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People With Disabilities. The bill proposed to establish

an annual assessment on telecommunications carriers to generate \$85,000 annually for the Telecommunications Equipment Fund.

Enacted law summary

Public Law 1999, chapter 227 establishes an annual assessment on telecommunications carriers to generate \$85,000 annually for the Telecommunications Equipment Fund.

LD 1569

An Act to Amend the Charter of the Veazie Sewer District

P & S 17

Sponsor(s)
CAMPBELL

Committee Report
OTP-AM

Amendments Adopted
H-227

LD 1569 proposed to amend the charter of the Veazie Sewer District to provide compensation of \$500 per year for the chair of the board of trustees and \$400 per year for other trustees. It also proposed to remove language that sets a specific date for the annual meeting.

Committee Amendment "A" (H-227) proposed to redraft the bill for clarity and make the following substantive changes.

1. It proposed to permit the board of trustees of the Veazie Sewer District to set the salaries of the trustees provided that the chair of the board received no more than \$500 per year and the other trustees received no more than \$400 per year; and
2. It proposed to remove the requirement that the trustees establish in the district bylaws the time and place of the annual meeting; the trustees would be authorized, as in the bill, to establish the date of the annual meeting.

Enacted law summary

Private and Special Law 1999, chapter 17 permits the board of trustees of the Veazie Sewer District to set the salaries of the trustees provided that the chair of the board may not receive more than \$500 per year and the other trustees may not receive more than \$400 per year. It removes the requirement that the trustees establish in the district bylaws the time and place of the annual meeting; the trustees are authorized to establish the date of the annual meeting.

LD 1615

An Act to Repeal Registration Requirements of Cable Television Franchise Agreements and the Filing of Wage Rates and Benefits

INDEF PP

Sponsor(s)
NUTTING J

Committee Report
OTP-AM

Amendments Adopted

LD 1615 proposed to eliminate the requirements that cable television franchise agreements and determinations of wage rates and benefits by the Department of Labor be filed with the Secretary of State. This bill was submitted on behalf of the Office of the Secretary of State.

Committee Amendment "A" (S-109) proposed to add a fiscal note to the bill.

<u>Sponsor(s)</u> SHIAH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-523
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LD 1649 proposed to expand the electric restructuring renewable resource research and development program and to transfer administration of the program from the Public Utilities Commission to the State Planning Office. The bill proposed to expand the program to include funding for demonstration community projects using renewable energy technologies. The bill also proposed to appropriate money to the program to supplement voluntary contributions to the program from electric consumers.

Committee Amendment "A" (H-523) proposed to remove the appropriation from the bill. The amendment proposed to create a Renewable Resource Fund, administered by the State Planning Office, to serve as the depository for all funds collected for the voluntary renewable resource program.

Enacted law summary

Public Law 1999, chapter 372 expands the electric restructuring renewable resource research and development program and transfers administration of the program from the Public Utilities Commission to the State Planning Office. The program is expanded to include funding for demonstration community projects using renewable energy technologies. Funding for the program remains voluntary contributions by electric consumers but the law establishes a Renewable Resource Fund, administered by the State Planning Office, to serve as the depository for all funds collected for the renewable resource program.

<u>Sponsor(s)</u> DUGAY GOLDTHWAIT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-333
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LD 1650 proposed to confirm the charter of the Addison Point Water District.

Committee Amendment "A" (H-333) proposed to authorize the Addison Point Water District to file a certificate of organization with the Secretary of State.

Enacted law summary

Private and Special Law 1999, chapter 20 confirms the charter of the Addison Point Water District and authorizes the Addison Point Water District to file a certificate of organization with the Secretary of State.

Chapter 20 was enacted as an emergency measure effective May 19, 1999.

LD 1683

Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 38
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-332
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LD 1683 proposed legislative approval of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-332) proposed to authorize the Public Utilities Commission to finally adopted its rule, Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, only if the rule is amended in several relatively minor ways.

Enacted law summary

Resolve 1999, chapter 38 authorizes the Public Utilities Commission to finally adopted its rule, Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, only if the rule is amended as follows:

1. to provide that a purchaser of capacity and energy has no recourse against a utility in the event the owner or operator of the generation asset does not provide the expected amount of capacity or energy or otherwise defaults;
2. to define the on-peak period as Monday through Friday from 7 a.m. to 11 p.m., except for holidays recognized by the New England independent system operator or the equivalent entity in the Maritimes Control Area; and
3. to provide that a utility, to the extent it has actual knowledge at the time it issues a request for bids, provides for each facility whose output is subject to the bidding requirements a description of any contractual provision or other factor that will have the effect of substantially changing the amount of output of a facility during the bid period and a description of any subsequent divestiture that may apply during the bid period.

Chapter 38 was enacted as an emergency measure effective May 18, 1999.

LD 1684

Resolve, Regarding Legislative Review of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission

**RESOLVE 34
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-243
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LD 1684 proposed legislative approval of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-243) proposed approval of the Public Utilities Commission's provisionally adopted rule, Chapter 306: Uniform Disclosure and Informational Filing Requirements, if the rule were changed to provide that the disclosure label be provided to customers on a quarterly basis.

Enacted law summary

Resolve 1999, chapter 34 approves the Public Utilities Commission's provisionally adopted rule, Chapter 306: Uniform Disclosure and Informational Filing Requirements, if the rule is changed to provide that the disclosure label be provided to customers on a quarterly basis.

Chapter 34 was enacted as an emergency measure effective May 18, 1999.

LD 1695 **An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers**

PUBLIC 209

<u>Sponsor(s)</u> COLWELL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-253
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LD 1695 proposed to provide tort liability immunity to local exchange companies and their personnel assisting in developing, establishing, implementing, maintaining or operating the E-9-1-1 system.

Committee Amendment "A" (H-253) proposed to replace the bill. The amendment proposed to limit the tort liability of a local exchange carrier or mobile radio carrier for its negligent acts and omissions resulting in a defect or failure of the E-9-1-1 system to \$300,000 or any greater amount that may be specified in the Maine Tort Claims Act.

Enacted law summary

Public Law 1999, chapter 209 limits the tort liability of a local exchange carrier or mobile radio carrier for its negligent acts and omissions resulting in a defect or failure of the E-9-1-1 system to \$300,000 or any greater amount that may be specified in the Maine Tort Claims Act. There is no limitation on the amount of liability for intentional, willful or reckless acts and omissions.

LD 1723 **An Act to Amend the Charter of the East Pittston Water District**

P & S 18

<u>Sponsor(s)</u> KILKELLY COWGER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-110
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LD 1723 proposed to amend the charter of the East Pittston Water District to clarify that a trustee of the district must reside in a household to which the district's service is provided and to limit who is a qualified legal voter within the East Pittston Water District.

Committee Amendment "A" (S-110) proposed to correct a statutory reference and remove the provision of the bill that proposed to limit who qualified as a legal voter within the East Pittston Water District.

Enacted law summary

Private and Special Law 1999, chapter 18 amends the charter of the East Pittston Water District to clarify that a trustee of the district must reside in a household to which the district's service is provided.

LD 1797

An Act to Amend the Charter of the Waterville Sewerage District

P & S 13

<u>Sponsor(s)</u> CAREY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-103
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LD 1797 proposed to amend the charter of the Waterville Sewerage District by repealing and replacing the first paragraph of section 7 of the charter to correct a conflict that was created by Private and Special Law 1985, chapter 99, section 6.

Committee Amendment "A" (S-103) proposed to clarify that the commissioners may receive up to \$20 as compensation for attendance at each regular or special meeting.

Enacted law summary

Private and Special Law 1999, chapter 13 amends the charter of the Waterville Sewerage District to correct a conflict and to clarify that the commissioners may receive up to \$20 as compensation for attendance at each regular or special meeting.

LD 1810

An Act to Protect the Drinking Water Supply of the Portland Water District

CARRIED OVER

<u>Sponsor(s)</u> MUSE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1810 proposes to close the existing boat-launching ramp in Standish and replace it with a new boat-launching ramp, also in Standish, at a location selected by the Portland Water District. The bill proposes to provide that land and funding for the new boat-launching ramp be provided by the Portland Water District. This bill and LD 1464 were held over to allow the district, the Town of Standish and State agencies to work out a mutually acceptable approach to the issues raised by the bills.

LD 1915

An Act to Amend Assessment Provisions Within the Charter of the Kennebunk Sewer District

ONTP

<u>Sponsor(s)</u> MURPHY T LAFOUNTAIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1915 proposed to amend the charter of the Kennebunk Sewer District by allowing that district to levy assessments against lots or parcels of land benefited by newly constructed sewers.

<u>Sponsor(s)</u> TREAT COWGER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-224
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LD 1929 proposed the following:

1. To establish a mediation program for resolving disputes concerning use of easements held by natural gas pipeline companies;
2. To establish that an easement or other property interest for the construction, maintenance or operation of a natural gas pipeline does not become effective until seven business days after the date of the contract granting the easement or other property interest and to permit the landowner to cancel the easement in the seven-day period; and
3. To permit landowners to negotiate an annual fee for the use of easements held by natural gas pipeline companies.

Committee Amendment "A" (S-224) proposed to remove from the bill those sections proposing a seven-day delay in the effective date of certain easements or interests in property related to the construction, maintenance and operation of a natural gas pipeline and the provision proposing to allow a landowner granting an easement to negotiate an annual fee for the use of that easement or interest.

The amendment proposed to clarify that the mediation process established in the bill applies to any natural gas pipeline work regardless of whether or not that work was performed by a state or federally regulated natural gas pipeline. The amendment proposed to limit the scope of the mediation to property damages and to clarify that participation in the mediation process is voluntary for all parties and may not be compelled by the mediator or any other person.

The amendment also proposed to make several technical corrections to the bill.

Enacted law summary

Public Law 1999, chapter 346 establishes a mediation program for resolving disputes concerning property damages resulting from the use of easements held by natural gas pipeline companies.

<u>Sponsor(s)</u> BENOIT GOOLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-148
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LD 1977 proposed to create the Farmington Falls Standard Water District, to authorize the district to take the property and franchise of the Farmington Falls Water Company. The bill also proposed to repeal the Farmington Fall Water District, which was created by Private and Special Law 1981, chapter 86, but was never approved by referendum.

Committee Amendment "A" (S-148) proposed to make technical corrections to the bill.

Enacted law summary

Private and Special Law 1999, chapter 21 creates the Farmington Falls Standard Water District, authorizes the district to take the property and franchise of the Farmington Falls Water Company and repeals the Farmington Fall Water District, which was created by Private and Special Law 1981, chapter 86, but was never approved by referendum. The creation of the standard water district and the authorization for it to take the property of the water company are subject to approval in a local referendum.

Chapter 21 was enacted as an emergency measure effective May 19, 1999.

LD 1998

An Act to Fulfill the Requirements of the Electric Restructuring Act

**PUBLIC 43
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON CAREY	OTP-AM	H-112

LD 1998 proposed to exempt the transfer of property necessary to consummate a divestiture electric generation assets that results in a division of ownership of any lot or parcel of property from municipal and state agency approval pursuant to laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property. The bill also proposed to specify that such a division of ownership does not constitute a violation of those laws, ordinances or rules.

Committee Amendment "A" (H-112) proposed to modify the language of that portion of the bill concerning regulatory reviews of subsequent regulated activities on lands whose ownership has been divided pursuant to a divestiture by an electric utility. The modifications proposed to clarify that such subsequent activities otherwise subject to regulatory review are in fact subject to such review and that the cumulative effect of that subsequent activity and the division of ownership accomplished pursuant to an exemption granted under the bill may be reviewed by the regulatory entity. However, activities that would not otherwise be subject to review would not trigger review of the division of ownership.

Enacted law summary

Public Law 1999, chapter 43 exempts the transfer of property necessary to consummate a divestiture electric generation assets that results in a division of ownership of any lot or parcel of property from municipal and state agency approval pursuant to laws, ordinances or rules relating to land use, zoning, shoreland zoning or subdivision of property. These exemptions are solely for the purpose of enabling a divestiture required by law. Any subsequent change of use, development, transfer of ownership or other use of or activity on the land is subject to all applicable regulatory reviews and approvals by a municipality or state agency. A municipality or state agency, in its review of any subsequent change of use, development, transfer of ownership or other use of or activity on land whose ownership has been divided, may consider that division of land ownership and may, in accordance with applicable standards established by law or ordinance, deny or condition its approval based on the cumulative effect of that division of ownership and the proposed use, development, transfer or other activity, as though both were occurring at the same time.

Chapter 43 was enacted as an emergency measure effective March 30, 1999.

LD 2040

An Act to Amend the Charter of the Norridgewock Water District

**P & S 30
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-297

LD 2040 proposed to amend the charter of the Norridgewock Water District to change the residency requirement for a trustee from residency in the district to residency in the town, to change the term of the trustees, to eliminate the requirement that the annual meeting must be on March 1st, to eliminate the requirement that a quorum must be present to hold a meeting, to amend the compensation of the trustees and the treasurer and to make the residency requirement for the trustees and the salary of the treasurer retroactive to February 23, 1995.

Committee Amendment "A" (S-297) proposed to update the description of the territory of the district to clarify the boundaries of the district. This amendment also proposed to replace that portion of the bill addressing the salaries of trustees of the Norridgewock Water District. The amendment proposed to provide that the chair of the board may receive up to \$600 per year and the other trustees may receive up to \$500.

Enacted law summary

Private and Special Law, chapter 30 amends the charter of the Norridgewock Water District by:

1. Changing the residency requirement for trustees from residency in the district to residency in the town;
2. Changing the term of the trustees;
3. Eliminating the requirement that the annual meeting must be on March 1st;
4. Eliminating the requirement that a quorum must be present to hold a meeting;
5. Increasing the salary of the trustees;
6. Updating the description of the territory of the district to clarify the boundaries of the district; and
7. Making the residency requirement for the trustees and the salary of the treasurer retroactive to February 23, 1995.

Chapter 30 was enacted as an emergency measure effective June 3, 1999.

LD 2044

An Act to Repeal the Charter of the Pleasant River Standard Water District

P & S 22

<u>Sponsor(s)</u> CASSIDY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-149
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LD 2044 proposed to change the sources from which the Pleasant River Standard Water District may take water.

Committee Amendment "A" (S-149) proposed to replace the bill. The amendment proposed to repeal the charter of the Pleasant River Standard Water District. The creation of the district was not approved by local referendum and therefore the district has no legal existence. This amendment proposed to remove the charter from Private and Special Law. The amendment also proposed to amend the title of the bill to reflect the changes made by the amendment.

Enacted law summary

Private and Special Law 1999, chapter 22 repeals the charter of the Pleasant River Standard Water District. The creation of the district was not approved by local referendum and therefore the district has no legal existence.

LD 2091**An Act to Amend the Charter of the Richmond Utilities District****P & S 23**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH TREAT	OTP-AM	H-399

LD 2091 proposed to allow the Richmond Utilities District to charge the ratepayer when filing a lien a fee not to exceed the cost to the district for giving the notice and for filing and recording the certificate of lien.

Committee Amendment "A" (H-399) proposed to modify the Richmond Utilities District charter to allow the district to increase its debt limit through a district referendum in same the manner as standard water districts.

Enacted law summary

Private and Special Law 1999, chapter 23 allows the Richmond Utilities District to charge the ratepayer when filing a lien a fee not to exceed the cost to the district for giving the notice and for filing and recording the certificate of lien. It also modifies the Richmond Utilities District charter to allow the district to increase its debt limit through a district referendum in same the manner as standard water districts.

LD 2140**An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON		

LD 2140 proposes to authorize the Public Utilities Commission to approve discount rates for low-income natural gas customers.

LD 2154**An Act to Amend the Electric Industry Restructuring Laws****PUBLIC 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-620

LD 2154, reported by the Joint Standing Committee on Utilities and Energy pursuant to Public Law 1997, chapter 316, section 12, proposed to implement certain recommendations of the Public Utilities Commission regarding electric industry restructuring.

Part A proposed to make changes to Title 35-A to conform it to the electric industry restructuring law;

Part B proposed to authorize international transmission contracts;

Part C proposed to modify the PUC's assessments on utilities to account for the changes in the electric utility industry;

Part D proposed to grant the PUC a 1-year extension to adopt rules on competitive billing and metering;

Part E proposed to exempt small utilities from retail competition; and

Part F proposed to authorize the PUC to require a T&D utility to arrange for default service in the event the PUC fails to get bids on standard-offer service or if the bids it receives are unacceptable.

Committee Amendment "A" (H-620) proposed the following:

1. To make a series of changes and additions to Part A of the bill;
2. To amend Part B to clarify that the authorization of transmission and distribution utility's to enter into international transmission contracts is not limited by the restrictions imposed by Title 35A, section 3204 regarding divestiture; to exempt such contracts from Public Utilities Commission approval; and to clarify that the Public Utilities Commission retains jurisdiction over utility operations or activities undertaken pursuant to such contracts;
3. To make a technical correction to Part C;
4. To amend Part D to extend the date by which the Public Utilities Commission must adopt rules on competitive billing and metering to March 1, 2000;
5. To amend Part E to clarify that the exemption from electric industry restructuring for electric utilities not physically connected to any transmission and distribution utility applies to consumer-owned electric utilities as well and investor-owned electric utilities;
6. To add a new Part G:
 - A. To add a provision authorizing the Public Utilities Commission to require a transmission and distribution utility to keep a log of any transactions with its affiliated provider;
 - B. To add a provision prohibiting a large distribution utility from subsidizing the business of its affiliated competitive provider and requires the PUC to amend its rules to apply this standard to small distribution utilities as well;
 - C. To move the penalty provisions, including the so-called "poison pill" penalty, that apply to violations of standards of conduct by transmission and distribution utilities with affiliated competitive electricity providers so that the penalties apply to all transmission and distribution utilities; it also proposed to increase the maximum penalties from \$10,000 to \$100,000 and to allow for disgorgement of profits for violations of the standards of conduct; it also proposed to require the Public Utilities Commission to amend its rules to conform to these changes;
 - D. To exempt the Public Utilities Commission from undertaking formal proceedings in order to change its rule to conform to these changes in law;
7. To add a new Part H to increase the salaries of the commissioners of the Public Utilities Commission;
8. To add a new Part I to modify the renewable portfolio requirement applicable to competitive electricity providers in the restructured electric marketplace. Part I proposed:
 - A. To change the description of the portfolio requirement to more accurately describe the resources that are eligible to meet the requirement;
 - B. To tighten the efficiency requirements for eligible cogenerators;
 - C. To provide that if a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% eligible resources, the resources necessary

to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement;

9. To add a new Part J to require competitive electricity providers, as a condition of licensing, to register with the State Tax Assessor and agree to be responsible for the collection and remission of sales taxes due on sales of electricity made by the licensee to consumers located in this State;
10. To add a new Part K to provide for the reformation of any contract for electricity that a transmission and distribution utility has with a retail customer that extends beyond March 1, 2000 to preserve as nearly as possible the parties' benefits and burdens under the terms of the original contract;
11. To add a new Part L to extend the deadlines by which the Public Utilities Commission must complete its cases related to stranded costs to December 1, 1999;
12. To add a new Part M to retroactively modify the law regarding transition benefits for employees of electric utilities displaced by restructuring to include part-time employees; and
13. To add a new Part N to allow the PUC to grant an extension on the divestiture of "generation related business", including wholesale energy contracts, and to remove the requirement that assets for which an a divestiture extension has been granted must be moved by the utility to an affiliate.

Enacted law summary

Public Law 1999, chapter 398

1. Makes many changes to Title 35-A to bring it into conformity with the electric industry restructuring chapter;
2. Provides authorization for transmission and distribution utilities to enter into international transmission contracts; exempts such contracts from Public Utilities Commission approval; and clarifies that the Public Utilities Commission retains jurisdiction over utility operations or activities undertaken pursuant to such contracts;
3. Modifies the PUC assessment on utilities to account for the change in the electric utility industry;
4. Extends the date by which the Public Utilities Commission must adopt rules on competitive billing and metering to March 1, 2000;
5. Provides an exemption from electric industry restructuring laws for electric utilities not physically connected to any transmission and distribution utility whether consumer-owned or investor-owned;
6. Authorizes the PUC to require T&D utilities to arrange default service in the event the PUC fails to get bids on standards offer service or if the bids it receives are unacceptable;
7. With respect to T&D Standards of Conduct:
 - A. Authorizes the Public Utilities Commission to require a transmission and distribution utility to keep a log of any transactions with its affiliated provider;
 - B. Prohibits a large distribution utility from subsidizing the business of its affiliated competitive provider and requires the PUC to amend its Standards of Conduct rules to apply this standard to small distribution utilities as well;
 - C. Moves the penalty provisions, including the so-called "poison pill" penalty, that apply to violations of standards of conduct by transmission and distribution utilities with affiliated competitive electricity providers so that the penalties apply to all transmission and distribution utilities; it also increases the maximum penalties from

\$10,000 to \$100,000 and allows for disgorgement of profits for violations of the standards of conduct; it also requires to the Public Utilities Commission to amend its rules to conform to these changes;

D. Exempts the Public Utilities Commission from undertaking otherwise required formal proceedings in order to change its rule to conform to these changes in law;

8. Increases the salaries of the commissioners of the Public Utilities Commission. Currently the salary of the chair of the commission is set by statute at range 91, step 8 and the salaries of the other two commissioners at range 90, step 8. Chapter 398 increases their salaries by making them equal to the salaries of the justices of the Superior Court. The salary of the chair of the commission is made equal to the salary of the Chief Justice of the Superior Court and the salaries of the other commissioners are made equal to the salaries of the Associate Justices;

9. Modifies the renewable portfolio requirement applicable to competitive electricity providers in the restructured electric marketplace as follows:

A. Changes the description of the portfolio requirement to more accurately describe the resources that are eligible to meet the requirement. Under current law, cogenerators that do not use renewable resources are eligible. This amendment preserves the portfolio requirement but separates those facilities that are eligible as renewable resources from those that are eligible as efficient cogenerators;

B. Tightens the efficiency requirements for eligible cogenerators;

C. Provides that if a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% eligible resources, the resources necessary to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement;

10. Requires competitive electricity providers, as a condition of licensing, to register with the State Tax Assessor and agree to be responsible for the collection and remission of sales taxes due on sales of electricity made by the licensee to consumers located in this State;

11. Provides for the reformation of any contract for electricity that a transmission and distribution utility has with a retail customer that extends beyond March 1, 2000; the contract must be reformed so that the customer pays a total price for delivered electricity on an annual basis that is equal to the price contained in the original contract; if the utility and the customer fail to reach an agreement on reformation of the contract, the Public Utilities Commission is required to reform the contract to preserve as nearly as possible the parties' benefits and burdens under the terms of the original contract;

12. Extends the deadlines by which the Public Utilities Commission must complete its cases related to stranded costs to December 1, 1999;

13. Retroactively modifies the law regarding transition benefits for employees of electric utilities displaced by restructuring to include part-time employees; and

14. Allows the PUC to grant an extension on the divestiture of "generation related business", including wholesale energy contracts, and removes the requirement that assets for which an a divestiture extension has been granted must be moved by the utility to an affiliate.

LD 2161

An Act to Prohibit a Telephone Utility from Charging a Toll-call Rate for a Telephone Call Made from a Municipality to a Point in that same Municipality

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK HARRIMAN	ONTP	

LD 2161 proposed to prohibit a telephone utility from charging a toll-call rate for a telephone call made from a municipality to a point in that same municipality.

LD 2164

An Act to Enhance Access to Technology for Maine Schools and Libraries

PUBLIC 409

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON TREAT	OTP-AM	H-594

LD 2164 proposed to require that telecommunications carriers contribute to a telecommunications education access fund. The bill proposed to give the commission responsibility to administer the fund and allocate funds to qualified libraries and qualified schools based upon specific criteria.

This bill proposed to allocate funds to this new program from the current Public Utilities Commission Schools and Libraries Network program.

Committee Amendment "A" (H-594) proposed to lower the cap on the assessment from 1.5% of intrastate revenues to 0.5% of retail revenues for telecommunications services, excluding interstate tolls or interstate private line services. The amendment proposed to require the Public Utilities Commission to periodically review the assessments to ensure that they are assessed in a competitively neutral manner by capturing all 2-way interactive communications services comparable to those offered by telecommunications carriers.

This amendment proposed to remove the section from the bill which allocated moneys associated with the Public Utilities Commission's current Schools and Library Network Program to the program proposed by the bill. The amend proposed to delay the implementation of the new program until July 1, 2001, after the current Public Utilities Commission program regarding schools and libraries terminates.

The amendment proposed to require the commission to integrate the collection of charges for the program with any universal service fund developed by the commission. The amendment also proposed to require the commission to require carriers to identify on customer bills contributions to the program.

Enacted law summary

Public Law 1999, chapter 409 requires that telecommunications carriers contribute to a telecommunications education access fund. The law gives the commission responsibility to administer the fund and allocate funds to qualified libraries and qualified schools based upon specific criteria.

The assessment is limited to no more than 0.5% of retail revenues for telecommunications services, excluding interstate tolls or interstate private line services. The Public Utilities Commission is required periodically to review the assessments to ensure that they are assessed in a competitively neutral manner by capturing all 2-way interactive communications services comparable to those offered by telecommunications carriers.

This education access fund program does not begin until July 1, 2001, after the current Public Utilities Commission program regarding schools and libraries terminates.

The commission is required to integrate the collection of charges for the program with any universal service fund developed by the commission. The commission must require identification on customer bills of contributions to the program, which is the same requirement imposed under existing law with respect to universal service fund charges. Pursuant to the Maine Revised Statutes, Title 35-A, section 7104, the fund for the program will be administered by an independent fiscal agent, and funds in the fund will be dedicated to the purposes of the program and not be state funds.

LD 2193

An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent

**P & S 24
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS	OTP	

LD 2193 proposed to allow the Fort Kent Utility District to be dissolved and the Town of Fort Kent take over the district's duties.

Enacted law summary

Private and Special Law 1999, chapter 24 authorizes the Fort Kent Utility District to be dissolved and the Town of Fort Kent take over the district's duties. These authorizations are subject to approval in a local referendum.

Chapter 24 was enacted as an emergency measure effective May 20, 1999.

SP 709

Joint Order Relative to the Task Force to Study the E-911 System

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT		

SP 709, a Joint Order, proposes to create a Task Force to Study the E-9-1-1 System. The purpose of the Task Force is to assess the use of the E-9-1-1 system including an analysis of the implementation of the system and the difficulties encountered by municipalities in using the system.

HP 1583

Joint Order Relative to the Committee on Sawmill Biomass

PASSED

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIDSON KONTOS		S-451

HP 1583, a Joint Order, proposed to create the Committee on Sawmill Biomass.

Senate Amendment "A" (S-451) makes technical changes in the order to be consistent with the drafting guidelines by changing the method of selecting the chairs and the compensation for members who are not Legislators.

Passed joint order summary

Joint Order HP 1583, creates the Committee on Sawmill Biomass. The Committee consists of 17 members as follows: 9 legislators, 2 representatives of the forest products industry, one representative of the biomass electric generation industry, three public representatives with expertise in the subject matter of the study, the public advocate and the chair of the Public Utilities Commission. The first meeting must be called no later than July 15, 1999 and the reporting deadline is December 15, 1999. The report is to the Speaker of the House, the President of the Senate and the Governor. The Committee must investigate opportunities for maintaining markets for the sawmill biomass industry that will enhance the sawmill industry. The Committee is staffed by the State Planning Office.